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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

Wednesday 7 July 2021

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2021)0327

Railway safety and signalling: Assessing the state of play of the ERTMS deployment

European Parliament resolution of 7 July 2021 on railway safety and signalling: assessing the state of play of the European Rail Traffic Management System (ERTMS) deployment (2019/2191(INI))

(2022/C 99/01)

The European Parliament,

- having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ⁽¹⁾,
- having regard to Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU, and in particular Article 47(2) thereof ⁽²⁾ (the TEN-T Regulation),
- having regard to Commission Implementing Regulation (EU) 2017/6 of 5 January 2017 on the European Rail Traffic Management System European deployment plan ⁽³⁾,
- having regard to the special report of the European Court of Auditors (ECA) of 3 October 2017 entitled ‘A single European rail traffic management system: will the political choice ever become reality?’,
- having regard to the European Green Deal,
- having regard to the Commission communication of 9 December 2020 entitled ‘Sustainable and Smart Mobility Strategy — putting European transport on track for the future’ (COM(2020)0789),
- having regard to the Commission’s seventh monitoring report of 13 January 2021 on the development of the rail market under Article 15(4) of Directive 2012/34/EU of the European Parliament and of the Council (COM(2021)0005),
- having regard to Decision (EU) 2020/2228 of the European Parliament and of the Council of 23 December 2020 on a European Year of Rail (2021) ⁽⁴⁾,
- having regard to its resolution of 9 June 2016 on the competitiveness of the European rail supply industry ⁽⁵⁾,
- having regard to Rule 54 of its Rules of Procedure,

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ OJ L 348, 20.12.2013, p. 1.

⁽³⁾ OJ L 3, 6.1.2017, p. 6.

⁽⁴⁾ OJ L 437, 28.12.2020, p. 108.

⁽⁵⁾ OJ C 86, 6.3.2018, p. 140.

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- having regard to the report of the Committee on Transport and Tourism (A9-0181/2021),
- A. whereas the European Rail Traffic Management System (ERTMS) is the EU standard for automatic train protection, which creates an interoperable railway system in Europe;
- B. whereas four memoranda of understanding on cooperation for the deployment of the ERTMS have been signed by the Commission and European rail manufacturers, infrastructure managers and railway undertakings, with the last one being in September 2016;
- C. whereas important legislative steps have been taken, including the adoption in June 2016 of the Fourth Railway Package — which regulates rail governance issues and reinforces the role of the European Railway Agency (the Agency) as the system authority for the ERTMS — and the revision of the technical specifications for interoperability (TSIs) for the on-board and trackside control command and signalling (CCS TSI) subsystems adopted through Commission Regulation (EU) 2016/919 ⁽⁶⁾, which gives legal status to the European Train Control System (ETCS) Baseline 3 Release 2 and GSM-R (Global System for Mobile Communications — Railway) Baseline 1 specifications;
- D. whereas a new ERTMS European deployment plan (EDP) was adopted on 5 January 2017 ⁽⁷⁾, laying down the timetable for the deployment of the ERTMS on core network corridors (CNCs);
- E. whereas a fully deployed ERTMS would allow for traffic capacity to be increased by up to 30 % on existing railway infrastructure;
- F. whereas the Commission also published an ERTMS action plan ⁽⁸⁾ identifying actions to address barriers to ERTMS implementation and interoperability and aiming for a target of converting about one third of the CNCs by 2023;
- G. whereas between 2014 and 2020, the EU budget supported ERTMS deployment with an estimated total budget of EUR 2,7 billion, out of which EUR 850 million came from the Connecting Europe Facility (CEF) ⁽⁹⁾ and EUR 1,9 billion came from European Structural and Investments Funds (the European Regional Development Fund (ERDF) and the Cohesion Fund) in the eligible regions;
- H. whereas the deployment of the ERTMS must involve the decommissioning of Class B system installations of ETCS trackside components along with the widespread retrofitting of rolling stocks with ERTMS on-board unit interoperable subsystems;
- I. whereas there is no legal obligation in place for Member States to adopt measures to ensure that railway undertakings invest in the ERTMS;
- J. whereas the ECA has warned that the full core network deployment of the ERTMS is currently far behind schedule and will not be completed by the 2030 deadline, citing the lack of Member State coordination as one of the primary reasons for this delay;
- K. whereas the Alvia train accident in Santiago de Compostela on 24 July 2013 caused the death of 80 people and left a further 144 injured;
- L. whereas for the new programming period, according to the EU climate tracking methodology for EU expenditure, the ERTMS accounts for 40 % of the contribution to climate and environment objectives and whereas 30 % of expenditure under the Cohesion Policy Funds and InvestEU, 37 % under the Recovery and Resilience Facility (RRF) ⁽¹⁰⁾ and 60 % under the CEF must be allocated to actions combating climate change;

⁽⁶⁾ Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).

⁽⁷⁾ Implementing Regulation (EU) 2017/6.

⁽⁸⁾ Commission staff working document of 14 November 2017 entitled 'Delivering an effective and interoperable European Traffic Management System (ERTMS) — the way ahead', SWD(2017)0375.

⁽⁹⁾ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

⁽¹⁰⁾ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

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M. whereas the RRF establishes that 20 % of investments should be digitally oriented and whereas in its methodology for digital tagging established in Annex VII of the RRF Regulation, 100 % of investment in the ERTMS is digital;

1. Underlines that rail is the most sustainable and energy-efficient mode of mass passenger and freight transport, but that it is not yet achieving its full potential, in spite of the positive developments in the sector, such as the constant increase in rail passenger volumes and rail freight volumes, even if these have been uneven over the past few years;

2. Points out that the European Green Deal calls for a major modal shift to rail and that the new Sustainable and Smart Mobility Strategy sets the milestones of doubling high-speed rail traffic by 2030 and rail freight traffic by 2050, which require a share increase in rail transport capacity that cannot be obtained without a large-scale acceleration of the roll-out of the ERTMS throughout the EU;

3. Stresses that one of the EU's main objectives for rail coordination is to strengthen the robustness of the core network and to increase the share of freight and passenger transport by rail;

4. Recalls that the ERTMS was launched in the 1990s and that its aim is to ensure the safety of railway traffic, to foster interoperability among national rail networks and cross-border rail transport, to reduce the costs of purchasing and maintaining signalling systems and to increase the capacity of rail infrastructure and the reliability of the rail transport system;

5. Stresses that the full deployment of the ERTMS will help to create a single European railway area, is essential for making the European railway sector fit for the digital age, will increase the profitability of rail transport, will enable the operating density of a line to be increased, and is a prerequisite for rail to finally be competitive with other modes of transport; welcomes, therefore, the fact that the new Sustainable and Smart Mobility Strategy confirms that the ERTMS should be a key priority in order to create a truly smart and efficient transport system by achieving objectives such as sufficient capacity allocation and traffic management for both passengers and freight;

6. Stresses that the ERTMS has become a global standard for train control and communication, and has been deployed in almost 50 countries around the world, providing excellent opportunities to increase high-added-value business and to create expertise within the EU and for deployment in non-EU countries; calls for the establishment of a standardised EU traffic management system and believes that an EU standard must be swiftly developed before a global rail traffic management system standard is imposed on the EU; calls on the Commission, moreover, to use bilateral EU cooperation to promote the deployment of the ERTMS in non-EU countries;

7. Welcomes the Commission's work to establish a CCS architecture framework to ensure that rail fully embraces digitalisation that builds the ERTMS, which should allow for easier and more affordable updates and upgrades thanks to further standardisation and modularisation, the introduction of the 'plug and play' principle and the harmonisation of data modelling;

Governance

8. Welcomes the new tasks entrusted to the Agency under the Fourth Railway Package and recognises the prominent role of the Agency as a one-stop shop which ensures consistency in the development of the interoperable ERTMS, that ERTMS deployment complies with the specifications in force, and that ERTMS-related European research and innovation programmes are coordinated with the development of ERTMS technical specifications; regrets, therefore, the recent reduction of the yearly budget of the Agency;

9. Believes that the Agency should be provided with the appropriate financial and human resources and be further empowered to overcome the challenges of ERTMS deployment and functioning that still exist (harmonisation of operational rules and requirements, specification maintenance and change, conformity-to-type and length-of-type approval procedures and public procurement procedures etc.), to increase competitiveness and to lead the technical introduction of new technologies;

10. Highlights the role of the ERTMS Coordinator in determining which lines and corridors need to be equipped with the ERTMS as a matter of priority, and in ensuring its deployment in the most cost-efficient way in close cooperation with the Member States and the stakeholders;

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11. Believes that the role of the ERTMS Coordinator needs to be significantly improved, both in terms of resources and implementing powers, in order for the deployment targets to be met; welcomes, therefore, the opportunity to strengthen the role of the ERTMS Coordinator in the upcoming revision of the TEN-T Regulation by providing them with, for instance, a decisive role in the selection of projects, expanded oversight responsibilities and by making receipt of CEF grants contingent upon their consent, particularly in relation to the main cross-border links;

12. Welcomes the fact that the ERTMS Coordinator reports back to Parliament on a yearly basis;

13. Underlines that an approach to ERTMS deployment coordinated between all Member States and led by the ERTMS Coordinator is the only way to overcome the current patchwork situation, especially with regard to cross-border projects; invites, therefore, the Commission to establish a framework for discussion and coordination among Member States, infrastructure managers and railway undertakings on ERTMS deployment led by the ERTMS Coordinator, with the aim of fostering the exchange of best practices, aligning national deployment plans, encouraging joint actions for ERTMS deployment on cross-border corridors, improving conformity authorisation procedures, and increasing the overall commitment of the Member States; recalls that more efforts need to be made by railway infrastructure managers collectively to equip and put ERTMS into operation on cross-border sections simultaneously and in a technical consistent manner;

14. Believes there is a need for a regulatory framework for the digitalisation of the rail system which puts the ERTMS at the heart of a digital rail system evolution; welcomes, in this respect, the commitment of the railway sector to enable the industrialisation of the ERTMS and the contribution of the Shift2Rail Joint Undertaking (S2R JU) to research and innovation with the aim of addressing the removal of the remaining technical obstacles that are holding back the rail sector in terms of interoperability and ensuring the transition to a more integrated, efficient and safe EU railway market, guaranteeing the proper interconnection of technical solutions and aiming to make the EU's railway system more sustainable, digital, competitive, reliable and attractive; strongly supports its new successor initiative, the Europe's Rail Joint Undertaking System pillar, which coordinates the evolution of the system, new technology developments, technological migration plans, industrialisation and deployment, especially for the ERTMS, with a view to ensuring more efficient collaboration and better use of scarce resources;

15. Calls for coordination between the Agency and S2R JU to be further strengthened in order to better prioritise investments in the digitalisation of European railways; underlines, in this regard, that the Agency should have a more prominent role than just being an observer of the S2R JU governing board;

Interoperability and deployment

16. Welcomes the satisfactory results demonstrated by the ERTMS in terms of speed, capacity and safety wherever it has been deployed; regrets, therefore, that compared with the targets set in the EDP, at the end of 2020 only around 13 % of the CNCs were operated in accordance with the ERTMS, and ERTMS deployment in most of the corridors ranged between 7 % and 28 %; notes, moreover, that investment in ERTMS is not a systematic target for the core network — despite the TEN-T deployment plans and guidelines recommending such investment — or even on isolated sections unconnected to the core network; believes, therefore, that a corridor approach must be strengthened to overcome the obstacles to the deployment of ERTMS, in particular in the corridors with the lowest rates of deployment such as the Atlantic corridor, and especially within the Iberian Peninsula; calls, moreover, on the Commission to list the cross-border rail connections on the core network where full trackside deployment of the ERTMS has not been achieved and to publish its findings in order to draw attention to the EU added value of fully deploying the ERTMS on these rail connections;

17. Believes that a ten-fold increase in the deployment pace of the ERTMS is urgently needed to achieve the digital transition and to improve the safety of the EU railway system, railway passengers and workers; is of the opinion that the ERTMS needs to be rolled out on the core network by 2030 and on the comprehensive network by 2040; recalls the need to avoid delays to installations and activations of the ERTMS, which could compromise safety; calls on the Commission, in this regard, to maintain and reinforce the binding nature of the targets in its revisions of the TEN-T guidelines, the ERTMS EDPs and the CCS TSIs;

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18. Believes that harnessing the full potential of the ERTMS unquestionably depends on the completion of the TEN-T core network; therefore calls on the Commission to strengthen the role of the core network coordinators in the upcoming revision of the TEN-T Regulation and includes measures on EU management of the core network infrastructure;

19. Points out that there are still currently roughly 30 different national signalling systems, especially in areas with predominantly local, domestic traffic, where existing Class B systems have a remaining economic lifetime, and that this diversity of systems partly explains the fragmentation and the variability in ERTMS deployment costs; highlights that the Class B systems are a bottleneck for ERTMS roll-out and for rail traffic cross-border operations in the EU network, as they require a more expensive and difficult safety authorisation for rail transport operators and constitute a major barrier to the competitiveness of rail transport, hampering the technical and operational compatibility of railways across the EU and resulting in additional costs for the sector, including maintenance costs;

20. Stresses that the Class B decommissioning process is moving at a slow pace; regrets that only a few Member States have adopted plans to decommission Class B signalling systems in their ERTMS national implementation plans (NIPs) and that there is at present no legal obligation nor timetable at EU level to decommission Class B systems;

21. Believes that an efficient and quick deployment of the ERTMS can only be achieved by setting binding targets, reinforced with penalties for infrastructure managers in the event that adequate budget and resources are made available, but the deployment deadline is missed;

22. Urges the Commission to come up with an overarching decommissioning strategy for Class B systems, with regulatory deadlines aligned with the binding targets to be set at EU level; believes that the effectiveness of this strategy and its long-term worthiness for investment depend on the involvement of all stakeholders, including railway undertakings and suppliers, and the willingness of Member States to fulfil their obligations under the TEN-T Regulation;

23. Calls on the Commission, moreover, to introduce a regulatory provision to ensure that the ERTMS NIPs are legally aligned — in both regulatory and geographic terms — with the binding ERTMS deployment targets set in EU legislation, in order to complete its introduction within the core network by 2030 and within the comprehensive network by 2040;

24. Points out that current national rules and the lack of harmonisation of operational requirements relating to the ERTMS, such as engineering rules, and technical barriers, such as variable axle gauges, voltage and dimension of the wagons, which may differ along the entire railway network, affect interoperability, impeding the seamless operation of the EU rail network and hampering the profitability of railway operators;

25. Stresses that the cost of upgrading trackside and on-board systems varies widely depending on the network; notes that the equipment's lifespan implies a long period of depreciation of investments, which is a major economic criterion for future investments; draws attention to the difficulties associated with frequent changes in standards, which limit the lifespan of equipment in an unpredictable way for the rail sector, resulting in a disincentive to invest; stresses, therefore, the importance of regulatory stability in order to allow for a return on the investment made; asks the Commission to carefully analyse further changes when updating the TSI for 2030 and to ensure compatibility;

26. Deplores the fact that in the five years till mid-2019 almost 80 % of new vehicles put into use in the EU were either subject to a derogation or were exempted from the requirement to fit the ERTMS; believes that given the deployment of the ERTMS in the comprehensive network, no derogations or exemptions from the requirement to fit ERTMS should be granted to new rolling stock; urges the Commission, in this respect, to undertake concrete initiatives to tackle this issue by enacting an appropriate regulatory framework and ensuring that a set of economic incentives are in place to foster the investments of railway undertakings in ERTMS on-board units;

27. Stresses that the timeframes for authorisation processes for retrofit projects, especially for conformity-to-type authorisation processes for rolling stock for the national area of use only, still differ because of diverging assessments by national safety agencies on the need to re-authorise certain modifications, resulting in it taking up to one month to re-authorise each rolling stock; calls on the Commission to undertake legislative initiatives, including updates of current implementing regulations, to ensure that the authorisation procedures following type authorisation processes, especially conformity-to-type authorisation procedures related to the retrofit of on-board ERTMS subsystems for the national area of

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use, are streamlined and harmonised by means of fast-tracked control operations in order to reduce the time needed to grant conformity-to-type certificates; believes, moreover, that conformity processes should further strengthen the involvement at an early stage of the industrial suppliers and national safety agencies concerned in order to avoid discouraging railway undertakings from undertaking large-scale and ambitious deployment projects; calls, moreover, for greater involvement of the Agency in conformity-to-type procedures carried out when the retrofitted rolling stocks are destined for the national area of use only;

28. Calls for a systematic approach to the roll-out of the ERTMS, both on-board and trackside;

29. Recalls that according to the recent business case study on the nine CNCs, the dual on-board migration strategy for ERTMS deployment, which focuses on first equipping the fleet with the ERTMS, has a better economic outcome compared to the dual trackside migration strategy;

30. Notes that the slow pace of the trackside installation disincentives a steady ERTMS deployment; believes that the trackside migration strategy, which focuses on installing ERTMS on top of legacy systems which are kept operational until the whole fleet is equipped, should also be accelerated, especially in the light of the upcoming alignment of the Rail Freight Corridors Regulation ⁽¹¹⁾ with the revision of the TEN-T guidelines, and in this respect calls for further cooperation between the European Union Agency for Railways (ERA), infrastructure managers and national safety authorities to achieve full compatibility of ERTMS trackside versions; recalls that the incompatibilities between the different ERTMS trackside versions already deployed must be resolved and future compatibility for all ERTMS lines must be ensured, and in this sense calls for further cooperation between ERA and infrastructure managers and national safety authorities;

31. Calls on the Commission to take account of ERTMS equipment when drawing up the rail connectivity index;

32. Stresses that prototypes are one of the major bottlenecks for on-board retrofitting due to the complicated, time-consuming and expensive nature of their development; points out, moreover, the current possible risk of the same prototype project receiving funding from multiple EU sources; calls for the creation of an EU platform for the development of prototypes in order to favour large economies of scale, harmonisation and competitiveness, as well as the creation of a transparent register of solutions that have already been funded;

33. Underlines that without standardised interfaces with 'plug and play' technology — both trackside and on-board — the rail system will not be able to introduce and grasp the benefits of ERTMS game changers like automatic train operation, the future radio mobile communication system, satellite positioning or Level 3 technology; calls on the Commission to take into consideration the fact that GSM-R technology, which was state-of-the-art when the ERTMS was first launched, is becoming obsolete owing to the roll-out of 4G and 5G;

34. Points out the need to ensure synergies between the ERTMS and the European Global Navigation Satellite System (GNSS) as soon as possible, especially since GNSS signal availability relies on virtual balises, which would be less costly to deploy and to maintain, since it would speed up the ERTMS roll-out and since it would enhance the competitiveness of the ERTMS outside the EU; calls on the EU rail industry to develop technical solutions in order for the GNSS to enable the ERTMS on a large scale; calls on the Commission, moreover, to consider introducing the GNSS in the upcoming ERTMS TSI CCS revision in order to close the remaining technological gaps and embrace innovation; calls on ERA to closely coordinate, support and streamline research and development projects of space and rail stakeholders in order to include GNSS train location data in the ERTMS as early as possible; calls, moreover, for cooperation between the Agency and the GNSS Agency to be stepped up in order to phase the GNSS into ERTMS standards;

35. Underlines the current inefficiencies and difficulties in public procurement for ERTMS deployment; calls on the Commission to work with the Agency to establish a common EU tender format for procurements, based on the proposal agreed by the sector in 2018, and to address in a legislative proposal all the technical aspects for ensuring successful procurement (e.g. maintenance clauses) and compatibility with the latest ERTMS baseline available;

⁽¹¹⁾ Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).

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36. Recognises that the ERTMS is the flagship of EU industry's innovative power; calls on the Commission to present a legislative proposal for an ERTMS industrial strategy as part of the New Industrial Strategy for Europe, addressing insufficient industrial capacity, the lack of suitable workshops for retrofitting, the lack of an adequate, stable and predictable budget and the shortage of qualified staff and ensuring the transition from the current project-approach to the industrialisation of the ERTMS roll-out;

37. Calls on the Commission and the Member States to boost, under the European Green Deal, dual vocational training for new jobs created by digitalisation and innovation in relation to the new challenges generated by ERTMS deployment, by providing sufficient support for the re-skilling and upskilling of railway workers, such as training on the new signalling system;

Funding

38. Recalls that the proper functioning of the EU railway network relies on proper investment in infrastructure and rolling stocks and on good maintenance;

39. Notes that between 2014 and 2020, the EU budget supported ERTMS deployment with an estimated total budget of EUR 2,7 billion, out of which EUR 850 million came from the CEF and EUR 1,9 billion came from the European Structural and Investments Funds (the ERDF and the Cohesion Fund) in the eligible regions;

40. Stresses that the investment needed to deploy the ERTMS on the core network is estimated at EUR 12 billion for trackside systems and EUR 5 billion for on-board systems;

41. Stresses that investments in the deployment of the ERTMS contribute to achieving the climate and digital mainstreaming targets of EU financial instruments, and should therefore be considered a priority in the implementation of these instruments;

42. Recalls that EU financial support is available for both trackside and on-board ERTMS investments, but that this can only cover a limited amount of the overall cost of deployment, leaving individual infrastructure managers and railway undertakings to shoulder most of the costs; believes that it is necessary to improve the financial instruments in place to incentivise large-scale investments in the ERTMS; invites the Commission, in this respect, to draw up all-encompassing guidelines in support of a large-scale strategy for the funding of the ERTMS both trackside and on-board;

43. Calls on the Commission to identify a basket of measures that the Member States and the European Union may undertake to scale up the deployment of the ERTMS on board while ensuring that businesses are viable for the undertakings involved, and taking into due consideration the role of network managers as potential providers;

44. Recalls the ECA's finding that, overall in the EU, 50 % of TEN-T funds originally allocated to ERTMS projects have been decommitted and that implementation delays and reductions in project scope were the main reasons for this; calls on the Commission and the Member States to address this problem;

45. Recalls that EU funds are not sufficient to cover all the expected needs and therefore calls on the Commission and the Member States to cooperate closely and to make planning, financial and political commitments to further improve the attractiveness of investing in the ERTMS, and to guarantee legal certainty for private investors; notes that the duration of CEF grant agreements could be extended to better reflect the actual time needed to implement ERTMS projects;

46. Stresses the priority nature of funding equipment for cross-border links; takes the view that since EU co-financing rates for the ERTMS are insufficient, they should be increased; calls on the Commission, in this respect, to evaluate the opportunity to grant ERTMS projects a co-financing factor even higher than 50 % under CEF funding when such projects are embedded in ambitious large-scale accelerated plans to scale up ERTMS deployment, in order to incentivise ambitious strategies for the ERTMS in the Member States;

47. Calls on the Commission and the Member States to ensure, promote and facilitate synergies between all EU financial instruments such as the CEF and its Blending Facility, the Cohesion Funds and InvestEU, and access to Next Generation EU, and calls on the Commission to encourage the Member States to make the ERTMS one of their main priorities in their national recovery and resilience plans (NRRPs);

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48. Recalls the strategic importance of Next Generation EU and the RRF in supporting the ambitious large-scale deployment plan for the ERTMS in the NRRPs of the Member States, and invites the Commission to ensure that ERTMS funding is granted adequate relevance during the preparatory phase of the NRRPs;

49. Stresses the need for EU funds to be granted for new railway line projects only if they include ERTMS equipment; calls, moreover, for the Agency to systematically assess the compliance of EU-funded projects with the TSIs to avoid difficulties concerning the compatibility of the ERTMS versions installed;

50. Calls on the Member States to grant a reduction of 75 % in track access charges for 10 years to railway undertakings that successfully equip 100 % of their locomotives with ERTMS Baseline 3;

51. Stresses that the method of calculating EU aid for ERTMS equipment, based on a flat rate per kilometre, is suitable for linear sections but less appropriate for urban nodes which require many trackside objects and complex ERTMS settings over a short distance; suggests considering breaking costs down by the number of sets of points on the track;

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

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P9_TA(2021)0328

Trade related aspects and implications of COVID-19

European Parliament resolution of 7 July 2021 on the trade-related aspects and implications of COVID-19 (2020/2117(INI))

(2022/C 99/02)

The European Parliament,

- having regard to the Commission communication of 18 February 2021 entitled ‘Trade Policy Review — An Open, Sustainable and Assertive Trade Policy’ (COM(2021)0066),
- having regard to the Commission white paper of 17 June 2020 on levelling the playing field as regards foreign subsidies (COM(2020)0253),
- having regard to the Commission communication of 27 May 2020 entitled ‘Europe’s moment: Repair and Prepare for the Next Generation’ (COM(2020)0456),
- having regard to the Commission communication of 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 communication of 27 May 2020 entitled ‘Adjusted Commission Work Programme 2020’ (COM(2020)0440) and to President von der Leyen’s letter of intent to President Sassoli and Chancellor Merkel of 16 September 2020 entitled ‘State of the Union 2020’,
- having regard to the Commission communication of 20 May 2020 entitled ‘EU Biodiversity Strategy for 2030: Bringing nature back into our lives’ (COM(2020)0380),
- 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 10 March 2020 entitled ‘A New Industrial Strategy for Europe’ (COM(2020)0102),
- having regard to the Commission communication of 10 March 2020 entitled ‘An SME Strategy for a sustainable and digital Europe’ (COM(2020)0103),
- having regard to the joint communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 9 March 2020 entitled ‘Towards a comprehensive Strategy with Africa’ (JOIN(2020)0004),
- having regard to the Commission communication of 19 February 2020 entitled ‘Shaping Europe’s digital future’ (COM(2020)0067),
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to the joint communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 2 December 2020 entitled ‘A new EU-US agenda for global change’ (JOIN(2020)0022),
- having regard to the non-paper of the Commission services of 26 February 2018 on feedback and the way forward on improving the implementation and enforcement of trade and sustainable development (TSD) chapters in EU free trade agreements and its 15-point action plan on TSD chapters,
- having regard to the Commission communication of 14 October 2015 entitled ‘Trade for All — Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the Agreement adopted at the 21st Conference of the Parties to the UN Framework Convention on Climate Change (the Paris Agreement),

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- having regard to the UN 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),
 - having regard to its resolutions of 26 November 2020 on the EU Trade Policy Review ⁽¹⁾, of 9 June 2021 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' ⁽²⁾, of 20 May 2021 entitled 'Shaping the digital future of Europe: removing barriers to the functioning of the digital single market and improving the use of AI for European consumers' ⁽³⁾, of 25 March 2021 on establishing an EU strategy for sustainable tourism ⁽⁴⁾, of 10 March 2021 entitled 'Towards a WTO-compatible EU carbon border adjustment mechanism' ⁽⁵⁾, of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability ⁽⁶⁾, of 10 February 2021 on the New Circular Economy Action Plan ⁽⁷⁾, of 25 November 2020 entitled 'A New Industrial Strategy for Europe' ⁽⁸⁾, of 7 October 2020 entitled 'Implementation of the common commercial policy — annual report 2018' ⁽⁹⁾, of 16 September 2020 on the EU's role in protecting and restoring the world's forests ⁽¹⁰⁾, of 28 November 2019 on the climate and environment emergency ⁽¹¹⁾, of 12 December 2017 entitled 'Towards a digital trade strategy' ⁽¹²⁾, and of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment ⁽¹³⁾,
 - having regard to the opinion of its Committee on International Trade of 15 April 2021 on the report entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives',
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Development and the Committee on Agriculture and Rural Development,
 - having regard to the report of the Committee on International Trade (A9-0190/2021),
- A. whereas COVID-19 has caused a global pandemic, giving rise to an unprecedented global health, economic, social and humanitarian crisis, which has created bottlenecks and disruptions of an unprecedented scale to international trade, causing it to plunge as the virus spread, slashing global production and employment, decreasing the level of foreign direct investment (FDI), and increasing geopolitical tensions;
- B. whereas the pandemic has demonstrated strategic vulnerabilities in the EU and global supply chains, including for critical raw materials, and essential medical goods such as personal protective equipment and active pharmaceutical ingredients, and has highlighted the need for enhanced resilience and diversification at global, regional and local level;
- C. whereas the COVID-19 outbreak has further increased inequalities and has added to concern among citizens about job losses in certain sectors, the changing nature of work and the pressure on workers' wages and rights; whereas these problems must be addressed in order to retain public support for global trade;
- D. whereas the COVID-19 outbreak risks creating a set-back in the worldwide fight against climate change, yet we need global action and cooperation to develop policies and streamline climate action in internal and external policy, as the vaccine alone will not be sufficient to address the social, environmental and economic crisis caused by COVID-19;

⁽¹⁾ Texts adopted, P9_TA(2020)0337.

⁽²⁾ Texts adopted, P9_TA(2021)0277.

⁽³⁾ Texts adopted, P9_TA(2021)0261.

⁽⁴⁾ Texts adopted, P9_TA(2021)0109.

⁽⁵⁾ Texts adopted, P9_TA(2021)0071.

⁽⁶⁾ Texts adopted, P9_TA(2021)0073.

⁽⁷⁾ Texts adopted, P9_TA(2021)0040.

⁽⁸⁾ Texts adopted, P9_TA(2020)0321.

⁽⁹⁾ Texts adopted, P9_TA(2020)0252.

⁽¹⁰⁾ Texts adopted, P9_TA(2020)0212.

⁽¹¹⁾ Texts adopted, P9_TA(2019)0078.

⁽¹²⁾ OJ C 369, 11.10.2018, p. 22.

⁽¹³⁾ OJ C 101, 16.3.2018, p. 30.

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- E. whereas though the European Union has substantially reduced its domestic greenhouse gas emissions, those embedded in imports have been constantly rising, thereby undermining the Union's efforts to reduce its global greenhouse gas emission footprint;
- F. whereas international trade in goods and services is set to increase by 8.4 % in 2022 according to International Monetary Fund estimates⁽¹⁴⁾ and trade policy must play a full roll in the recovery from the COVID-19 pandemic; whereas the Commission communication on the Trade Policy Review must be complemented by continued dialogue and transparency with the European Parliament, which will play a key role in its implementation, as well as by a strategy to increase EU resilience and strategic autonomy, including tailored policy measures and instruments in the area of domestic production, nearshoring, diversification of suppliers and stockpiling;
- G. whereas the EU, as the world's largest trading bloc and with its extensive network of trade agreements, is the biggest actor on the world trading scene and finds itself in a unique position to cooperate globally, drive the implementation of EU standards, values and sustainability frameworks in partner countries, and secure the sustainable recovery of the world economy, in line with the European Green Deal and the Paris Agreement;
- H. whereas the divisions within the World Trade Organization (WTO) and the urgent need for its reform have complicated the coordinated efforts to keep global supply chains open, and the priority must now be to rebuild trust in multilateral institutions as entities able to deliver global answers, by rapidly moving forward on the discussions on the WTO trade and health initiative;
- I. whereas it is important for there to be close cooperation between the WTO and other international bodies, notably the World Health Organization (WHO), the UN institutions and the World Bank, in order to tackle the crisis in a comprehensive manner, paying special attention to the health and economic implications in developing countries;

Fair, resilient and green value chains

1. Stresses that trade policy finds itself at a crossroads; notes that the geopolitical reality has changed and stresses that the EU still has to position itself in this new environment; is convinced that COVID-19 has reinforced the need for a thorough review of the EU's trade policy; stresses that Parliament is ready to contribute actively to the Trade Policy Review;
2. Stresses the importance of fair, resilient and sustainable value chains that respect human rights, labour rights and environmental standards; recalls that mandatory due diligence across supply chains should be an instrument to achieve this; stresses that more attention should be given to the vulnerable position of micro, small and medium-sized enterprises (MSMEs) in the EU and especially in developing countries, as large companies are more likely to overcome exogenous shocks; stresses the importance of using strategic foresight to increase the EU's and developing countries' preparedness for and resilience to any future shocks and health crises, including in the emergence of new disease mutations and future pandemics, aiming to develop future-proof strategies and responses; points out that a key pillar of an EU sustainable supply-chain strategy would be to require companies largely exposed to international supply chains to be subject to legally binding reporting requirements in the context of the forthcoming revision of the Non-Financial Reporting Directive⁽¹⁵⁾;
3. Calls for the EU to ensure that trade also works for the economically disadvantaged; recalls, in this regard, that the specific actions to promote 'fair and ethical trade schemes' to which the Commission committed in the 'Trade for All' strategy have become even more relevant under the current circumstances given that bottom-up fair trade initiatives can ensure that trade benefits the economically disadvantaged actors in the supply chain; emphasises the importance of predictable long-term orders and takes note of the successful ordering schemes of that nature in the fair trade sector;

⁽¹⁴⁾ International Monetary Fund, *World Economic Outlook: Managing Divergent Recoveries*, April 2021.

⁽¹⁵⁾ Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (OJ L 330, 15.11.2014, p. 1).

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4. Calls on the Commission to promote fair trade initiatives through EU programmes involving young people and the private sector, in external action in general, in the implementation of TSD chapters, through EU delegations, and by rewarding best practices and facilitating knowledge exchange among local, regional and national authorities, civil society, schools and universities in the EU, including through the extension of the 'EU Cities for Fair and Ethical Trade Award' to schools and universities and the setting up of an annual fair trade week hosted in Brussels by the Commission; demands that the Commission report on support for fair-trade initiatives by the EU and the Member States;

5. Notes that global value chains often involve asymmetrical effects, including for least developed countries, an uneven distribution of risks, and disproportionately adversely impact women; deplores the fact that during the pandemic this uneven distribution has led to some European businesses offloading the costs of lower demand throughout their supply chains, including in developing countries, and cancelling orders that were already produced and in some cases even shipped; calls on the Commission to engage with Member States, local governments, the private sector and civil society to achieve a fairer distribution of negative impacts and risks across supply chains; calls on the Commission to present concrete proposals following its pledge of 'zero tolerance of child labour' before the end of 2021, which the UN has declared International Year for the Eradication of Child Labour;

6. Stresses that the tourism value chain is one of Europe's main industrial ecosystems; emphasises, in this regard, that due to restrictions on travel and supply chains and disruptions caused by the COVID-19 crisis, tourism-related sectors such as hospitality, as well as other major industries (aeronautical, automotive, steel, shipbuilding and marine), are suffering trade and economic collapse;

7. Stresses that effective rules ensuring fair competition and a level playing field for European businesses, in both the internal market and third-country markets, are necessary to guarantee mutually beneficial trade relations with international partners and protect the single market from aggressive investment strategies by non-EU actors trying to take advantage of the current crisis; emphasises the importance of trade defence instruments in this regard; underlines that the enforcement regulation should have a positive contribution to the goal of ensuring fair competition and a level playing field, and stresses that TSD chapters are an integral part of trade policy;

8. Calls on the Commission to swiftly complete the EU's trade defence toolbox in 2021 through legislative proposals supported by impact assessments, giving priority to an anti-coercion instrument, an instrument to tackle distortions caused by foreign subsidies and state-owned enterprises, and the conclusion of negotiations on the International Procurement Instrument; points out the coercive effect of extraterritorial sanctions by third countries and the need to safeguard the functioning of financial instruments from such measures; notes the importance of public financial intervention during the COVID-19 pandemic;

9. Is convinced that openness should go hand in hand with safeguarding our strategic sectors and should be closely connected with an ambitious, forward-looking industrial policy in line with the Green Deal and digital strategy, which can increase the EU's capabilities to withstand future shocks in strategic sectors, boost economic recovery and ensure the competitiveness of EU businesses, creating quality jobs and ensuring that Europe plays a crucial role in the production of innovative goods and future services;

10. Believes that supply chain diversification and resilience should be a key priority for the revised EU trade policy; highlights the coupling of trade and security interests and calls for the proportional strengthening and enforcement of foreign direct investment screening, thereby complementing and supporting Member State efforts to implement such screening to safeguard European strategic sectors, and preventing the establishment of detrimental and exploitable economic dependencies on non-EU actors;

11. Is convinced that the EU is too dependent on a limited number of suppliers for certain critical raw materials, goods and services, especially medical and pharmaceutical goods, and that this undermines its strategic autonomy and geopolitical objectives; insists that the EU should overcome these undesirable dependencies via a horizontal mix of policies to incentivise companies to stockpile, increase manufacturing, diversify sourcing strategies and, where necessary, promote nearshoring and reshoring, which could create new trading opportunities for partners in the Eastern and Southern Neighbourhoods and must be accompanied by regulatory approximation in strategic sectors;

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12. Stresses the risks to critical supply chains made apparent by the COVID-19 crisis and calls on the Commission to pay particular attention to the sustainability of EU supply chains in its forthcoming industrial strategy, identifying which supply chains could benefit from increased resilience through supply diversification, reshoring and stockpiling; believes, however, that companies should ultimately decide for themselves how to manage their global supply chains;

13. Points out that the Commission should promote a circular economy on a global level and underlines the role that trade agreements should have in enhancing the circular economy's objectives, diversifying supply and strengthening open trade relations for critical goods and services, and that shortening or altering supply chains to the EU's neighbourhood and Africa can have a positive effect on their sustainable, green, inclusive and resilient economic growth, as well as for the EU's strategic interests;

14. Notes that the EU's agri-food supply chains remained operational during the pandemic but deplores the fact that export restrictions and trade barriers have caused numerous disruptions to it; notes that the Agricultural Market Information System (AMIS), which brings together the principal trading countries of agricultural commodities with the aim of enhancing food market transparency and the policy response for food security, can be regarded as an example of good practice; calls on the Commission to explore whether this model could be used in other value chains as well; supports actions to facilitate trade taken to promote food safety standards and sanitary and phytosanitary measures (SPS) in response to COVID-19; notes that according to the UN World Food Programme (WFP), COVID-19 brought the number of people at risk of acute food shortages in 2020 in low and middle-income countries up to 265 million, a figure up 130 million compared with 2019; calls on the Commission to identify and explore in cooperation with the UN the most appropriate measures to ensure that this pandemic does not translate into a food crisis in the developing world;

15. Calls on the Commission to come up with a digital trade strategy which increases the market access of European businesses, strengthens digital infrastructure, harmonises regulatory frameworks, modernises trade and customs tools, and protects EU citizens' rights under the GDPR ⁽¹⁶⁾;

16. Calls on the Commission to make thorough assessments of whether the new EU model clause on data flows will preserve Europeans' data protection and privacy rights in the case of a dispute with a trading partner; stresses that existing and future measures protecting the fundamental rights to privacy and personal data protection must not be undermined by international trade agreements; urges the Commission to take the relevant commitments of third countries into account when assessing their adequacy, including for onward transfers of data;

17. Underlines the acceleration of the digital revolution due to COVID-19 and recognises the importance of the EU taking the lead in setting standards for a sustainable, digital-driven global economy and keeping international data flows open so as to rapidly overcome a range of trade barriers and bottlenecks; underlines that the EU can set a global standard for fair and resilient digital trade in its bilateral and multilateral engagements and in plurilateral negotiations on e-commerce and investment facilitation; underlines that the digital chapter in the EU-UK Trade and Cooperation Agreement can serve as a model for future trade agreements;

18. Calls for incentives to be provided, including by means of tailor-made legal provisions on State aid, for EU businesses to make their value chains more sustainable and to shorten or adjust their supply chains where it could be beneficial to the EU's economy, resilience, geopolitical objectives and/or strategic autonomy, in order to ensure that external social, environmental and economic costs are fully internalised into the price in line with EU policies such as the Farm to Fork Strategy, the Circular Economy Action Plan, the Biodiversity Strategy and stepping up EU action to protect and restore the world's forests;

19. Calls on the Commission to thoroughly review how and to what extent transfers of emerging and disruptive technologies are taking place from the EU to authoritarian states via trade and investment flows; calls on the Commission to propose new measures to limit such transfers, including supply-chain cooperation with like-minded partners; calls for a dialogue on semiconductors to be started with Taiwan;

⁽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).

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Trade policy for critical health products: lessons learned from the COVID-19 crisis

20. Underlines that international trade governance, putting international cooperation over competition, has an essential role to play in the rapid development of medical treatments and vaccines, the rapid scaling up of production, the development of resilient global value chains and equitable global market access, and, in this context, underlines that the current pandemic should provide impetus to strengthened international cooperation and global preparedness for health emergencies, requiring further engagement by the EU and the Member States acting together as 'Team Europe'; underlines the need to address trade-related causes of pandemics and zoonoses, such as the impact of trade on biosphere degradation;

21. Welcomes the proposal by several government leaders for an international treaty on the pandemic response and calls for it to include a strong trade pillar; underlines that the international trade framework must foster cooperation and put into place both structural and rapid response mechanisms to help governments overcome the challenges associated with health emergencies; underlines that such arrangements should encompass on the one hand, a needs-oriented 'demand-side' approach providing joint financing and globally coordinated advance purchases, and on the other hand, an integrated 'supply side' strategy for scaling up production capacity across the whole value chain; maintains that progress needs to be made in the areas of transparency on available stocks, global supply networks, production capacities and the pricing of essential health products, the implementation and development of exceptions for public health security in the intellectual property rights (IPR) framework, increasing the global mobility of essential services, protecting and fostering the resilience of small and medium-sized enterprises (SMEs), and developing an intersectional approach to tackling the negative impact of health crises on gender equality, income equality, and the position of minorities;

22. Calls for the establishment of a new Committee on Trade and Health at the 12th WTO Ministerial Conference in order to prepare guidelines on how governments can implement existing exceptions and flexibilities in international trade law so as to increase public health security, and what mechanisms must be put in place to improve the global response to health emergencies and to lay the groundwork for a trade pillar for the negotiations on a future international treaty on the pandemic response;

23. Stresses that global supply chains for raw materials and the production and distribution of vaccines must benefit from open trade relations; underlines that protectionism in the production and distribution of vaccines can hinder the response to the global pandemic; emphasises, in this connection, the detrimental effects of unilateral measures such as export restrictions and bans, the lack of transparency of global stocks and the subsequent price speculation with regard to scarce essential goods, not least for low- and middle-income countries; calls, therefore, for the EU to encourage the adoption of the WTO trade and health initiative by the end of 2021, to encourage stronger global cooperation and to be much more demanding as regards the transparency of the supply, production and cost of medical products, the resilience of global healthcare systems, and accessible and affordable medical products and services; calls for the EU to ensure that future advanced purchase agreements are fully disclosed, particularly for next-generation vaccines;

24. Calls for the EU to integrate commitments with regard to trade secrets, proprietary data and technology transfers, and demand the necessary transparency from suppliers, including a cost-profit analysis per product;

25. Is therefore concerned about the new rise in export restrictions on vaccines by the main manufacturing countries such as the US, the UK, China, India and, to a lesser extent, the EU and emphasises that this might endanger the rapid global scaling up of vaccine production capacity, disrupt production chains and lead to retaliation; urges the Commission to engage with producing countries to rapidly eliminate export barriers; reaffirms that the EU export authorisation mechanism is a temporary measure, only to be used as a last resort, and should evolve into a transparency mechanism; insists on receiving timely and comprehensive access to such data; emphasises that greater transparency has increased EU citizens' trust in the EU's vaccine rollout and management of the COVID-19 pandemic;

26. Is deeply concerned about the rising number of variants of COVID-19; emphasises that the lack of production and distribution of vaccines in third countries could lead to the increase of new and different types of variants; recognises that the EU is one of the largest exporters of vaccines to third countries, but that in absolute terms, these exports are not yet sufficient to tackle the global pandemic; stresses that the COVAX Facility is currently not able to distribute vaccines to the

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most vulnerable in accordance with demand; underlines that timely global access to vaccines can benefit the recovery and resilience of the global economy, as well as the EU economy; urges the Commission to pursue effective vaccine and medical supply diplomacy to strengthen the EU's credibility and diplomatic visibility and calls for more international efforts to speed up the delivery of vaccines to COVAX;

27. Underlines that the vaccines against COVID-19 and its variants should be a global public good and that urgent multilateral efforts should be focused on the equitable distribution of vaccines across the world, rapidly increasing global production capacities, and establishing effective partnerships and technology transfers, including in low- and middle-income countries; emphasises that, based on lessons learned, it is crucial to continue to improve the public-private partnership frameworks behind the development and production of vaccines and other essential health technologies; welcomes the Global C19 Vaccine Supply Chain and Manufacturing Summit held on 8 and 9 March 2021 and calls for the establishment of structural platforms to rapidly scale up vaccine production in more countries, which could take the form of a public-private-partnership clearing house to bring together private and public parties to enable and scale up partnerships, monitor bottlenecks, and identify measures to support vaccine manufacturing and deployment; underlines the efforts made by the Director-General of the WHO in bringing members forward in the discussion on trade and health initiatives;

28. Emphasises that international trade policy must play a proactive role in this endeavour by facilitating trade in raw materials, alleviating shortages of qualified and experienced personnel, solving supply chain problems and revisiting the global framework for IPR for future pandemics; insists, in this regard, on a constructive dialogue about a temporary waiver of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) in order to ensure that countries do not face retaliation over COVID-19 related patent infringements during the pandemic;

29. Underlines that researchers and industry have put major effort into the development of new COVID-19 diagnoses, treatments and vaccines; emphasises the key role played by public sector resources, allowing pharmaceutical companies to de-risk the whole vaccine value chain by means of funding and large subsidies for research and development, as well as through large-scale advanced purchase agreements; underlines also the fundamental contribution of healthcare workers, patients, COVID-19 survivors and the general public who have participated in clinical trials and other research and development activities on different therapeutics and vaccines; considers that a multilateral IPR legal framework can provide protections and incentives which are critical for preparedness against future pandemics and recognises its role in facilitating the broad and unprecedented collaboration among governments, research institutions and pharmaceutical companies;

30. Emphasises the critical importance of open technology, know-how and research sharing for an effective pandemic response and of the full participation of pharmaceutical companies in multilateral initiatives such as C-TAP (COVID-19 Technology Access Pool) and the newly established WHO Technology Transfer Hub in order to harness their full potential;

Trade and sustainable development

31. Supports the mainstreaming of the European Green Deal and the European Digital Strategy into the communication on the Trade Policy Review (TPR) and calls for an assertive trade policy geared towards multilateralism, resilience and sustainability in line with the EU's commitment to implementing the UN SDGs; calls for a concrete action plan, roadmap and timeline to make this ambition a reality; invites the Commission, therefore, to engage with partners to update existing trade and investment agreements by making use of their review clauses;

32. Welcomes the incorporation of the Paris Agreement as an essential element in each future trade, investment and partnership agreement; stresses that ratification of the International Labour Organization (ILO) core conventions and respect for human rights are requirements for concluding free trade agreements (FTAs); calls for the Union to engage with future and existing trading partners to ratify and effectively implement other outstanding ILO conventions and multilateral environmental agreements when reviewing and negotiating agreements; asks for ambitious chapters on gender, women's empowerment and SMEs, as well as dedicated chapters on digital trade, to be included in each trade agreement;

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33. Underlines that the post-COVID-19 recovery is a unique opportunity to set the agenda to promote sustainable growth; calls on the Commission, therefore, to speed up its review of the 15-point action plan on TSD chapters in 2021 so that it can be implemented in ongoing negotiations; expects the review to address enforceability and recalls, in this regard, the non-paper from the Netherlands and France on trade, social economic effects and sustainable development⁽¹⁷⁾; suggests that, as a minimum, recent advances in the enforceability of EU trade policy should be considered, namely the ability to tackle any non-compliance by partners through unilateral sanctions as a last resort, such as the introduction of tariffs or quotas on certain products or the cross-suspension of other parts of an agreement;

34. Calls on the Council and the Commission to include in TSD and agricultural chapters provisions regarding animal welfare, fair trade and the circular economy; emphasises the role of the Chief Trade Enforcement Officer in this regard and calls for close cooperation with the European Parliament's Committee on International Trade in the monitoring and scrutiny of TSD enforcement; calls on the Commission to draw on the lessons learned from the recent panel of experts so that TSD chapters include a roadmap with concrete and verifiable commitments;

35. Regrets that brown goods still receive preferential treatment over green goods and that tariffs and trade barriers are working against sustainable trade; underlines that removing tariffs and trade barriers for green goods and services should be designed in compatibility with WTO rules in order to contribute to innovative solutions to tackle the climate crisis and contribute to the goals of the Green Deal, as well as the SDGs and sustainable development worldwide; requests that the Commission look into instruments to tackle these distortions and walk the talk of the Green Deal by implementing it in all aspects of trade policy;

36. Points out that high up-front costs, which could only repay themselves over time, and a lack of know-how and equipment are currently hindering or slowing developing countries in their green and digital transition; demands that the Commission use all trade instruments and development cooperation policies at its disposal to increase financial support, technical assistance, technology transfers, capacity building and digitalisation in order to empower developing countries and enable them to achieve sustainable resilience and to better implement due diligence across the supply chain;

37. Calls for the EU to take a leading role within the multilateral framework to engage with like-minded countries and trade partners in pursuing a strong environmental agenda, including the progressive development of disciplines, to end both market-distorting and environmentally harmful subsidies in trade agreements and at the WTO, including disciplines on fossil fuel subsidies, building on the 'do no significant harm' principle;

38. Stresses the importance of drawing up sustainability impact assessments on an *ex ante*, intermediate and *ex post* basis, following a concrete timeline, addressing possible risks as early as possible, and, if *ex post* evaluations prove this to be necessary, address negative impacts; calls on the Commission to brief Parliament regularly on the ongoing and finalised sustainable impact assessments; stresses the need to develop a comprehensive framework with concrete targets to advance the SDGs, the Green Deal and the ILO Decent Work Agenda in trade and investment agreements; emphasises that the new agreements should only be concluded once these targets have been fulfilled and that existing agreements should be revised accordingly;

39. Emphasises that transparency, dialogue and good communication with citizens and stakeholders are key to creating support for trade policy and harnessing its benefits; welcomes, therefore, the Acces2Markets gateway and the Commission's efforts in promoting this tool; insists that the role and responsibilities of civil society and domestic advisory groups (DAGs), whose monitoring role could be further extended, must be clearly defined in the EU's political and trade agreements and that financial assistance must be accompanied by capacity-building measures to enable it to function effectively; emphasises the potential of EU delegations in supporting the work of third-country DAGs and monitoring and implementing trade agreements, paying special attention to supporting SMEs in taking advantage of agreements and trade facilitation measures; deplores the lack of an overarching structure in this regard;

40. Stresses the need for more coherency and transparency in scrutinising EU trade policy; underlines the need for coherent, clear, measurable and objective criteria for the EU's trade policy and the engagement of EU citizens, better dialogue between the Commission and Parliament, more policy coherence and better scrutiny of all aspects of trade policy; stresses the role of *ex ante*, intermediate and *ex post* sustainable impact assessments in this regard; calls on the Commission

⁽¹⁷⁾ Non-paper from the Netherlands and France on trade, social economic effects and sustainable development, accessed at 'the Netherlands at International Organisations (permanentrepresentations.nl)'.

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to engage with Parliament at all stages of its proposals, follow up on proposals made by the DAGs, reinvigorate civil society dialogue and cooperate more intensively with civil society in the European Economic and Social Committee (EESC); calls for Parliament to structure regular consultations with the DAGs;

Multilateralism and Europe's geopolitical place in the world

41. Invites the Commission to identify possible concrete and specific actions and a roadmap to implement the concept of open strategic autonomy, and to ensure that all options are on the table; notes with concern that geopolitical competition and tensions have accelerated following the COVID-19 outbreak;

42. Recalls the geopolitical significance of a strong, diversified and resilient EU trade policy; recalls that the EU's high energy-dependency rate is a challenge for open strategic autonomy, which compels us to accelerate the energy transition; stresses that the EU's market strength, values and adherence to cooperation, fairness, reciprocity and rules-based trade should form the basis of our openness;

43. Strongly recommends that the EU seek out new and consolidate existing partnerships with like-minded partners; considers that plurilateral trade agreements with a limited number of partners and a focus on strategic issues offer a better and more concrete avenue for implementing the concept of open strategic autonomy and would attract support among civil society;

44. Stresses, however, that where cooperation is not possible, the EU should pursue its interests through autonomous measures to protect its values and fight against unfair trading practices in accordance with international law;

45. Welcomes the Trade Policy Review's affirmation of multilateralism and the extensive proposals made for the necessary in-depth WTO reform across all its functions;

46. Shares the emphasis placed by the Commission in its vision for WTO reform on economic recovery, sustainable development, unfair state subsidies and digital trade, and urges the Commission to expend all efforts to implement its agenda, including goals on gender, human rights and labour standards;

47. Stresses the importance of ensuring the swift connection of the WTO with other organisations in the multilateral system such as the WHO, achieving a consensus in Geneva, ensuring that international organisations work jointly on mastering global challenges, and concluding the fisheries subsidy negotiations at the 12th WTO Ministerial Conference;

48. Stresses the importance of the WTO trade and climate initiative and reiterates its support for an environmental goods agreement; welcomes, in this context, the approach of the new Director-General of the WTO and expects the Commission to strongly support her in order to provide new impetus to the organisation so that it can tackle the challenges the multilateral trading system is currently facing;

49. Stresses the importance of effective dispute settlement in establishing stability and predictability in the multilateral trading system and the need to resolve the current situation of the Appellate Body in cooperation with the US, in order to make it operational again and in this way ensure that trade disputes can be properly resolved; asks the Commission to propose as part of its WTO trade and climate initiative the inclusion of environmental expertise in the context of dispute settlements, where relevant;

50. Emphasises that reviving the WTO negotiating function will play a key role in any substantial reform of the organisation; notes, in particular, that competitive distortions caused by industrial subsidies and state-owned enterprises, particularly in China, need to be addressed and asks the Commission to put forward proposals to identify and differentiate categories of subsidies according to their contribution to legitimate public goals;

51. Underlines that in order to revive the WTO negotiating function, the EU must work together with like-minded partners to find common ground for WTO reform in the broadest sense; reaffirms that meaningful progress in WTO reform needs a broad consensus and coalitions of like-minded partners; calls on the Commission to continue engaging in plurilateral negotiations as a step towards multilateral agreements; supports the Commission's proposal to initiate

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negotiations on a plurilateral agreement on competitive neutrality with like-minded partners; is convinced that EU leadership and transatlantic cooperation are crucial for any meaningful WTO reform to succeed;

52. Calls for the Commission to actively pursue a solution to the mismatch between the level of development and the level of commitment taken within the international trading system; stresses that special attention has to be paid to developing countries and their specific needs in relation to economic growth, sustainable development and WTO reform;

53. Considers it essential that the next WTO Ministerial Conference address the sanctions regime to prevent the consequences of breaching international trade rules by some members from being paid by sectors not responsible for non-compliance;

54. Shares the suggestion made in the Trade Policy Review that the G20 should strengthen cooperation and coordinate efforts on their paths towards carbon neutrality and other aspects of the Green Deal; stresses, however, that in order for this approach to be effective, some G20 members will need to raise their emission reduction commitments; calls on the Commission to deliver an efficient carbon border adjustment mechanism;

55. Supports the new forward-looking transatlantic agenda based on common interests and shared values and goals, aiming to counterbalance the development of economic and trade cooperation in the Pacific, to achieve meaningful WTO reform and to find common solutions to common problems;

56. Recognises at the same time that some diverging interests remain; invites both the Commission and the US administration to cooperate closely in the new political context to secure a level playing field for businesses in order to increase market access for EU companies, continue to explore agreements on conformity assessment and the elimination of industrial tariffs, agree on ambitious social, technological and environmental standards, and build on each other's experience so as to promote such standards more efficiently on the global stage;

57. Urges both sides to solve bilateral trade disputes, supports the suspension of the Airbus-Boeing tariffs and urges that this matter be resolved permanently in order to find a solution to digital taxes; urges the US to remove the Section 232 tariffs on steel and aluminium;

58. Calls for joint efforts to put workers and companies at the centre of trade policy in order to emerge from the pandemic, speed up the economic recovery and facilitate trade in vaccines and essential medical goods; reiterates that we should work together to achieve meaningful WTO reform and reinstate a well-functioning Appellate Body; encourages both sides to stick to WTO commitments under the Agreement on Government Procurement (GPA) and to find common solutions to common problems, but underlines the need for the EU to act autonomously if needed;

59. Supports the joint communication entitled 'A new EU-US agenda for global change' and calls for the swift establishment of a new EU-US Trade and Technology Council; calls for close EU-US cooperation on emerging and disruptive technologies, including joint export and import restrictions vis-à-vis authoritarian states;

60. Calls on the Commission to put trade, the climate and related reforms at the core of transatlantic relations, while noting the high level of ambition that the new US administration is demonstrating in this area, which should also be based on new approaches such as those introduced by the US-Mexico-Canada Agreement (USMCA);

61. Is aware of the importance of the EU's trade relationship with China, which in 2020 became the biggest trading partner of the EU in terms of the trade in goods; firmly believes that EU-China trade relations require a more balanced and reciprocal approach; stresses that the process of the ratification of the EU-China Comprehensive Agreement on Investment (CAI), which can only start when the EU has achieved substantial progress in the elaboration of suitable and effective autonomous measures to be deployed in efforts to counter market-distorting practices and to defend strategic EU interests, including a ban on products made using forced labour, an upgraded trade defence toolbox and a working sanctions mechanism on human rights;

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62. Underlines that ratifying the CAI is unthinkable in the context of the evolving dynamics of the wider EU-China relationship and considers deeply regrettable the unacceptable Chinese escalation of placing elected Members of the European Parliament and European entities under sanctions, as this further erodes trust and hinders bilateral cooperation; underlines that the ratification process of the CAI will not start until the Chinese sanctions against Members and Parliament bodies are lifted;
63. Underlines that Parliament will carefully scrutinise the agreement, including its provisions on sustainable development, and reminds the Commission that it will take the human rights situation in China, including in Hong Kong, into account when asked to endorse the investment agreement;
64. Urges the Commission to move forward with an investment agreement with Taiwan, showing commitment to meaningful engagement in trade and investment relations and taking the necessary steps towards an impact assessment, public consultations and a scoping exercise before the end of 2021; reiterates the importance of the bilateral structural dialogue, including on matters related to multilateralism and the WTO, technology and public health, as well as essential cooperation on critical supplies such as semiconductors;
65. Welcomes the Trade Policy Review's engagement towards Africa and the Eastern and Southern Neighbourhoods in an effective, sustained and constructive fashion and calls for concrete steps to deepen the EU's relations with these partners, including in the field of energy;
66. Reiterates the importance of a strategic and sustainable partnership with South-East Asia and India; calls on the Commission, in this context, to remain engaged with the region and proactively promote rules-based trade relations for a comprehensive and ambitious Indo-Pacific strategy;
67. Points out that the COVID-19 crisis has underlined the significance of a new partnership with the African continent that fosters an inclusive and sustainable policy approach; underlines in this context that the issue of debt reductions and debt cancellations needs to be addressed; stresses that the EU needs to actively support the diversification of inner-African value chains;
68. Welcomes the entry into force of the African Continental Free Trade Area (AfCFTA) as an instrument to actively accompany Africa's regional, economic and political integration and to improve its access to global markets;
69. Underlines the importance of the EU's commitment to our trade relations with Latin America and the Caribbean, including the overseas countries and territories; expresses concern about the impact of COVID-19, especially on women, in this region;
70. Calls for all the EU institutions to maintain as a priority our trade and development cooperation and the development of greater resilience to pandemics and health emergencies; calls on the Commission to maintain a structural dialogue with partners in the abovementioned regions to this end;

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71. Instructs its President to forward this resolution to the Council and the Commission.
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P9_TA(2021)0331

Financial Activities of the European Investment Bank — annual report 2020**European Parliament resolution of 7 July 2021 on the financial activities of the European Investment Bank — annual report 2020 (2020/2124(INI))**

(2022/C 99/03)

The European Parliament,

- having regard to Articles 15, 126, 174, 175, 177, 208, 209, 271, 308 and 309 of the Treaty on the Functioning of the European Union (TFEU) and to Protocol No 5 to the Treaties on the Statute of the European Investment Bank (EIB),
- having regard to the climate strategy and new lending policy in the energy sector adopted by the EIB in November 2019,
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to the Commission communication of 14 January 2020 entitled ‘Sustainable Europe Investment Plan — European Green Deal Investment Plan’ (COM(2020)0021),
- having regard to the Commission proposal for a regulation of 14 January 2020 establishing the Just Transition Fund (COM(2020)0022),
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽¹⁾,
- having regard to the EIB Financial Report for 2019, published on 5 May 2020,
- having regard to the EIB Activity Report for 2019 entitled ‘The Green Thread’, published on 7 May 2020,
- having regard to the adoption of the Climate Bank Roadmap by the EIB Board of Directors on 11 November 2020 and to the EIB’s new climate strategy of November 2020,
- having regard to the report on EIB Operations Inside the European Union 2019, published on 3 September 2019,
- having regard to the report on EIB-supported projects outside the EU in 2019 entitled ‘Global reach: the impact of the EIB beyond the European Union’, published on 10 December 2020,
- having regard to the EIB’s Financial Report and Statistical Report for 2019, published on 5 May and 7 May 2020,
- having regard to the EIB’s Audit Committee Annual Reports, Fraud Investigations Activity Report and Complaints Mechanism Report for 2019,
- having regard to the EIB Group Risk Management Disclosure Report for 2019, published on 6 July 2020,
- having regard to the EIB’s approval of the ratification of the Paris Agreement by the EU of 7 October 2016,
- having regard to the UN Sustainable Development Goals (SDGs),
- having regard to the Commission communication of 13 March 2020 on a coordinated economic response to the COVID-19 outbreak (COM(2020)0112),

⁽¹⁾ Texts adopted, P9_TA(2020)0005.

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- having regard to Regulation (EU) 2020/460 of the European Parliament and of the Council of 30 March 2020 amending Regulations (EU) No 1301/2013, (EU) No 1303/2013 and (EU) No 508/2014 as regards specific measures to mobilise investments in the healthcare systems of Member States and in other sectors of their economies in response to the COVID-19 outbreak (Coronavirus Response Investment Initiative) ⁽²⁾,
 - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽³⁾,
 - having regard to its resolution of 13 November 2020 on the Sustainable Europe Investment Plan — How to finance the Green Deal ⁽⁴⁾,
 - having regard to the European Council conclusions of 11 December 2020 on the multiannual financial framework (MFF) and Next Generation EU, COVID-19, climate change, security and external relations,
 - having regard to special report no 03/2019 of the European Court of Auditors (ECA) entitled 'European Fund for Strategic Investments: Action needed to make EFSI a full success', published on 29 January 2019,
 - having regard to the EIB Activity Report for 2020 entitled 'Crisis Solutions', published on 20 January 2021,
 - having regard to special report no 12/2020 of the ECA entitled 'The European Investment Advisory Hub — Launched to boost investment in the EU, the Hub's impact remains limited', published on 12 May 2020,
 - having regard to its resolution of 16 January 2020 on institutions and bodies of the Economic and Monetary Union: preventing post-public employment conflicts of interest ⁽⁵⁾,
 - having regard to the letter from the Ombudsman to the President of the EIB of 22 July 2016 on conflict of interest issues and the reply from the President of the EIB of 31 January 2017,
 - having regard to the decision of the Ombudsman in case 2168/2019/KR on the European Banking Authority's decision to approve the request from its Executive Director to become CEO of a financial lobby group,
 - having regard to the 2019 report by Counter Balance entitled 'Is the EIB up to the task in tackling fraud and corruption? Challenges for the EU Bank's governance framework',
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Development and the Committee on Budget,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0200/2021),
- A. whereas under Article 309 TFEU and in line with the case law of the Court of Justice of the European Union, the EIB is tasked with contributing to the achievement of the Union's objectives, including through various investment instruments such as loans, equities, guarantees, risk-sharing facilities and advisory services;
- B. whereas under Article 18 of its Statute, the EIB must ensure that its funds are employed as rationally as possible in the interests of the Union;
- C. whereas the EIB is the public lending arm of the European Union and one of the biggest multilateral financial institutions in the world; whereas, as a consequence, the EIB is the EU's natural partner for the implementation of financial instruments, in close cooperation with national and multilateral financial institutions;

⁽²⁾ OJ L 99, 31.3.2020, p. 5.

⁽³⁾ Texts adopted, P9_TA(2020)0054.

⁽⁴⁾ Texts adopted, P9_TA(2020)0305.

⁽⁵⁾ Texts adopted, P9_TA(2020)0017.

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- D. whereas the EIB took on a significant role in mobilising finance for the economy, in particular small and medium-sized enterprises (SMEs), following the economic fallout caused by the COVID-19 pandemic which began in 2020;
- E. whereas the EIB plays an important role in the EU's strategy to tackle climate and environment related challenges, as outlined by the Commission, with EUR 350 billion of additional investment needed annually to achieve the updated 2030 climate and energy targets;
- F. whereas the EIB committed in 2019 to support the objectives of the European Green Deal, align all its financing activities with the goals of the Paris Agreement and become the 'EU Climate Bank';
- G. whereas the EIB Board of Directors has approved the Climate Bank Roadmap for 2021-2025;
- H. whereas the EIB has started the review process of its 2011 transport lending policy, with the goal of supporting accessible, efficient, green and safe transport;
- I. whereas support for SMEs and mid-caps (companies of medium-size value) is a fundamental public policy goal of the EIB; whereas in 2020 alone, the EIB Group supported over 425 000 SMEs and mid-caps with new financing; whereas support for SMEs accounted for 40 % of overall EIB signature volume;
- J. whereas EIB investment has the capacity to support the social sector, including health, education and housing;
- K. whereas in 2020 the EIB approved loans worth EUR 10,23 billion for projects outside the Union, including EUR 2,3 billion in least developed countries (LDCs);
- L. whereas the high-level group of wise persons on the European financial architecture for development released its final report on 7 October 2019, in which it outlined the three following possible options for building the future European Climate and Sustainable Development Bank: a) building on the European Bank for Reconstruction and Development (EBRD) and the external financing activities of the EIB; b) pulling together the external activities of the current EU financial institutions in a new financial institution with mixed ownership; c) transferring all external activities of the EIB into an EIB subsidiary with significant other shareholders; whereas the Council conclusions of December 2019 indicated that only options a) and c) should be explored; whereas the results of feasibility studies on each option, which were supposed to be delivered in autumn 2020, still have not been delivered;
- M. whereas the EIB Group is currently working to develop counterparty alignment guidelines with environmental and sustainability objectives;

General considerations

1. Expresses serious concerns about the severe macroeconomic imbalances deriving from the COVID-19 crisis and their related impact on sustainable economic growth, investment, resilience, employment rates, education and socio-economic inequalities; stresses that the economic and social crisis caused by the COVID-19 pandemic has significantly harmed economic growth in the EU and that one of the main fallouts is the decline in investment, which is currently insufficient to fulfil EU's objectives; underlines that the fall in public and private investment has reached alarming levels;
2. Highlights the fundamental role of the EIB as the EU's public bank — being the only international financial institution that is entirely owned by EU Member States and fully guided by EU policies and standards — in supporting the economic recovery in the post-pandemic context and targeting investments for the materialisation of European priorities;
3. Underlines the EIB's crucial role in supporting the economic recovery in the short and medium term in conjunction with the European Green Deal, the European Climate Law, the European Industrial Strategy, the Next Generation EU (NGEU) Recovery Instrument, the EU's long-term budget, InvestEU and other European financial instruments; welcomes the EIB's financial engagement in InvestEU as a way to help overcome the investment gap in the EU, the root causes of which still need to be addressed; welcomes, moreover, the EIB's central role in supplying advisory support under the InvestEU Advisory Hub;

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4. Supports the European Council's conclusion that the EIB should have the necessary capital to implement Union policies and the invitation to the EIB Board of Governors to review the capital adequacy of the EIB in view of the instruments included in the MFF and NGEU, as well as the Bank's contribution to the Union's ambitions in fighting climate change and digitalising Europe's economy;
5. Takes the view that a capital increase is justified in order to allow the Bank to provide long-term finance, foster inclusive sustainable growth, social and regional cohesion and support key real economy investments which otherwise would have not taken place, while keeping the current AAA status, which is an important asset for the Bank;
6. Notes that the EIB is a highly leveraged institution; calls on the shareholders of the EIB to reflect on the optimal equity structure and agree on a capital increase, both cash-in and callable in nature; emphasises that a capital increase should go hand in hand with greater transparency, democratic accountability, efficiency in the management structure and environmental sustainability;
7. Calls on the Commission, in this context, to study the possibility of being represented on the EIB Board of Governors through the subscription of EIB capital using funds from the EU budget;
8. Notes that, according to the Commission's 2030 Climate Target Plan, over the period 2021-2030 the EU will need to invest EUR 350 billion more annually than it did over the period 2011-2020; stresses that an even larger role for the EIB is required to meet this climate investment gap; calls on the Board of Governors to seize the opportunity of favourable lending conditions for the EIB to increase issuance and maturity of bonds while preserving its strong capital position;
9. Welcomes the recent capital increase of the European Investment Fund (EIF) ⁽⁶⁾;
10. Asks the EIB as the EU's public bank to make the utmost concerted efforts to deliver strong and policy-driven financing activity in line with the respective legal provisions that deliver economic efficiencies, support sustainable growth and do not hamper access to high-quality public services; calls on the EIB to give priority to public purpose projects that promote EU policy objectives and sustainable economic growth, in particular those that would not otherwise be 'bankable', both within and outside the EU, with a view to addressing the unprecedented global challenges of the decades to come, in particular combating climate change;
11. Calls on the EIB to further strengthen its in-house capacity and expertise to ensure a mission-driven long-term commitment in its partnerships, promote coordination among national and regional actors, and further develop conditions for higher risk taking in innovation and growth-inducing investments;
12. Emphasises the importance of the additionality factor to be provided by the EIB to investments across the EU; underlines the need to coordinate strategies with other European institutions and multilateral and National Development Banks;
13. Commends the EIB's efforts in setting out targets and encourages it to strengthen implementation on the ground of its environmental and social standards and to improve evaluations of the economic, social and environmental impacts of projects supported, as well as their additionality and sustainability;
14. Stresses that the EIB must seek to avoid crowding out private investments through its activities;
15. Stresses the importance of avoiding further geographical imbalances in the EIB's lending activity so as to ensure a broader geographical and sectoral allocation of investments, address regional disparities, namely those resulting from long-term investment deficits and geographical disadvantages, and enhance economic and social convergence and cohesion;
16. Welcomes the efforts already made by the EIB in this regard but stresses that more needs to be done, as recent reports demonstrate a persistently high level of geographical concentration of projects;

⁽⁶⁾ <https://www.eib.org/en/press/all/2021-060-capital-increase-for-eif-boosts-finance-for-covid-19-impacted-companies-and-strengthens-support-for-green-and-digital-transformation-of-the-eu-economy>.

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17. Calls for the EIB to contribute to addressing systemic deficiencies that prevent certain regions or countries from taking full advantage of EIB financial opportunities by, inter alia, strengthening its efforts to expand its loan activities, providing technical assistance and advisory support, especially in regions which attract low investment and which did not benefit significantly from the derogation from the State-aid rules during the pandemic crisis because of a lack of financial capacity or room for manoeuvre of the state;

Mobilising funds to tackle the COVID-19 pandemic

18. Welcomes the EIB's rapid mobilisation of up to EUR 40 billion of emergency financing to fight the crisis caused by the COVID-19 outbreak, through the setting up of loans, credit holidays and measures to alleviate the liquidity of SMEs and mid-caps;

19. Welcomes, in addition, the subsequent creation of the EUR 25 billion European Guarantee Fund (EGF) in response to the COVID-19 crisis, not least its positive impact in providing financial support to SMEs and the health sector; regrets, however, the slow roll-out of the EGF, with the first funds only approved in late 2020 due to late submission from Member States and State aid clearing processes; stresses that the EGF was set up to be temporary in nature; suggests that the EGF should remain operational beyond 2021 given the prolonged impact of the COVID-19 crisis and the repeated lockdowns in many Member States;

20. Notes that support guaranteed by the EGF to financial intermediaries should be subject to a number of assessment criteria, such as environmental, social and corporate governance policies;

21. Calls on the EIB to consider proposing additional incentives for projects and credit lines already approved in order to get the projects off the ground as soon as possible and ensure the swift implementation of funds;

22. Welcomes the creation of a EUR 6 billion investment instrument to support the financing of the healthcare sector, namely medical infrastructure, research, and the development of vaccines; calls on the EIB to prioritise the strengthening of public health systems;

23. Notes that in the context of the COVID-19 response and as of 30 September 2020, the EIB has approved 84 operations within the EU for a total investment of EUR 23,5 billion; notes also that 88 % of the approved operations were allocated to SMEs and mid-caps and the health sector; highlights the importance of supporting SMEs, as the effects of the COVID-19 pandemic are particularly hard for these companies;

24. Welcomes the creation of a targeted financing initiative of up to EUR 5,2 billion in response to the COVID-19 pandemic in order to support countries outside the EU;

25. Welcomes the EIB's participation in COVAX, with an investment of EUR 400 million in the COVAX Advanced Market Commitment;

26. Underlines that in the light of the successive and unpredictable waves of COVID-19 infections, these instruments will need to be further strengthened, enforced, and extended; asks the EIB to stand ready to upscale existing instruments and launch new supportive financial initiatives, as appropriate;

Becoming the EU Climate Bank

27. Welcomes the fact that in 2020, 40 % of the EIB's lending was environment and climate related;

28. Welcomes the fact that the EIB is the world's largest issuer of green bonds which have raised EUR 34,6 billion of Climate Awareness Bonds and Sustainability Awareness Bonds over 12 years; calls on the EIB to continue and to expand the issuance of green bonds to enhance the liquidity of that market and to remain involved in the development of an EU green bond standard;

29. Welcomes the new Climate Risk Assessment (CRA) system established to assess the physical climate risk in direct lending and suggests that the EIB propose harmonised screening methods in its action plans, using, where appropriate the Taxonomy Regulation ⁽⁷⁾;

⁽⁷⁾ 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, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

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30. Welcomes the EIB's commitment to support the Commission's Sustainable Finance Action Plan, in particular by aligning with the EU taxonomy for tracking climate action and environmental sustainability finance, and by adopting the 'Do No Significant Harm' criteria as a basis on which to evaluate projects;

31. Calls on the EIB to uphold its commitment to align all of its operations with the objectives of the Paris Agreement as soon as possible, and in a timeframe that is coherent with the EU's objective of achieving climate neutrality by 2050 at the latest; highlights that developing advanced alternative and sustainable fuels will require significant investments in order to overcome the current technological frontier; calls on the EIB to establish and conclude green transition contracts for high emitting sectors in order to ensure that they align their business models with climate neutrality objectives;

32. Recognises the need for the EU and its Member States to redirect capital flows towards climate adaptation and mitigation in order to make our economies, businesses and societies more resilient to climate and environmental shocks and risks;

33. Welcomes the adoption by the EIB Board of Directors of the ambitious EIB Climate Bank Roadmap for 2021-2025, and the inclusion of the shadow carbon pricing mechanism in particular, which provides a crucial framework to support the transition and implementation of the European Green Deal and marks a decisive step towards making the EIB the EU Climate Bank, promoting sustainable investments and protecting the environment during the critical decade ahead;

34. Welcomes the EIB's climate leadership and the decision to increase EIB financing for climate action and environmental sustainability, including renewable energies, from around 30 % to at least 50 % by 2025;

35. Notes that the roadmap envisages the introduction of a transition period until the end of 2022, which causes a delay in the alignment with the objectives of the Paris Agreement; calls on the EIB to strive for maximum compliance with the Paris Agreement in the ongoing appraisal procedures, and full compliance as of 2023 at the latest;

36. Notes that the EIB will structure future work on the implementation of the Roadmap around ten new action plans, which will build on the first five years of implementation of the EIB's 2015 climate strategy; demands, in this context, to be regularly and fully informed on the implementation of the Roadmap;

37. Calls on the EIB to take into account the inputs from relevant stakeholders, local authorities, trade unions and NGOs in its investment strategy as the EU's Climate Bank and in the context of the implementation of the Roadmap;

38. Welcomes the EIB's development of a biodiversity risk assessment and the adoption of the Environmental, Climate and Social Guidelines on Hydropower Development; recalls that biodiversity protection is fundamental for EU sustainability, with critical effects for European economic, health and food conditions; calls on the EIB to further develop biodiversity-proofing components in its financial instruments in order to avoid adverse effects on biodiversity;

39. Acknowledges the challenges and progress achieved during the implementation of the Natural Capital Financing Facility (NCFF); calls on the EIB to consider providing a grant component under the NCFF to support the initial scaling up of local projects and facilitate generating revenues; believes that an evaluation of the NCFF should be embedded in a broader assessment of the EIB on how to support ecosystem and biodiversity restoration in the EU;

40. Welcomes the commitment by the EIB in the Climate Bank Roadmap to focus support on sustainable rearing and dairy industries, and in particular to address animal welfare;

41. Calls on the EIB Group to use its new operations as a way of supporting the goals of the EU Chemicals Strategy for Sustainability, since they would boost innovation for safe and sustainable-by-design chemicals, materials and products, the Circular Economy Action Plan based on non-toxic material cycles and the upcoming Zero Pollution Action Plan for water, air and soil;

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42. Welcomes the upcoming review of the EIB's transport lending policy and the EIB's commitment to end support to airport expansions by the end of 2022; stresses the importance of aligning the EIB's transport portfolio and transport lending policy with the Paris Agreement as soon as possible;

43. Calls for the swift adoption of a new transport financing policy strategy aimed at decarbonising the EU transport sector by 2050 at the latest and promoting accessible, efficient, green and safe means of transport; underlines, in this context, that the EIB should continue its engagement in financing innovation and green technology for aviation; requests in this context that the new transport policy also take into account the geographical features of EU regions, such as insular, innermost and outermost regions;

44. Calls on the EIB to increase support for modal shifts towards low-carbon transportation, such as cycling and public transport, in particular for underserved communities and localities;

45. Highlights the crucial role of the EIB in meeting the goals of the Just Transition Mechanism and asks for more commitment and concrete action in this respect, namely through structural programme loans, InvestEU and as a financing partner for the public sector loan facility; invites the EIB to use its role as financing partner for the public sector loan facility as an opportunity to strengthen its capacity to finance smaller projects and community-led initiatives and to build partnerships with municipalities and other public entities so that no one is left behind in the process of economic transition;

46. Underlines that Member States and regions have different starting points; notes that the transition towards a carbon-neutral economy must be inclusive and fair, and must leave no one behind; emphasises that special attention should be paid to the protection of the citizens and workers that will be most affected by the transition; suggests that the EIB proactively work with Member States with a view to supporting regions where jobs are highly dependent on high-emitting industries;

47. Welcomes the new EIB energy lending policy and its commitment to end investments in fossil fuel by the end of 2021; calls on the EIB to assess the compatibility of investments made in 2021 towards high-carbon projects with the updated 2030 climate targets; insists that the EIB implement the principle of energy efficiency and set the objective of tackling energy poverty in all its energy lending;

48. Welcomes the Smart Finance for Smart Buildings initiative that facilitates investments in energy efficiency projects; calls for the reinforcement of housing investments promoting energy efficiency and tackling energy poverty, and for further investments in social and affordable housing, also to contribute to the renovation wave strategy;

Support for innovation, SMEs, industry and digitalisation

49. Considers that mistakes of the past should not be repeated and that efficient investment in innovation, infrastructure, education and skills are crucial elements to recover from the economic and social crisis, ensure sustainable and inclusive growth and create high-quality jobs and long-term competitiveness; emphasises, in addition, that a regulatory environment composed of predictable rules, a level playing field and administrative efficiency also contributes to crowding in private investment;

50. Welcomes the fact that in 2020 the EIB supported innovation and skills with EUR 14,43 billion; calls on the EIB to further enhance its support for innovation and skills;

51. Highlights the importance of the EIB's role in the success of the InvestEU programme in the post-pandemic recovery; underlines that the EIB will continue to be the main investment partner for the implementation of the InvestEU programme;

52. Hopes that the new InvestEU programme will enable further risk-taking by the EIB in real economy projects and support for SMEs in particular, including through capital support;

53. Recalls that SMEs are the backbone of Europe's economy, representing 99 % of all businesses in the EU and employing around 100 million people; welcomes the fact that in 2020 the EIB provided financing for SMEs and mid-caps, with investment totalling EUR 30,56 billion and supporting 425 000 companies;

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54. Reiterates that supporting microenterprises, SMEs and mid-caps must remain a key objective for the EIB, and one that should be further strengthened during the current economic crisis, notably to assist them with financing, internationalisation, decarbonisation and access to ICT tools; stresses that SMEs often have limited administrative resources available and thus should benefit from easily accessible financing channels; welcomes efforts made to provide online assistance and counselling to SMEs in accessing EIB lending and calls for this advisory capacity to be extended;

55. Calls on the EIB to complement efforts to build a data-driven society in a transparent, trustworthy, interoperable and inclusive manner, with a particular focus on the adaptation of SMEs to enhance their competitiveness;

56. Stresses, in this regard, that European SMEs are lagging behind in embracing digital technologies with only 66 % of manufacturing companies in the EU adopting at least one digital technology;

57. Highlights the need to upscale lending to female-led SMEs to promote a more gender equal recovery;

58. Calls on the EIB to mobilise sufficient support for infrastructure towards delivering faster internet speed to all regions in the EU and bridging the existing digital divide, and also requests that the EIB continue its support for advancing digital skills, in particular for employees in sectors of the economy in need of adjustment and requalification;

59. Notes that the COVID-19 outbreak revealed the fragility of the EU's supply chains and the insufficiency of IT networks; calls on the EIB to align its investment strategy to help ensure greater resilience of the internal market's value chains and strengthen the European industrial sector, especially in strategic areas;

60. Calls on the EIB to play a role in assisting and financing the creation of innovation ecosystems and knowledge economies throughout the EU, and in promoting place-based industrial transformation, where universities, businesses, SMEs and start-ups can develop long-lasting partnerships for the common good and which can make a meaningful contribution to achieving the objectives of the Green Deal and the digitalisation of the economy;

61. Highlights the need for the EIB to have a strong focus on projects directed towards young people, especially for start-ups and projects directed towards tackling the increasingly significant problem of youth unemployment and young people in precarious jobs;

Investment in social infrastructure and welfare

62. Notes that during the ongoing COVID-19 crisis, social welfare systems in the Member States have come under unprecedented strain; calls on the EIB to partner with the Commission and the Member States to increase investment in the social sector;

63. Acknowledges that the COVID-19 crisis has had a disproportionate impact on certain parts of society; urges the EIB to assist Member States in projects that address inequalities, including gender inequalities, and those affecting marginalised communities;

64. Welcomes the EIB's commitment to invest in the social sector, thereby fostering well-being, access to education, health and housing, as well as the acquisition of skills required in a modern knowledge-based economy;

65. Calls on the EIB to support projects in Member States which deliver on the implementation of the European Pillar of Social Rights, the SDGs and the social reforms identified in country specific recommendations under the European Semester;

66. Notes that the COVID-19 pandemic has had negative impacts on children's education and well-being across the globe, with millions of children still without access to education due to lockdown measures and therefore at risk of regression and suffering potential lifelong effects; welcomes the EIB's investment in education, as it helps to fight poverty and inequalities, boosts economic growth and improves gender equality; calls on the EIB to increase its investment in education to help mitigate the severe impact of the COVID-19 crisis on education systems globally;

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Supporting development and sustainability outside the EU

67. Welcomes the fact that the EIB is the largest multilateral lender in the world that strives to support EU external cooperation and development policies; notes that the EIB has been active outside the EU for over 50 years, with EUR 150,1 billion in loans granted in 150 different countries as of the end of 2020, of which EUR 10,23 billion were signed in 2020;

68. Calls on the EIB to apply a suspension to its pending loans, to carefully assess the debt impact of its future operations, and to express public support for the creation of a multilateral debt workout mechanism to address both the impact of the crisis and the financing requirements of the 2030 Agenda, given that all EIB shareholders are committed to the G20 commitment to suspend the debt of 77 countries following the debt crisis linked to the COVID-19 outbreak;

69. Stresses the need for full alignment of EIB investments in third countries with EU external action and sustainable development priorities;

70. Acknowledges that the EIB will further reinforce its support to green investment outside the EU; insists that the EIB should apply the same standards and criteria to assess and evaluate projects inside and outside the Union, including those recently agreed in the Climate Bank Roadmap;

71. Considers, in this context, that the EIB should enhance its monitoring of and reporting on projects outside the EU and improve its analysis of their economic, social and environmental impacts and increase the efficiency of the Results Measurement Framework (REM), while strengthening human rights due diligence for projects in non-EU countries;

72. Takes the view that tailored indicators to measure the reduction of inequalities, tax revenue generation for host countries, and the impact on gender balance and marginalised groups should also be considered;

73. Notes that private sector investment will be essential to fill the funding gap for the SDGs; recalls the crucial role of the EIB in de-risking private investment, particularly in fragile contexts; is concerned, however, about the use of EU development funds for de-risking private investment given the lack of evidence as to the capacity of this financial modality to demonstrate additionality and fulfil development objectives, as recently reported in the final review of EFSD as well as the opinion of the European Court of Auditors (No 7/2020); stresses the need for donors to prioritise grant-based financing as the default option, especially for LDCs, and for them not to favour blending, guarantees or any loans over grants, since they fall short of the SDGs and could increase countries' burden of debt;

74. Welcomes the agreement reached between the European Council and Parliament on the regulation setting up the Neighbourhood, Development and International Cooperation Instrument; notes in particular the role that the EIB will play in the context of the European Fund for Sustainable Investment;

75. Highlights that climate change is a crucial challenge to achieving sustainable development, as it threatens to worsen living conditions and poverty; calls therefore for the EIB to prioritise investment in projects that helps third countries to realise the UN Sustainable Development Goals and that delivers on social and environmental justice, food security, public services and fair economic opportunities for citizens; appreciates that the EIB will further reinforce its support to green investment outside the EU, which will help underline the EU's role as a global leader on climate and environmental sustainability;

76. Calls on the EIB, while respecting its external lending mandate, to increase its engagement in least developed countries and those experiencing conflict, enhance cooperation with EU delegations, and increase its presence on the ground with additional staff focusing on development issues;

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Delivering on governance, accountability, transparency and integrity

77. Recalls its request for an interinstitutional agreement between the EIB and Parliament in order to improve access to EIB documents and data and enhance democratic accountability, including the ability to submit questions for written answer to the EIB, and the specification of the rights of Parliament and its Members as regards access to documents and data, and the organisation of hearings and economic dialogues;

78. Proposes, in addition, and in the meantime, the establishment of a protocol for an interim Memorandum of Cooperation between the EIB and Parliament, applicable with immediate effect, in order to improve interinstitutional dialogue and enhance the EIB's transparency and accountability;

79. Calls on the EIB to increase its reporting to Parliament regarding its decisions, progress achieved and the impact of its lending activities, notably through regular structured dialogues, and to apply the same reporting and accountability provisions as set out in the EFSI Regulation ⁽⁸⁾;

80. Calls on the EIB to step up its efforts in terms of communication; believes it is vital that it should engage with EU citizens in order to better explain the aims of its policies and illustrate its contribution to the daily lives of its citizens;

81. Welcomes the EIB's launch of a public consultation on the review of its transparency policy in December 2020; notes, however, that the current proposal falls short of meeting the demands made by Parliament and civil society organisations to step up its transparency policy in line with the best practices and standards employed by other financial institutions;

82. Calls on the EIB to ensure the timely publication of more ample information on all its financing activities in line with international best practices, including environmental and social assessments, in order to make them accessible to potential beneficiaries, affected groups and local civil society organisations;

83. Reiterates its call on the EIB to operate on the basis of the 'presumption of disclosure'; calls notably for the timely publication of the agendas and minutes of meetings of the Management Committee and welcomes the publication of the agenda and minutes of the meeting of the Board of Directors; underlines that the future transparency policy should reinforce the transparency requirements for all its operations and require project promoters to make environmental impact assessments (EIAs) publicly available, by including stringent, yet proportionate, transparency obligations in the specific contractual clauses signed with all EIB clients;

84. Reiterates its call for the disclosure of the opinions issued by the Commission within the framework of the procedure in accordance with Article 19 of the EIB Statute on the EIB financing operations for the purpose of assessing their compliance with the relevant EU legislation and EU policies; calls on the Commission and the EIB to reach an agreement to ensure full transparency on such opinions and their underlying rationale;

85. Notes that the appointment of the former EIB vice-president as a member of Iberdrola's Board of Directors raised serious concerns regarding risks of conflicts of interest, despite the fact that the move was duly notified in advance and has complied with the provisions applicable to former members of the EIB Management Committee; notes further that a binding opinion from the EIB Ethics and Compliance Committee issued prior to the nomination did not raise any objection to the case and asks for further explanation to be provided regarding this opinion; notes that this post-public employment with barely any cooling-off period constitutes a risk to the reputation and independence of the EIB; recalls that the European Ombudsman found that the European Banking Authority's decision not to forbid its Executive Director from becoming the CEO of a financial industry lobby was maladministration and that forbidding the job move would have been a necessary and proportionate measure; calls on the EIB to evaluate the need to further improve rules and practices regarding conflicts of interest;

⁽⁸⁾ Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments (OJ L 169, 1.7.2015, p. 1).

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86. Expresses its concern that the eight EIB vice-presidents, in addition to their sectoral responsibilities, oversee project proposals from their home countries, alongside other country responsibilities; regrets the failure of the EIB to act on Parliament's request to include in the Code of Conduct of the Management Committee a provision excluding the possibility of their Members overseeing lending or the implementation of projects in their home countries;

87. Welcomes the EIB's internal review and the revision of its anti-fraud policy and its intention to elevate the policy to group level, thereby applying it to both the EIB and the EIF; urges the EIB to take an ambitious and broad approach to this review and address the existing weaknesses in its due diligence and internal control mechanisms and to strengthen its policy against fraud and corruption, in line with the repeated demands of Parliament;

88. Stresses the importance of the EIB's anti-fraud investigative office having robust competences, sufficient resources and independence; calls on the EIB to enhance its cooperation with the European Ombudsman, the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO) where appropriate, and to report criminal cases to national authorities; urges the EIB to strengthen the autonomy and efficiency of the Complaint Mechanism Office and the Fraud Investigation Division;

89. Recalls that the Commission asked the EIB to share more information on the effective application of contractual clauses enabling the EIB to halt or withdraw funding ⁽⁹⁾ and expects that Parliament will have full access to this information;

90. Welcomes the progress achieved with the implementation of the EIB's Group Strategy on Gender Equality and Gender Action Plan; takes note of the 2019 Progress Report on Diversity and Inclusion; notes that women represent 51,4 % of the EIB workforce;

91. Regrets the fact that women are still not sufficiently represented in managerial and senior office positions; believes that more needs to be done in this regard during the implementation of the second phase of the action plan in 2021, and calls, therefore, on the EIB to further encourage the participation of women and actively promote balanced gender representation in its senior positions; calls on the EIB to further enhance the promotion of all forms of diversity and inclusion within its organisation and to set ambitious targets;

92. Urges the EIB to collect, where possible, gender-disaggregated data and to develop tools and methodologies to conduct gender analysis and gender impact assessment for EIB projects and operations both inside and outside the European Union, and to consult with independent experts to this end;

93. Expresses serious concerns about allegations regarding harassment and the working environment at the EIB; recognises that recent efforts have been made by the EIB to address these and other relevant staff issues; urges the EIB to ensure that a policy of zero tolerance towards all types of harassment is effectively implemented, including preventive and protective measures as well as proper and reliable complaint and victim support mechanisms; urges the EIB management to genuinely engage in dialogue with staff representatives in order to address their concerns;

94. Welcomes the fact that the EIB will review its environmental and social standards and calls for a wide and inclusive public consultation on these issues; highlights the potential for the EIB to include further standards on other policy priorities; calls on the EIB to include social considerations when evaluating adverse impacts of potential investments;

95. Reiterates that sustainability, as defined in EU law ⁽¹⁰⁾, is a broad concept and that investments are sustainable only if they take into account the 'do no significant harm' (DNSH) principle in connection with social or environmental sustainability objectives; welcomes the fact that the EIB committed to fully aligning its tracking methodology for climate action and environmental sustainability objectives with the framework defined by the EU Taxonomy, including the incorporation of the DNSH ⁽¹¹⁾ in all its operations;

⁽⁹⁾ Executive summary of the evaluation of Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (SWD(2019)0333), 13 September 2019.

⁽¹⁰⁾ Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1), Article 2.

⁽¹¹⁾ EIB Climate Bank Roadmap, p. 55.

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96. Calls on the EIB to take this opportunity to strengthen its human rights policy; expects notably that human rights due diligence obligations be reinforced and that the human rights dimension in its project planning be made more prevalent, in particular for projects in non-EU countries;

97. Expects the EIB to conduct thorough monitoring that fully takes into account concerns expressed by concerned parties and stakeholders, in particular those pertaining to human rights violations;

98. Highlights that investee companies of the EIB should follow good governance principles, including in tax matters; welcomes the fact that the EIB does not enter into new or renewed operations with entities incorporated or established in jurisdictions listed for tax and anti-money laundering/combating financing of terrorism (AML-CFT) purposes and that a case-by-case risk assessment is carried out when contracting counterparties are incorporated or established in jurisdictions which are generally cooperative but have not yet solved outstanding tax good governance deficiencies (jurisdictions listed in Annex II to the EU list of non-cooperative jurisdictions);

99. Highlights that extensive checks are required to ensure that counterparties do not benefit from other legal links to such jurisdictions; calls on the EIB to enforce prevention measures and regular assessments against the use of non-cooperative tax jurisdictions, and of harmful tax practices by partners;

100. Encourages the EIB Group to update in the future its non-cooperative jurisdiction (NCJ) policy on the basis of future developments to tax good governance in the EU or at international level; recalls that the policy provides for a general prohibition from entering into operations with contracting counterparties incorporated or established in NCJs, except under strict conditions;

101. Takes note of the December 2020 Anti-Money Laundering and Combating Financing of Terrorism Framework of the EIB; is concerned that the framework outlined is not detailed on specific procedures to align the Bank's activities with EU law, namely on customer due diligence and in particular when enhanced due diligence takes place;

102. Reiterates previous concerns expressed by Parliament about the lack of control over the funds managed by financial intermediaries and the difficulty of monitoring final beneficiaries and compliance with eligibility criteria;

103. Welcomes the fact that the EIB is currently working to develop counterparty alignment guidelines; invites the EIB to develop an ambitious action plan for a 'counterparts alignment framework' and ensure that the guidelines provide for greater transparency and stricter due diligence over its partners and their eligibility to disburse EIB-backed funds under strict conditionality, comprising ethical, integrity, social and environmental criteria; reiterates that this framework should also include future requirements for all financial intermediaries and corporate clients to have in place a forward-looking decarbonisation plan aligned with the Paris Agreement using science-based emissions targets as soon as possible and no later than 2025, without prejudice to the ability of the EIB to offer technical assistance on devising such decarbonisation plans;

104. Asks the EIB, while preserving commercially sensitive data, to publish more regular, in-depth and comprehensive information on the financial intermediaries responsible for leveraging EIB funds (198) and to include contractual clauses concerning mandatory disclosures from these institutions on lending activity;

105. Stresses that the EIB should reinforce and make full use of contractual clauses enabling it to suspend disbursements or other mitigating measures to protect the integrity and reputation of its operations in cases of projects' non-compliance with environmental, social, human rights, tax and transparency standards;

106. Calls for a stringent exclusion policy for the exclusion of entities found engaged in fraud, corruption, money laundering or other forms of wrongdoing from EIB financing;

107. Welcomes the European Court of Auditors' (ECA) work with respect to Union budget funds managed by the EIB and calls on the institutions to agree on enhancing ECA audit rights within the limits of the EU Treaties;

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108. Takes note of the ECA's criticism in its special report no 12/2020 entitled 'The European Investment Advisory Hub — Launched to boost investment in the EU, the Hub's impact remains limited' and calls on the EIB to draw the necessary conclusions for its work going forward;

109. Invites the ECA to produce a special report with recommendations on the performance of the EIB's activities and their alignment with EU policies and objectives;

110. Takes note of the ECA's special report no 3/2019 entitled 'European Fund for Strategic Investments: Action needed to make EFSI a full success', in particular its observations on the need for comparable performance and monitoring indicators for all EU financial instruments and budgetary guarantees; calls on the Commission to ensure proper follow-up in collaboration with the EIB, as a major implementer in the context of InvestEU;

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111. Instructs its President to forward this resolution to the Council, the Commission, the European Investment Bank, and the governments and parliaments of the Member States.

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P9_TA(2021)0332

Control of the financial activities of the European Investment Bank — annual report 2019

European Parliament resolution of 7 July 2021 on control of the financial activities of the European Investment Bank — annual report 2019 (2020/2245(INI))

(2022/C 99/04)

The European Parliament,

- having regard to the European Investment Bank (EIB) Group 2019 Activity Report,
- having regard to the EIB Group Financial Report 2019 and the EIB Group Statistical Report 2019,
- having regard to the EIB Group Sustainability Report 2019 and its accompanying EIB Group Carbon Footprint Report,
- having regard to the Report on the implementation of the EIB Group Transparency Policy in 2019,
- having regard to the EIB Complaints Mechanism Report 2019,
- having regard to the Annual Report 2019 on EIB Activity in Africa, the Caribbean, the Pacific, and the Overseas Countries and Territories,
- having regard to the Audit Committee Annual Report for the year 2019,
- having regard to the EIB Investment Report 2019/2020: accelerating Europe's transformation,
- having regard to the EIB Group Corporate Governance Report 2019,
- having regard to the Fraud investigations Activity Report 2019,
- having regard to the EIB Group Operational Plan 2019,
- having regard to the 2019 EFSI Report from the European Investment Bank to the European Parliament and the Council,
- having regard to European Court of Auditors (ECA) Special Report no 03/2019 of 29 January 2019 entitled 'European Fund for Strategic Investments: Action needed to make EFSI a full success' ⁽¹⁾,
- having regard to ECA Special Report no 12/2020 of 12 May 2020 entitled 'The European Investment Advisory Hub — Launched to boost investment in the EU, the Hub's impact remains limited',
- having regard to the European Investment Advisory Hub Report 2019,
- having regard to the Commission's evaluation of Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (SWD(2019)0333), and the executive summary thereof (SWD(2019)0334), published on 13 September 2019,
- having regard to Articles 3 and 9 of the Treaty on European Union,
- having regard to Articles 15, 126, 174, 175, 208, 209, 271, 308 and 309 of the Treaty on the Functioning of the European Union (TFEU), to Protocol No 5 thereto on the Statute of the EIB and to Protocol No 28 thereto on economic, social and territorial cohesion,

⁽¹⁾ <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=49051>

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- having regard to the Rules of Procedure of the European Investment Bank,
 - having regard to Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments ⁽²⁾,
 - having regard to the Commission report of 28 May 2019 on the management of the guarantee fund of the European Fund for Strategic Investments (EFSI) in 2018 (COM(2019)0244),
 - having regard to the Tripartite Agreement of September 2016 between the European Commission, the European Court of Auditors and the European Investment Bank,
 - having regard to its resolution of 10 July 2020 on control of the financial activities of the European Investment Bank — annual report 2018 ⁽³⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0215/2021),
- A. whereas the EIB is treaty-bound to contribute to EU integration, economic and social cohesion and regional development through dedicated investment instruments such as loans, equities, guarantees, risk-sharing facilities and advisory services;
- B. whereas the primary objective of the EIB, according to Article 309 TFEU, is to contribute to the balanced and steady development of the internal market in the interest of the Union, by facilitating the financing of projects for developing less developed regions, and projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;
- C. whereas the EIB Group is treaty-bound to contribute to EU integration and regional development, in accordance with Article 309 TFEU and Protocol 28;
- D. whereas the EU has experienced severe underinvestment since the financial crisis while facing an urgent investment demand to cope with the required green and digital transformation of the economy and society;
- E. whereas the EIB adopted a new Energy Lending Policy in November 2019 and a Climate Bank Roadmap in December 2020;
- F. whereas the EIB is expected to play a key role in financing the European Green Deal through the Sustainable European Investment Plan;
- G. whereas the EIB is expected to support a fair green transition through the Just Transition Mechanism;
- H. whereas public policy goals such as territorial and social cohesion, sustainable development, and tackling (youth) unemployment, poverty and social exclusion should be the core focus and targets of the Bank in its task of contributing to the balanced and steady development of the internal market;
- I. whereas from 2014 to 2019, the Bank provided more than EUR 100 billion of financing in cohesion regions;
- J. whereas the EIB is considering becoming the first Multilateral Development Bank to be aligned with the Paris Agreement and the Council already asked the EIB and the EBRD to present these plans for future discussions;

⁽²⁾ OJ L 169, 1.7.2015, p. 1.

⁽³⁾ Texts adopted, P9_TA(2020)0191.

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- K. whereas safeguards against fraud, including tax fraud and money laundering, and against the financing of terrorism risks and corruption have to be duly included in the EIB's due diligence and contractual conditions;
- L. whereas the EIB plays an important role outside the EU through its external lending activities as the biggest multilateral financial institution in the world;
- M. whereas the EIB plays a central role in the efforts of the EU to ensure the implementation of the Agenda for Sustainable Development;

Main track record of EIB funding activities 2019

1. Notes that in 2019, the Bank's lending signatures amounted to EUR 63,3 billion (of which EUR 61,9 billion under the Bank's own resources), in line with the target set in the 2019 Operational Plan (EUR 63 billion +/-10 %) and significantly above 2018 volumes (EUR 55,6 billion, of which EUR 54,3 billion under the Bank's own resources); notes that total disbursements reached EUR 48,1 billion in 2019 (of which EUR 47,5 billion under the Bank's own resources), compared to EUR 52,6 billion in 2018 (of which EUR 51,8 billion under the Bank's own resources); observes that the EIB generated healthy financial results, recording an annual net surplus of EUR 2,4 billion in 2019 as compared to EUR 2,3 billion in 2018;
2. Takes note of the rate of impaired loans, which stood at 0,4 % of the total loan portfolio at the end of 2019 (0,3 % at the end of 2018) despite the Bank's recent move towards higher risk lending operations;
3. Notes with appreciation that in 2019 the EIB met its annual target for cohesion lending of at least 30 % of all new operations in the EU, pre-accession and EFTA countries; notes that in 2019 the EU provided EUR 16,13 billion to projects in EU cohesion regions; highlights the paramount importance of the continued support to the regional development and EU social and economic cohesion objectives as laid down in Protocol 28 to the Treaties;
4. Notes the inclusion in the EIB Operational Plan 2019 of references to the UK withdrawal from the EU and of the outcomes of discussions on the EIB's role in the multiannual financial framework for 2021-2027; supports the focus on the higher-risk 'Special Activities' business line, including projects linked to EFSI and the Advisory Services, with 530 new assignments expected in 2019 to support EUR 35 billion in investments;
5. Welcomes the new EIB Group Equity Strategy that will aim to better address investment gaps in the equity market; calls on the EIB to implement the recommendation from the study 'The EIB and the new EU missions framework' to further promote higher risk-taking by developing suitable patient, long-term, higher-risk financial instruments building on existing risk-sharing mechanisms (e.g. EFSI, InnovFin);
6. Welcomes the adoption in 2019 of the new Climate Risk Assessment (CRA) to provide a systematic assessment of the physical climate risk in direct lending, allowing the EIB and its client to understand how climate change may affect the financed project and to identify remedial measures;
7. Welcomes the adoption of a new tax policy in March 2019, incorporating measures to counter tax avoidance via tax integrity due diligence checks and an anti-tax avoidance toolbox; notes that the EIB will not be able to invest in countries featured on the EU black list of prohibited jurisdictions, and that non-compliant jurisdictions will receive 'enhanced vigilance'; reiterates that heightened tax due diligence should apply whenever tax havens appears in the corporate structure of clients, promoters or intermediaries;
8. Calls on the EIB to make full use of its anti-tax avoidance toolbox for risk-sensitive projects in the course of its tax due diligence and to use relocation requirements when necessary; notes the revised EIB Group anti-money laundering and countering the financing of terrorism (AML-CFT) framework and calls on the EIB to update its policy in light of the 5th Anti-Money Laundering Directive, which entered into force in January 2020, and to cooperate with the relevant authorities to ensure adequate sanctions for breach of law and stringent standards on financial intermediaries;

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9. Notes that in 2019 the EIB's complaint Mechanism registered 84 new cases, handled 173 cases and closed 113 cases; invites the EIB to continue its effort to enable civil society to report cases of concern that will be dealt with in an effective and independent manner; stresses the importance of monitoring how the Complaint Mechanism's recommendations are implemented; calls on the EIB to address the findings of the Complaint Mechanism with concrete actions;

10. Welcomes the fact that the EIB is implementing its exclusion policy and is committed to applying it rigorously through discretionary exclusion proceedings and settlement agreements; asks the EIB to report about the number and scope of the decisions on suspension/interruption of payments and/or retrieval of loans or requests for anticipated reimbursement of loans as a consequence of prohibited conduct or other malpractices affecting the financed activities; calls on the EIB to report about the nature of the financial support affected by the alleged misbehaviours and about the geographical distribution of such cases, if it is legally possible to do so;

11. Welcomes the EIB Group Update on COVID-19 in the EIB Financial Report 2019, shedding light on the emergency response package adopted in 2020 to support the small and medium-sized enterprise (SME) and mid-cap sectors in the Union, encompassing liquidity lines and guarantee schemes for banks and asset-backed securities purchase programmes and considering the creation of a European Guarantee Fund (EGF) focused on financing support to SMEs; notes with appreciation that the EIB Group has extended its contribution outside of the EU, with a focus on investments in the health and private sectors; urges the EIB to require companies supported by the EGF or other funding programmes put in place to tackle the COVID-19 crisis to contribute to achieving the 2030 targets proposed by the Commission in the European Pillar of Social Rights Action Plan, as well as to comply with social and environmental conditions, including the adoption of decarbonisation plans, so as to increase their resilience, and to refrain from paying out dividends, bonuses for senior management and share buy-backs;

12. Welcomes in this sense the SMEs window in the InvestEU fund; stresses the need to focus on long-term financing, namely by supporting projects that would not be financed otherwise, in particular for innovative start-ups and SMEs; emphasises however that the EIB's financing activities are no substitute for sustainable fiscal policies in the Member States; calls on the EIB to increase investment in breakthrough innovations, especially for the green transition, in order to support European companies;

13. Calls on the EIB to increase financing to address the technological transition, support development of skills adapted to the current and future labour market needs, further promote investment in digital skills of employees and entrepreneurs, digital infrastructure and capacity-building for digitalisation, provide funds for long-term research and innovation and SMEs, support the social economy and enhance social and territorial cohesion, namely by filling current investment gaps in public housing and infrastructure;

14. Notes the different economic situations and capacities of the Member States and underlines the importance of ensuring a just transition to help the most affected regions and countries to adjust to imminent changes so that no one is left behind; highlights the need to proactively support areas where jobs are currently dependent on high-emitting industries, with substantial investment in training and alternative economic opportunities to guarantee quality jobs, thereby ensuring a smooth transition; takes the view that consistency and coordination with other EU financing instruments in this regard will be crucial;

15. Recalls the Gender Action Plan, endorsed with the intention of guiding the implementation of the EIB gender strategy and integrating the promotion of gender equality into the EIB business model; calls on the EIB to report on the progress achieved in the first phase of the action plan, on objectives such as revising the due diligence framework to address impacts and risks of EIB investments for the rights of women, ensuring equal access to benefits generated by EIB investment, and investing in women's participation in the economy and the labour market;

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EFSI functioning and effectiveness

16. Recalls that the EFSI has a distinct governance structure than the EIB and its investment operations take place within two thematic areas, i.e. the Infrastructure and Innovation Window managed by the EIB and the SME Window managed by the European Investment Fund (EIF);

17. Takes note of the results presented in the European Investment Advisory Hub Report 2019; commends the positive impact of the European Investment Advisory Hub (EIAH); calls to further strengthen the EIB's in-house financial and advisory capacities to ensure long-lasting commitment to the implementation and long-term financing horizon of EU missions such as beating cancer, adapting to climate change, ensuring a fair transition in the regions most impacted by the Green Deal transformations, protecting our oceans, living in greener cities and ensuring soil health and food; welcomes the fact that in following up on the ECA's recommendations, the EIB presented its 'Study in response to ECA Recommendation 5: improving the geographical spread of EFSI supported investment' in July 2019; takes note of the conclusions of this analysis; which documents considerable efforts on the side of the EIB and the Commission to facilitate a more balanced geographical distribution of EFSI investment to contribute to sustainable long-term economic convergence across the Union;

18. Calls on the EIB to make geographical distribution of EIB financing more balanced, in accordance with its role in ensuring territorial and social cohesion; calls for the EIB to address shortcomings that prevent certain regions or Member States from taking full advantage of its financial instruments;

19. Calls for the strengthening of technical assistance and the financial expertise of local and regional authorities, especially in regions with low investment capacity, before project approval, in order to improve accessibility; calls for intensified cooperation with national promotional banks and institutions;

The EIB's role in financing the European Green Deal

20. Recalls that in November 2019, in line with the political ambition behind the European Green Deal, the EIB Board of Directors decided to increase the level of climate and environment commitment for the EIB Group with the aim to transform the EIB from 'an EU bank supporting climate' into 'the EU's climate bank' and pledged to gradually increase the share of its financing dedicated to climate action and environmental sustainability to reach 50 % of its operations in 2025 and to align all financing activities with the goals of the Paris Agreement from the end of 2020; welcomes the adoption of the Climate Roadmap; calls on the EIB to assess the consistency of the projects already in the pipeline before November 2020 with the objective of climate neutrality by 2050 while ensuring business continuity, taking into account the transition period provided for until the end of 2022;

21. Welcomes the EIB's use of a progressively increasing shadow cost of carbon as part of the overall approach to ensure that EIB operations are consistent with the 1,5 °C target, while ensuring a just transition towards a carbon-neutral economy that leaves no one behind;

22. Notes that the climate problem cannot be solved without the support of industry, and that large-scale change can only be achieved if the needs of industry are taken on board and the necessary incentives are given for innovative climate solutions;

23. Notes that according to the EIB Sustainability Report, absolute emissions of the EIB portfolio in 2019 are estimated at 3,9 million tonnes of CO₂e per year, up from 2,2 million tonnes of CO₂e per year in 2018; notes that the overall reduced or avoided emissions from the same financing are estimated at 3,1 million tonnes of CO₂e per year in 2019 compared to 3,5 million tonnes of CO₂e per year in 2018; calls on the EIB to increase efforts to decrease absolute emissions; calls on the EIB to systematically disclose greenhouse gas (GHG) footprint calculations for all projects that are subject to carbon foot printing, in order to enhance transparency;

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24. Welcomes the Energy Lending Policy agreed by the EIB Board of Directors in November 2019 and in particular the decision to end financing for fossil fuel energy projects; notes however that gas infrastructure projects included in the fourth list of Projects of Common Interest and gas projects already under appraisal by 14 November 2019 are not excluded from EIB financing until the end of 2021; highlight that these projects could be financed as long as they contribute to the task of the EIB to facilitate a just transition and balanced development in the EU; notes that in 2019 the EIB provided EUR 685 million of financing to natural gas transmission and distribution; calls on the EIB to assess and address potential risks linked to lock-in of carbon intensive assets;

25. Reminds the EIB of Parliament's call to explain how the Trans Anatolia Natural Gas Pipeline and Trans-Adriatic Pipeline will be aligned with the goals of the Paris Agreement by the end of 2020; notes that the project is subject to an enquiry by the European Ombudsman ⁽⁴⁾ concerning the failure of the EIB to ensure proper climate impact assessment for both projects; urges the EIB to address any shortcomings of the environmental impact assessment and address negative environmental, climate and social impacts as a matter of priority;

26. Notes that under the current Energy Lending Policy, gas-fired power plants and gas network projects that are planned to transport low carbon gas are eligible under the condition of a 'credible plan' including an emissions trajectory included in the EIB finance contract; calls on the EIB to ensure that the criteria for these plans to be considered credible are in accordance with its mandate in contributing to a just transition, in order to avoid the risk of supporting gas projects which are not aligned with climate targets; notes that the EIB will make a mid-term review of the energy lending policy in early 2022;

27. Notes that in 2019 the EIB supported several projects involving hydropower; welcomes the Environmental, Climate and Social Guidelines on Hydropower Development; welcomes the fact that the EIB is currently upgrading its reporting requirements for intermediated lending to account for counterparty alignment with the Paris Agreement and the EU Taxonomy on Sustainable Finance, as well as reviewing its Environmental and Social Sustainability Framework; stresses that such new requirements should enhance the transparency of EIB operations involving financial intermediaries in order to identify and avoid potential negative environmental or human rights impacts of hydropower operations both inside and outside the EU, while safeguarding access to finance for SMEs;

28. Recalls that the EIB Group has in place an Environment and Social Framework, welcomes the fact that the EIB reports on environmental, social, and economic impacts and provides ex-ante as well as ex-post evaluations of the screening exercise regarding environmental and social impacts; expresses its concern over the risk that the EIB and the EIF finance carbon intensive activities via financial intermediaries; calls on the EIB Group to further monitor the compliance of binding environmental, social, governance and fair taxation criteria as part of the upcoming guidelines on counterparty alignment, including lists of restricted activities and the requirement for clients to have clear and binding decarbonisation plans in line with the Paris Agreement, while safeguarding access to finance for SMEs;

29. Underlines that the financial needs of farmers, especially young farmers and new entrants, are significant, and that farmers and enterprises in this sector have a lower rate of success when applying for financing; calls for the EIB to work on financing initiatives that will boost the accessibility of finance for the agricultural sector;

30. Notes the EIB Group's growing involvement in the agricultural sector; insists that EIB financing needs to support rural communities and the transition of the agricultural sector in line with European policy objectives including with more respect for animal welfare, and that it should avoid contributing to stocking densities exceeding the carrying capacity of the land;

⁽⁴⁾ Filed by environmental NGOs CEE Bankwatch Network, Counter Balance, Re:Common and Friends of the Earth Europe.

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31. Notes that the financing provided within the Union in 2019 for transport was higher than in 2018 (EUR 9 325 million against EUR 8 237 million in 2018) and that the contraction of financing for roads and motorways was offset by increases in financing for railways and air transport; stresses the importance of aligning the Transport Lending Policy and the EIB's transport portfolio with the Climate Bank Roadmap, in particular the decarbonisation of the transport sector by 2050 but also with the Commission's upcoming strategy for sustainable and smart mobility as a response to the new European Green Deal, with other areas of EU transport policy, while ensuring a just transition and balanced social and territorial development; welcomes the EIB's commitment not to finance existing airport capacity expansion and port infrastructure dedicated to the transport and storage of fossil fuels; calls for the policy to avoid locking in carbon intensive assets and to support modal shifts towards zero-carbon mobility both for freight and passengers at urban and inter-urban level, such as rail, safe cycling and clean public transport, in particular for underserved communities and localities, and for renewables-based electrification infrastructure;

32. Welcomes the EIB's leading role in the Green Bond Market in 2019 by issuing EUR 4,1 billion in Climate Awareness Bonds (CABs) and Sustainability Awareness Bonds (SABs); stresses the importance of transparent and credible documentation and tracking of proceeds underlying CABs and SABs and to ensure consistency with the EU Sustainable Finance Taxonomy and the upcoming EU Green Bond Standard;

33. Welcomes the upcoming revision of the EIB's environmental and social framework and the development of climate, environmental and social risk management tools to assess physical, transition and systemic risks; calls on the EIB to ensure it is in place by the end of 2021; welcomes the EIB's commitment to adopt the 'do no significant harm' criteria from Regulation (EU) 2020/852⁽⁵⁾ as a basis and to set stricter standards whenever justified;

The EIB's operations outside the EU

34. Recognises that the most important mandate guiding EIB operations outside the Union is the External Lending Mandate (ELM), under which EIB operations during the period from 2014 to 2020 were backed by a dedicated guarantee fund, with a ceiling of EUR 32,3 billion, providing a legal basis and a guarantee to the EIB against losses under financing operations in 68 eligible countries outside the EU; notes that the Commission proposed that the External Lending Mandate (ELM) would not continue in its present form; notes the creation of the European Fund for Sustainable Development Plus (EFSD+) guarantee accommodating new EIB mandates;

35. Welcomes the support of the EIB provided throughout 2019 in the formulation of the Just Transition Mechanism, which helps territories and regions most affected by the transition to a climate-neutral economy, especially those with the least capacity to deal with the cost of the transition; highlights the importance of the EIB for implementing the Mechanism in the next years, ensuring that no regions are left behind;

36. Notes that the Union development policy will be implemented via the new Neighbourhood, Development and International Cooperation Instrument (NDICI), of which the EIB is a key implementer; expresses concern about the use of EU development funds for de-risking private investment given the lack of evidence as to its capacity to provide additionality and fulfil development objectives, as recently reported in the final review of EFSD as well as opinion of the European Court of Auditors No 7/2020 of 11 September 2020; stresses the need for donors to prioritise grant-based financing as the default option, especially to least developed countries, in order to avoid increasing the debt burden;

⁽⁵⁾ 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, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

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37. Reiterates that the EIB's external operations are expected to contribute to EU policy objectives, fostering developing countries' sustainable economic, social and environmental development, particularly in the most disadvantaged among them, as well as compliance with objectives approved by the Union; recognises poverty eradication, domestic resource mobilisation and human rights as core topics within the EU development finance architecture; recalls that stakeholder engagement is the cornerstone of sustainable and inclusive development;

38. Notes that the EIB is bound by the EU Charter of Fundamental Rights; stresses that human rights principles are integrated into its due diligence procedures and standards at project level including by allowing for the suspension of disbursements in the case of serious violations of human rights or environmental and social standards; notes that the complaints mechanisms was reinforced at the end of 2018; calls on the EIB to ensure that its complaints mechanism is easily accessible, timely and effective, in order to detect and redress possible human rights violations in EIB-related projects; asks the EIB to report to Parliament and the Board of Governors about this;

39. Calls on the EIB to fully support the achievement of United Nations Sustainable Development Goals through its activities within the framework of specific mandates decided by the EU Council of Ministers and the European Parliament;

EIB governance, transparency and accountability

40. Reiterates the importance of ethics, integrity, transparency, communication and accountability of the EIB Group in all its operations and policies;

41. Expresses its concern about the lack of transparency of the EIB's operations through financial intermediaries such as commercial banks and investment funds; stresses the need to assess the economic and social impact of intermediated loans by making information about ultimate beneficiaries available; calls for the EIB to establish standard reporting obligations with financial intermediaries and by the final beneficiaries, respecting where needed the confidentiality agreements between the financial intermediary and the final beneficiary but providing a solid structure for gathering data and information;

42. Expresses grave concern about allegations against the EIB of harassment and sexual harassment in the workplace, impunity for perpetrators of harassment, dissatisfaction of employees, deficiencies in recruitment procedures for senior staff and a lack of functioning employee participation in management; calls on the EIB to ensure that all alleged cases of harassment are independently investigated and to ensure transparency on the outcomes of past and current investigations and the sanctions applied, so as to restore trust and create a culture of accountability; calls on the EIB to publish the results of staff satisfaction surveys for the period 2010-2021; calls for an independent assessment of the transparency and quality of recruitment procedures of senior, managerial, professional and administrative positions in the EIB; calls on the EIB to present an action plan to restore trust between management and staff and to strengthen employee participation in decision-making;

43. Expresses its concern over reports that several former vice-presidents have taken up employment at entities associated with the EIB without respecting a cooling-off period; deplores the fact that such practices are not strictly regulated and prohibited by the EIB's code of conduct; regrets that the ongoing review of post-employment policy has not yet been finalised and stresses that stricter rules should be implemented; calls on the EIB to align its policy on post-employment with that of the Commission and peer institutions;

44. Expresses concern that the vice-presidents are still responsible, among other countries, for their country of origin which can create conflict of interest; calls on the EIB to act on Parliament's request to include in the Code of Conduct of the Management Committee a provision excluding the possibility of their members overseeing lending or the implementation of projects in their home countries;

45. Welcomes the EIB decision of 6 February 2019 laying down internal rules concerning the processing of personal data by the Fraud Investigations Division within the Inspectorate General and the Office of the Chief Compliance Officer; stresses that in terms of Corporate Compliance, adequate resources must be devoted to control and monitor external activities, conflict of interests, procurement and gifts;

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46. Regrets the still persistent lack of diversity and gender balance at the senior management level and within the EIB Group's governing bodies as well as a very high share of women in support functions; notes that the bank set targets to increase the percentage of female managers to 33 % and the share of women at senior executive level to 40 %, and the share of women at executive level to 50 % by 2021; urges the EIB to strengthen its efforts at promoting gender balance at all levels of staff; urges the EIB to encourage the Member States that put forward vice-president nominees to also consider diversity and gender balance targets; calls on the EIB to establish proper representation within its secretariat of nationals from all Member States, while at the same time respecting the competencies and merits of the candidates; calls on the EIB to publish a gender and nationality breakdown of middle and senior management positions;

47. Regrets that the EIB still does not fully disclose the details of the beneficial ownership of its clients; stresses that in some cases the data of the involved economic operators is not communicated by the promoters or financial intermediaries; stresses that the disclosure of beneficiaries and their beneficial ownership is in line with the existing legal framework; recalls, however, that it is possible for Member States to provide for exemptions to the disclosure through the registers of beneficial ownership information and to access to such information, in exceptional circumstances; asks the EIB to use the available tools and to implement the standards promoted by the fifth AML Directive to make accessible such data; invites the Bank to explore which measures could be taken in case of unjustified refusal by a jurisdiction to provide such information; reiterates the need that EIF Compliance and EIB OCCO work together to bring consistency to the design and implementation of the EIB Group policies in the sectors of AML-CFT;

48. Invites the EIB to disclose details of the beneficial ownership of its customers on its website with a view to increasing the visibility of its operations and helping prevent cases of corruption and conflicts of interest;

49. Asks the EIB to make the disbursement of direct and indirect loans conditional on the publication of country-by-country tax and accountancy data, and on the disclosure of information on beneficial ownership by the beneficiaries and financial intermediaries involved in financing operations;

50. Calls on the EIB to finalise the revision of the EIB Group Anti-Fraud Policy (AFP) launched in 2019, in line with demands expressed by Parliament; welcomes the intensive dialogue between the EIB and the European Anti-Fraud Office (OLAF) on its updating; invites the EIB to take advantage of OLAF's support role, enhanced with the new Commission Anti-Fraud Strategy (CAFS) adopted in April 2019; maintains that the European Public Prosecutor's mandate should include the prosecution of criminal activities affecting EIB financing;

51. Reiterates the importance of the involvement of relevant national, regional and local stakeholders, including climate experts, trade unions, civil society actors, business representatives, SMEs and academia, when assessing the impact of investments; including through transparent communication, as well as the importance of assessing the needs and expectations of the people impacted by the project; emphasises that consultations must be inclusive of all the interested communities, accessible to vulnerable groups, tailored to the individual needs of the stakeholders and continuous throughout the project lifecycle; calls for respect for the principle of compliance with the principle of free, prior, and informed consent from all the affected communities (besides the indigenous population) in case of land and natural resource-based investments; asks the EIB to report on the implementation of the above principles; welcomes the Bank's consultation of stakeholders on selected policies, as laid down in Article 7.10 and 7.11 of EIB Group's Transparency Policy;

52. Calls on the EIB to take account of all risks to the environment posed by large-scale infrastructure projects, and to finance only projects with proven added value both for the local population as well as in environmental, social and economic terms; stresses the importance of both rigorous monitoring of possible risks of corruption and fraud in this context and conducting meticulous ex-ante and ex-post evaluations of the projects to be financed;

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53. Recalls that Article 287(3) TFEU defines the ECA's audit powers in relation to the EIB; recalls that the ECA is competent to audit the EIB's activity in managing Union expenditure and revenue; recalls that the Audit Committee is competent to audit the EIB's share capital according to Article 12 of Protocol 5 (Statute of the EIB); points out that this results in the ECA being unable to provide a complete overview of the links between the EIB Group operations and the Union budget; recalls that Article 308(3) TFEU allows the Council to amend the Protocol on the Statute of the EIB by simple decision without a full Treaty revision; emphasises the increased importance under the new multiannual financial framework of EU guarantees and other financial instruments managed by the EIB; calls therefore on the Council to amend Article 12 of Protocol 5 to give the ECA a role in auditing the EIB's share capital; notes that the current tripartite agreement between the Commission, the EIB and the ECA concerning audits of operations which are financed or backed by the Union budget expires in 2020; calls on the Commission, the ECA and the EIB to enhance the role of the ECA and further strengthen its auditing powers regarding activities of the EIB in the renewal of the tripartite agreement governing the rules of engagement;

54. Invites the EIB Group and the Commission to launch the revision process of the Financial and Administrative Framework Agreement (FAFA) provisions dating back to May 2014, setting out the rules governing the centrally managed EU instruments entrusted to the EIB Group;

55. Asks the EIB to explore together with the Commission ways to coordinate the Early Detection and Exclusion System (EDES) and the Exclusion Policy of the EIB in order to achieve synergies and to guarantee full coverage of critical situations affecting EIB operations and the Union's financial interests;

56. Notes the adoption in March 2019 of the EIB Group Whistleblowing Policy and takes note of its compliance with the general principles and standards integrated in Directive (EU) 2019/1937⁽⁶⁾, which entered into force at a later time; regrets that the policy applies solely to cases of internal whistleblowing; expects the EIB's whistle-blower protection policy to be ambitious and to set high standards; urges the EIB to include both internal and external whistleblowers and to establish clear and well-defined procedures, time frames and guidelines in order to provide whistleblowers with the best guidance and protect them from any possible retaliation;

57. Invites the EIB to enhance its communication strategy; believes that, as the world's leading donor and multilateral borrower, it is essential that the EIB communicates with clarity and relevance on its mission and its status and that it addresses a wide variety of audiences;

58. Notes the further increase in the number of allegations reported to the EIB Investigative Division in 2019, with 228 new allegations (184 in 2018) out of which 69 % originated from staff members and 30 % from external sources including project-related parties, civil society and the media; observes that 59 % of the investigative actions concern cases of fraud, followed by corruption (15 %) and collusion (6 %) and that more than one third of the allegations scrutinised are related to the transport sector;

59. Notes that in 2019, out of the 220 cases completed, 40 were substantiated, corresponding to 18 % of the cases completed, and resulted either in referrals to competent authorities or in recommendations to EIB Group services; notes also that 62 % of such referrals (25 out of 40) were made to OLAF; asks the EIB to report on the outcome of actions undertaken including, where available, amounts that were recovered;

60. Calls on the EIB to increase proactive transparency by making non-confidential documents publicly available in a user-friendly database in a timely manner; reiterates its call to operate on the basis of the 'presumption of disclosure' rather than the 'presumption of confidentiality';

61. Calls on the EIB Group to improve its accountability; asks for a Memorandum of Understanding between the EIB Group and the Parliament to improve Parliament's access to EIB documents and data related to strategic orientation and financing policies in order to strengthen the Bank's accountability; suggests the idea of a quarterly dialogue with the

⁽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).

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relevant committees of Parliament to participate in the investment strategy of the EIB and ensure adequate oversight; stresses the importance of greater Parliament scrutiny over decision of the EIB Board of Directors; calls for better information sharing from the Commission in order to increase its transparency towards Parliament on the positions it takes in the EIB Board of Directors; reiterates its call for the disclosure of the opinions issued by the Commission within the framework of the procedure in accordance with Article 19 of the EIB Statute on the EIB financing operations for the purpose of assessing their compliance with the relevant EU legislation and EU policies; calls on the Commission and the EIB to reach an agreement to ensure full transparency on such opinions and their underlying rationale as far as is legally possible;

62. Calls for the timely publication of the full agendas and minutes of meetings of the Management Committee and Board of Directors; underlines that the future Transparency Policy should reinforce the transparency requirements for all its operations and require project promoters to make Environmental Impact Assessments and related documents publicly available, by including stringent transparency obligations in the specific contractual clauses signed with all EIB clients; asks the EIB to publish more regular, in-depth and comprehensive information on the financial intermediaries responsible for leveraging EIB funds and to include contractual clauses concerning mandatory disclosures from these institutions on lending activity;

Follow-up to Parliament's recommendations

63. Calls on the EIB to continue reporting on the state of play and status of the previous recommendations issued by Parliament in its annual resolutions, especially as regards:

- (a) impacts (economic, environmental and social) of its investment strategy and results achieved to contribute to the balanced and steady development of the internal market in the interests of the Union,
- (b) actions adopted to enhance the prevention of conflicts of interests,
- (c) measures to strengthen transparency following integrity due diligence of clients in order to prevent tax avoidance, fraud and corruption,
- (d) actions undertaken to follow up on the calls and requests adopted via the present resolution;

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64. Instructs its President to forward this resolution to the Council and the Commission and asks that the Council and EIB Board of Directors hold a debate on Parliament's positions presented herein.

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P9_TA(2021)0333

Genetically modified soybean DAS-81419-2

European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073421/01 — 2021/2759(RSP))

(2022/C 99/05)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073421/01,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 17 May 2021, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 26 October 2016, and published on 5 December 2016 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms for placing on the market of genetically modified insect-resistant soybean DAS-81419-2 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2013-116), EFSA Journal 2016; 14(12): 4642, <https://www.efsa.europa.eu/en/efsajournal/pub/4642>

⁽⁴⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LLcotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).

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

- A. whereas, on 9 February 2012, Dow Agro Sciences Ltd submitted an application to the national competent authority of the Netherlands for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified soybean DAS-81419-2 ('the GM soybean'), in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 ('the application'); whereas the application also concerned the placing on the market of products containing or consisting of the GM soybean for uses other than food and feed, with the exception of cultivation;
- B. whereas, on 26 October 2016, EFSA adopted a favourable opinion, which was published on 5 December 2016, in relation to that application;
- C. whereas the GM soybean has been developed to produce two synthetically derived Bt toxins, Cry1F and Cry1Ac, which confer resistance to certain lepidopteran species, and to be resistant to the herbicide glufosinate ⁽⁶⁾;

Lack of assessment of herbicide residues, metabolites and cocktail effects

- D. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of 'complementary' herbicides, in large part because of the emergence of herbicide-tolerant weeds ⁽⁷⁾; whereas, as a consequence, it has to be expected that the GM soybean will be exposed to both higher and repeated doses of glufosinate, and that therefore a higher quantity of residues may be present in the harvest;
- E. whereas glufosinate is classified as toxic to reproduction 1B and therefore meets the 'cut-off criteria' set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽⁸⁾; whereas the approval of glufosinate for use in the Union expired on 31 July 2018 ⁽⁹⁾;
- F. whereas assessment of herbicide residues and their break-down products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms ('EFSA GMO Panel') and is therefore not undertaken as part of the authorisation process for GMOs;
- G. whereas, due to specific agricultural practices in the cultivation of herbicide-tolerant GM plants, there are specific patterns of applications, exposure, occurrence of specific metabolites and emergence of combinatorial effects that require special attention; whereas those were not considered by EFSA;

Outstanding questions concerning Bt toxins

- H. whereas toxicological tests for GM authorisations are carried out with isolated Bt toxins; whereas little significance can be attributed to toxicological tests conducted with proteins in isolation due to the fact that Bt toxins in GM crops, such as maize, cotton and soybeans, are inherently more toxic than isolated Bt toxins; whereas this is because protease inhibitors (PI), present in the plant tissue, can increase the toxicity of the Bt toxins by delaying their degradation; whereas

⁽⁶⁾ EFSA opinion, page 1.

⁽⁷⁾ See, for example, Bonny, S., 'Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact', Environmental Management, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C. M., 'Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years', Environmental Sciences Europe; 28 September 2012, Vol. 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

⁽⁸⁾ 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).

⁽⁹⁾ https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/active-substances/?event=as.details&as_id=79

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this phenomenon has been demonstrated in a number of scientific studies, including one conducted for Monsanto 30 years ago which showed that even the presence of extremely low levels of PI enhanced the toxicity of Bt toxins up to 20-fold ⁽¹⁰⁾;

- I. whereas those effects have never been taken into account in EFSA risk assessments, even though they are relevant for all Bt plants approved for import or cultivation in the Union; whereas risks, arising from this enhanced toxicity due to the interaction between PI and Bt toxins, to humans and animals consuming food and feed containing Bt toxins cannot be ruled out;
- J. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties ⁽¹¹⁾, meaning that they can increase the allergenicity of other proteins with which they come into contact;
- K. whereas assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is considered outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the risk assessment; whereas this is problematic since residues from spraying with glufosinate are known to disturb the microbiome which, for example, may enhance immune reactions in combination with Bt toxins ⁽¹²⁾;

Comments from Member State competent authorities

- L. whereas Member State competent authorities submitted comments to EFSA during the three-month consultation period ⁽¹³⁾; whereas critical comments include the feedback that the submitted data concerning pest and disease pressure are insufficient for a detailed analysis of ecological interaction of the GM soybean with the environment, that the applicant only refers to substantial unintended losses of the GM soybean during loading and unloading as a route for environmental exposure and that other routes of exposure of the environment by waste materials from processing or use of the soybean (e.g. manure, faeces from animals fed the GM soybean) were not specifically assessed and that the proposed monitoring plan does not address relevant questions for the general surveillance of human and animal health and cannot be regarded as sufficiently elaborated;

Undemocratic decision-making

- M. whereas the vote on 17 May 2021 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- N. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;
- O. whereas, in its eighth term, the European Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, the European Parliament has already adopted 18 objections to placing GMOs on the market;

⁽¹⁰⁾ MacIntosh, S.C., Kishore, G.M., Perlak, F.J., Marrone, P.G., Stone, T.B., Sims, S.R., Fuchs, R.L., 'Potentiation of *Bacillus thuringiensis* insecticidal activity by serine protease inhibitors', Journal of Agricultural and Food Chemistry, 38, pp. 1145-1152, <https://pubs.acs.org/doi/abs/10.1021/jf00094a051>

⁽¹¹⁾ For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36(5), pp. 630-648, <https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252>

⁽¹²⁾ Parenti, M.D., Santoro, A., Del Rio, A., Franceschi, C., 'Literature review in support of adjuvanticity/immunogenicity assessment of proteins', EFSA Supporting Publications, January 2019, 16(1): 1551, <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2019.EN-1551>

⁽¹³⁾ Member State comments on the GM soybean can be accessed via EFSA's register of questions, <https://open.efsa.europa.eu/>

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whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;

- P. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
- Q. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽¹⁴⁾;

Upholding the Union's international obligations

- R. whereas Regulation (EC) No 1829/2003 provides that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union's obligations under the United Nations (UN) Sustainable Development Goals ('SDGs'), the Paris Climate Agreement and the UN Convention on Biological Diversity (CBD);
- S. whereas a 2017 report by the UN's Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health ⁽¹⁵⁾; whereas UN SDG Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination ⁽¹⁶⁾; whereas authorising the import of the GM soybean would increase demand for this crop treated with a herbicide that is toxic to reproduction and that is no longer authorised for use in the Union, thereby increasing the exposure of workers in third countries; whereas the risk of increased worker exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;
- T. whereas deforestation is a major cause of biodiversity decline; whereas emissions from land-use and land-use change, mostly due to deforestation, are the second biggest cause of climate change after burning fossil fuels ⁽¹⁷⁾; whereas the Paris Climate Agreement and the Strategic Plan for Biodiversity 2011-2020 adopted under the UN CBD and the Aichi Biodiversity Targets promote sustainable forest management, protection and restoration efforts ⁽¹⁸⁾; whereas UN SDG 15 includes the target of halting deforestation by 2020 ⁽¹⁹⁾; whereas forests play a multifunctional role that support the achievement of most UN SDGs ⁽²⁰⁾;

⁽¹⁴⁾ The Commission 'may', and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽¹⁵⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽¹⁶⁾ <https://sdgs.un.org/2030agenda>

⁽¹⁷⁾ Communication of the Commission of 23 July 2019, 'Stepping up EU action to Protect and Restore the World's forests', COM (2019)0352, p. 1.

⁽¹⁸⁾ *Idem*, p. 2.

⁽¹⁹⁾ See target 15.2: <https://sdgs.un.org/2030agenda>

⁽²⁰⁾ Communication of the Commission of 23 July 2019, 'Stepping up EU action to Protect and Restore the World's forests', COM (2019)0352, p. 2.

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U. whereas soya production is a key driver of deforestation in the Amazon, Cerrado and Gran Chaco forests in South America; whereas 97 % and 100 % of soya cultivated respectively in Brazil and Argentina is GM soya ⁽²¹⁾; whereas the vast majority of GM soybeans authorised for cultivation in Brazil and Argentina are also authorised for import into the Union; whereas the GM soybean is already authorised for cultivation in Argentina and Brazil ⁽²²⁾;

V. whereas a recent peer-reviewed scientific study found that the Union is the region with the largest carbon footprint in the world associated with soya imports from Brazil, 13,8 % larger than that of China, the largest soya importer, due to a larger share of emissions from embodied deforestation ⁽²³⁾; whereas another recent study found that approximately a fifth of the soya exported to the Union from Brazil's Amazon and Cerrado regions, mostly for animal feed, may be 'contaminated with illegal deforestation' ⁽²⁴⁾;

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

2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²⁵⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;

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

4. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs ⁽²⁶⁾; expresses its deep disappointment, however, that the Commission continues to authorise GM soybeans for import ⁽²⁷⁾ despite objections by Parliament and a majority of Member States;

5. Calls on the Commission to move forward with the utmost urgency concerning the development of sustainability criteria, with full involvement of Parliament; calls on the Commission to provide information on how this process will be undertaken and in what timeframe;

6. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm' ⁽²⁸⁾;

⁽²¹⁾ International Service for the Acquisition of Agri-biotech Applications, 'Global status of commercialized biotech/GM crops in 2017: Biotech Crop Adoption Surges as Economic Benefits Accumulate in 22 Years', ISAAA Brief No. 53,(2017, pp. 16 and 21, <http://www.isaaa.org/resources/publications/briefs/53/download/isaaa-brief-53-2017.pdf>

⁽²²⁾ <https://www.isaaa.org/gmapprovaldatabase/event/default.asp?EventID=339&Event=DAS81419>

⁽²³⁾ Escobar, N., Tizado, E. J., zu Ermgassen, E.K.J., Löfgren, P., Börner, J., Godar, J., 'Spatially-explicit footprints of agricultural commodities: Mapping carbon emissions embodied in Brazil's soy exports', Global Environmental Change, Volume 62, May 2020, 102067, <https://www.sciencedirect.com/science/article/pii/S0959378019308623>

⁽²⁴⁾ Rajão, R., Soares-Filho, B., Nunes, F., Börner, J., Machado, L., Assis, D., Oliveira, A., Pinto, L., Ribeiro, V., Rausch, L., Gibbs, H., Figueira, D., 'The rotten apples of Brazil's agribusiness', Science 17 July 2020, Volume 369, Issue 6501, pp. 246-248, <https://science.sciencemag.org/content/369/6501/246>.

⁽²⁵⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽²⁶⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽²⁷⁾ https://webgate.ec.europa.eu/dyna/gm_register/gm_register_auth.cfm?pr_id=100

⁽²⁸⁾ Texts adopted, P9_TA(2020)0005, paragraph 102.

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7. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 ⁽²⁹⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 8. Reiterates its calls on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide break-down products and any combinatorial effects;
 9. Reiterates its call on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or is for import into the Union for food and feed uses;
 10. Reiterates its call on the Commission not to authorise the import for food or feed uses of any GM plant which has been made tolerant to a herbicide-active substance that is not authorised for use in the Union;
 11. Welcomes the announcement of a legislative proposal from the Commission on 'Measures to avoid or minimise the placing of products associated with deforestation or forest degradation on the EU market'; in the meantime, given the urgency of tackling deforestation in the Amazon, Cerrado and Gran Chaco forests and the fact that Union demand for GM soybeans contributes to deforestation in that region, calls on the Commission to immediately suspend the import of GM soybeans cultivated in Brazil and Argentina, using Article 53 of Regulation (EC) No 178/2002 if necessary, until effective legally binding mechanisms have been put in place to prevent the placing on the Union market of products associated with deforestation and related human rights violations;
 12. Reiterates its call for the implementation of a European vegetable protein production and supply strategy ⁽³⁰⁾, which would enable the Union to become less dependent on GM soybean imports and to create shorter food chains and regional markets;
 13. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽²⁹⁾ Texts adopted, P9_TA(2020)0364.

⁽³⁰⁾ Texts adopted, P9_TA(2020)0005, paragraph 64.

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P9_TA(2021)0334

Genetically modified soybean DAS-81419-2 × DAS-44406-6

European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073422/01 — 2021/2760(RSP))

(2022/C 99/06)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073422/01,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 17 May 2021, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 15 October 2020, and published on 20 November 2020 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms for authorisation of genetically modified of insect-resistant and herbicide-tolerant soybean DAS-81419-2 × DAS-44406-6 for food and feed uses, import and processing submitted in accordance with Regulation (EC) No 1829/2003 (application EFSA GMO-NL-2016-132), EFSA Journal 2020; 18(11):6302, <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2020.6302>

⁽⁴⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LLcotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).

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- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas, on 2 March 2016, Dow AgroSciences Ltd submitted an application to the national competent authority of the Netherlands in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application covered the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified soybean DAS-81419-2 x DAS-44406-6 ('the GM soybean'); whereas the application also covered the placing on the market of products containing or consisting of the GM soybean for uses other than food and feed, with the exception of cultivation;
- B. whereas, on 15 October 2020, EFSA adopted a favourable opinion, which was published on 20 November 2020, in relation to that application;
- C. whereas the GM soybean has been developed to confer resistance to three groups of herbicides: glyphosate, 2,4 dichlorophenoxyacetic acid (2,4-D) and other related phenoxy herbicides (AAD-12) and glufosinate, as well as resistance to lepidopteran pests through the expression of Bt toxins, Cry1F and Cry1Ac⁽⁶⁾;

Lack of assessment of herbicide residues, metabolites and cocktail effects

- D. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of 'complementary' herbicides, in large part because of the emergence of herbicide-tolerant weeds⁽⁷⁾; whereas, as a consequence, it has to be expected that the GM soybean will be exposed to both higher and repeated doses of glufosinate, glyphosate and 2-4,D, and that therefore a higher quantity of residues may be present in the harvest;
- E. whereas questions concerning the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015, the International Agency for Research on Cancer, the specialised cancer agency of the World Health Organization, classified glyphosate as a probable carcinogen for humans;
- F. whereas glufosinate is classified as toxic to reproduction 1B and therefore meets the 'cut-off criteria' set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁽⁸⁾; whereas the approval of glufosinate for use in the Union expired on 31 July 2018⁽⁹⁾;
- G. whereas assessment of herbicide residues and their break-down products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms ('EFSA GMO Panel') and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides are broken down by the GM plant concerned, and the composition and thus toxicity of the break-down products ('metabolites'), can be driven by the genetic modification itself⁽¹⁰⁾;

⁽⁶⁾ EFSA opinion, p. 1.

⁽⁷⁾ See, for example, Bonny, S., 'Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact', Environmental Management, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C. M., 'Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years', Environmental Sciences Europe; 28 September 2012, Vol 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

⁽⁸⁾ 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).

⁽⁹⁾ https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/active-substances/?event=as.details&as_id=79

⁽¹⁰⁾ This is indeed the case for glyphosate, as stated in EFSA Review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005, EFSA Journal 2018; 16(5):5263, p. 12, <https://www.efsa.europa.eu/fr/efsajournal/pub/5263>

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- H. whereas, due to specific agricultural practices in the cultivation of herbicide-tolerant GM plants, there are specific patterns of applications, exposure, occurrence of specific metabolites and emergence of combinatorial effects that require special attention; whereas these were not considered by EFSA;
- I. whereas it therefore cannot be concluded that consumption of the GM soybean is safe for human and animal health;

Outstanding questions concerning Bt toxins

- J. whereas toxicological tests for GM authorisations are carried out with isolated Bt toxins; whereas little significance can be attributed to toxicological tests conducted with proteins in isolation due to the fact that Bt toxins in GM crops, such as maize, cotton and soybeans, are inherently more toxic than isolated Bt toxins; whereas this is because protease inhibitors (PI), present in the plant tissue, can increase the toxicity of the Bt toxins by delaying their degradation; whereas this phenomena has been demonstrated in a number of scientific studies, including one conducted for Monsanto 30 years ago which showed that even the presence of extremely low levels of PI enhanced the toxicity of Bt toxins up to 20-fold ⁽¹¹⁾;
- K. whereas those effects have never been taken into account in EFSA risk assessments, even though they are relevant for all Bt plants approved for import or cultivation in the Union; whereas risks, arising from this enhanced toxicity due to the interaction between PI and Bt toxins, to humans and animals consuming food and feed containing Bt toxins cannot be ruled out;
- L. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties ⁽¹²⁾, meaning that they can increase the allergenicity of other proteins with which they come into contact;
- M. whereas assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is considered outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the risk assessment; whereas this is problematic since residues from spraying with glufosinate are known to disturb the microbiome which, for example, may enhance immune reactions in combination with Bt toxins ⁽¹³⁾;

Comments from Member State competent authorities

- N. whereas Member State competent authorities submitted comments to EFSA during the three-month consultation period ⁽¹⁴⁾; whereas critical comments included that the currently available tools for monitoring horizontal gene transfers in natural environments are inadequate to capture rare events and that the applicant is ignoring the potential for creating genetic variability by the transfer of mutated pat, epsps and cry gene variants or fragments thereof, that the data provided to show the human and animal safety of the GM soybean on the basis of its substantial equivalence to conventional soybean are not conclusive and that the combined environmental effects of cry toxins need further research in order to rule out any risk to the environment;

⁽¹¹⁾ MacIntosh, S.C., Kishore, G.M., Perlak, F.J., Marrone, P.G., Stone, T.B., Sims, S.R., Fuchs, R.L., 'Potentiation of *Bacillus thuringiensis* insecticidal activity by serine protease inhibitors', Journal of Agricultural and Food Chemistry, 38, pp. 1145-1152, <https://pubs.acs.org/doi/abs/10.1021/jf00094a051>

⁽¹²⁾ For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36(5), pp. 630-648, <https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252>

⁽¹³⁾ Parenti, M.D., Santoro, A., Del Rio, A., Franceschi, C., 'Literature review in support of adjuvanticity/immunogenicity assessment of proteins', EFSA Supporting Publications, January 2019, 16(1): 1551, <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2019.EN-1551>

⁽¹⁴⁾ Member State comments on the GM soybean can be accessed via EFSA's register of questions: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2012-00753>

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Undemocratic decision-making

- O. whereas the vote on 17 May 2021 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- P. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;
- Q. whereas, in its eighth term, the European Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, the European Parliament has already adopted 18 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
- R. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
- S. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽¹⁵⁾;

Upholding the Union's international obligations

- T. whereas Regulation (EC) No 1829/2003 provides that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union's obligations under the United Nations (UN) Sustainable Development Goals ("SDGs"), the Paris Climate Agreement and the UN Convention on Biological Diversity (CBD);
- U. whereas a 2017 report by the UN's Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health ⁽¹⁶⁾; whereas UN SDG Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination ⁽¹⁷⁾; whereas authorising the import of the GM soybean would increase demand for this crop treated with a herbicide that is toxic to reproduction and that is no longer authorised for use in the Union, thereby increasing the exposure of workers in third countries; whereas the risk of increased worker exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;

⁽¹⁵⁾ The Commission 'may' and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽¹⁶⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽¹⁷⁾ <https://sdgs.un.org/2030agenda>

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- V. whereas deforestation is a major cause of biodiversity decline; whereas emissions from land-use and land-use change, mostly due to deforestation, are the second biggest cause of climate change after burning fossil fuels ⁽¹⁸⁾; whereas the Paris Climate Agreement and the Strategic Plan for Biodiversity 2011-2020 adopted under the UN CBD and the Aichi Biodiversity Targets promote sustainable forest management, protection and restoration efforts ⁽¹⁹⁾; whereas UN SDG 15 includes the target of halting deforestation by 2020 ⁽²⁰⁾; whereas forests play a multifunctional role that support the achievement of most UN SDGs ⁽²¹⁾;
- W. whereas soya production is a key driver of deforestation in the Amazon, Cerrado and Gran Chaco forests in South America; whereas 97 % and 100 % of soya cultivated respectively in Brazil and Argentina is GM soya ⁽²²⁾; whereas the vast majority of GM soybeans authorised for cultivation in Brazil and Argentina are also authorised for import into the Union; whereas the GM soybean is already authorised for cultivation in Argentina and Brazil ⁽²³⁾;
- X. whereas a recent peer-reviewed scientific study found that the Union is the region with the largest carbon footprint in the world associated with soya imports from Brazil, 13,8 % larger than that of China, the largest soya importer, due to a larger share of emissions from embodied deforestation ⁽²⁴⁾; whereas another recent study found that approximately a fifth of the soya exported to the Union from Brazil's Amazon and Cerrado regions, mostly for animal feed, may be 'contaminated with illegal deforestation' ⁽²⁵⁾;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
 2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²⁶⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;
 3. Calls on the Commission to withdraw its draft implementing decision;
 4. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs ⁽²⁷⁾; expresses its deep disappointment, however, that, the Commission continues to authorise GM soybeans for import ⁽²⁸⁾ despite objections by Parliament and a majority of Member States;

⁽¹⁸⁾ Commission communication of 23 July 2019 entitled 'Stepping up EU action to Protect and Restore the World's forests' (COM (2019)0352), p. 1.

⁽¹⁹⁾ Idem, p. 2.

⁽²⁰⁾ See target 15.2: <https://sdgs.un.org/2030agenda>

⁽²¹⁾ Commission communication of 23 July 2019 entitled 'Stepping up EU action to Protect and Restore the World's forests' (COM (2019)0352), p. 2.

⁽²²⁾ International Service for the Acquisition of Agri-biotech Applications, 'Global status of /GM crops in 2017: Biotech Crop Adoption Surges as Economic Benefits Accumulate in 22 Years', ISAAA Brief No. 53 (2017), pp. 16 and 21, <https://www.isaaa.org/resources/publications/briefs/53/download/isaaa-brief-53-2017.pdf>

⁽²³⁾ <https://www.isaaa.org/gmaprovaldatabase/event/default.asp?EventID=416&Event=DAS81419%20x%20DA4406>

⁽²⁴⁾ Escobar, N., Tizado, E. J., zu Ermgassen, E. K., Löfgren, P., Börner, J., Godar, J., 'Spatially-explicit footprints of agricultural commodities: Mapping carbon emissions embodied in Brazil's soy exports', Global Environmental Change, Volume 62, May 2020, 102067 <https://www.sciencedirect.com/science/article/pii/S0959378019308623>

⁽²⁵⁾ Rajão, R., Soares-Filho, B., Nunes, F., Börner, J., Machado, L., Assis, D., Oliveira, A., Pinto, L., Ribeiro, V., Rausch, L., Gibbs, H., Figueira, D., 'The rotten apples of Brazil's agribusiness', Science 17 July 2020, Volume 369, Issue 6501, pp. 246-248, <https://science.sciencemag.org/content/369/6501/246>.

⁽²⁶⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽²⁷⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽²⁸⁾ https://webgate.ec.europa.eu/dyna/gm_register/gm_register_auth.cfm?pr_id=100

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5. Calls on the Commission to move forward with the utmost urgency concerning the development of sustainability criteria, with full involvement of Parliament; calls on the Commission to provide information on how this process will be undertaken and in what timeframe;
 6. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm' ⁽²⁹⁾;
 7. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 ⁽³⁰⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 8. Reiterates its calls on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide break-down products and any combinatorial effects;
 9. Reiterates its call on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or is for import into the Union for food and feed uses;
 10. Reiterates its call on the Commission not to authorise the import for food or feed uses of any GM plant which has been made tolerant to a herbicide-active substance that is not authorised for use in the Union;
 11. Welcomes the announcement of a legislative proposal from the Commission on 'Measures to avoid or minimise the placing of products associated with deforestation or forest degradation on the EU market'; in the meantime, given the urgency of tackling deforestation in the Amazon, Cerrado and Gran Chaco forests and the fact that Union demand for GM soybeans contributes to deforestation in that region, calls on the Commission to immediately suspend the import of GM soybeans cultivated in Brazil and Argentina, using Article 53 of Regulation (EC) No 178/2002 if necessary, until effective legally binding mechanisms have been put in place to prevent the placing on the Union market of products associated with deforestation and related human rights violations;
 12. Reiterates its call for the implementation of a European vegetable protein production and supply strategy ⁽³¹⁾, which would enable the Union to become less dependent on GM soybean imports and to create shorter food chains and regional markets;
 13. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽²⁹⁾ Texts adopted, P9_TA(2020)0005, paragraph 102.

⁽³⁰⁾ Texts adopted, P9_TA(2020)0364.

⁽³¹⁾ Texts adopted, P9_TA(2020)0005, paragraph 64.

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P9_TA(2021)0335

Genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603

European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073423/01 — 2021/2765(RSP))

(2022/C 99/07)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073423/01,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 17 May 2021, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 25 November 2020, and published on 13 January 2021 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on assessment of genetically modified maize 1507 × MIR162 × MON 810 × NK603 and subcombinations, for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2015-127), EFSA Journal 2021; 19(1):6348, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2021.6348>

⁽⁴⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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

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

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LLcotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council . (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T3Ø4-4Ø × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIRØ98 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).

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- A. whereas, on 8 December 2015, Pioneer Overseas Corporation (the ‘applicant’) submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 (‘the stacked GM maize’) in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application also covered the placing on the market of products containing or consisting of the stacked GM maize for uses other than food and feed, with the exception of cultivation;
- B. whereas, in addition, the application covered the placing on the market of products containing, consisting of or produced from 10 sub-combinations of those single transformation events constituting the stacked GM maize; whereas six sub-combinations of the stacked GM maize have already been authorised; whereas the draft Commission implementing decision covers the remaining four sub-combinations;
- C. whereas, on 25 November 2020, EFSA adopted a favourable opinion, which was published on 13 January 2021;
- D. whereas the stacked GM maize is derived from crossing four genetically modified maize events, and confers tolerance to herbicides containing glufosinate, and glyphosate as well as producing three insecticidal proteins (‘Bt’ or ‘Cry’ proteins): Cry1F, Cry1Ab and Vip3Aa20 which are toxic to certain lepidopteran pests ⁽⁶⁾;
- E. whereas for the four sub-combinations covered by the draft Commission implementing decision, the applicant did not provide any experimental data;

Lack of assessment of herbicide residues, metabolites and cocktail effects

- F. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of ‘complementary’ herbicides, in large part because of the emergence of herbicide-tolerant weeds ⁽⁷⁾; whereas, as a consequence, it has to be expected that the stacked GM maize will be exposed to both higher and repeated doses of glufosinate and glyphosate, and that therefore a higher quantity of residues may be present in the harvest;
- G. whereas questions concerning the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015, the International Agency for Research on Cancer, the specialised cancer agency of the World Health Organization, classified glyphosate as a probable carcinogen for humans;
- H. whereas glufosinate is classified as toxic to reproduction 1B and therefore meets the ‘cut-off criteria’ set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽⁸⁾; whereas the approval of glufosinate for use in the Union expired on 31 July 2018 ⁽⁹⁾;
- I. whereas assessment of herbicide residues and their break-down products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms (‘EFSA GMO Panel’) and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides

⁽⁶⁾ EFSA opinion, p. 11, Table 4.

⁽⁷⁾ See, for example, Bonny, S., ‘Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact’, *Environmental Management*, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C.M., ‘Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years’, *Environmental Sciences Europe*; 28 September 2012, Vol. 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

⁽⁸⁾ 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).

⁽⁹⁾ https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/active-substances/?event=as.details&as_id=79

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are broken down by the GM plant concerned, and the composition and thus toxicity of the break-down products ('metabolites'), can be driven by the genetic modification itself ⁽¹⁰⁾;

- J. whereas, due to specific agricultural practices in the cultivation of herbicide-tolerant GM plants, there are specific patterns of applications, exposure, occurrence of specific metabolites and emergence of combinatorial effects that require special attention; whereas those were not considered by EFSA;
- K. whereas it therefore cannot be concluded that consumption of the stacked GM maize or its sub-combinations is safe for human and animal health;

Lack of maximum residue levels and related controls

- L. whereas, under Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽¹¹⁾, which aims to ensure a high level of consumer protection, specific maximum residue levels (MRLs) should be set for food and feed produced in third countries, when the use of pesticides results in levels of residues different from those resulting from agricultural practice within the Union; whereas this is indeed the case for imported herbicide-tolerant GM crops because of the increased volumes of herbicides used vis-à-vis non-GM crops;
- M. whereas, however, according to a 2018 EFSA review of the existing MRLs for glyphosate, available data were insufficient to derive MRLs and risk assessment values for glyphosate in relation to GM maize with an EPSPS modification ⁽¹²⁾; whereas the stacked GM maize has the EPSPS modification ⁽¹³⁾;

Outstanding questions concerning Bt toxins

- N. whereas toxicological tests for GM authorisations are carried out with isolated Bt toxins; whereas little significance can be attributed to toxicological tests conducted with proteins in isolation due to the fact that Bt toxins in GM crops, such as maize, cotton and soybeans, are inherently more toxic than isolated Bt toxins; whereas this is because protease inhibitors (PI), present in the plant tissue, can increase the toxicity of the Bt toxins by delaying their degradation; whereas this phenomena has been demonstrated in a number of scientific studies, including one conducted for Monsanto 30 years ago which showed that even the presence of extremely low levels of PI enhanced the toxicity of Bt toxins up to 20-fold ⁽¹⁴⁾;
- O. whereas those effects have never been taken into account in EFSA risk assessments, even though they are relevant for all Bt plants approved for import or cultivation in the Union; whereas risks, arising from this enhanced toxicity due to the interaction between PI and Bt toxins, to humans and animals consuming food and feed containing Bt toxins cannot be ruled out;
- P. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties ⁽¹⁵⁾, meaning that they can increase the allergenicity of other proteins with which they come into contact;

⁽¹⁰⁾ This is indeed the case for glyphosate, as stated in EFSA 'Review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005', EFSA Journal 2018; 16(5):5263, p. 12, <https://www.efsa.europa.eu/fr/efsajournal/pub/5263>

⁽¹¹⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1). See recital 26.

⁽¹²⁾ Reasoned opinion on the review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005, EFSA Journal 2018; 16(5):5263, p. 4. <https://doi.org/10.2903/j.efsa.2018.5263>

⁽¹³⁾ EFSA opinion, p. 12.

⁽¹⁴⁾ MacIntosh, S.C., Kishore, G.M., Perlak, F.J., Marrone, P.G., Stone, T.B., Sims, S.R., Fuchs, R.L., 'Potentiation of *Bacillus thuringiensis* insecticidal activity by serine protease inhibitors', Journal of Agricultural and Food Chemistry, 38, pp. 1145-1152, <https://pubs.acs.org/doi/abs/10.1021/jf00094a051>

⁽¹⁵⁾ For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36(5), pp. 630648, <https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252>

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- Q. whereas assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is considered outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the risk assessment; whereas this is problematic since residues from spraying with glufosinate are known to disturb the microbiome which, for example, may enhance immune reactions in combination with Bt toxins ⁽¹⁶⁾;

Bt crops: effects on non-target organisms and increased resistance

- R. whereas, unlike the use of insecticides, where exposure is at the time of spraying and for a limited time afterwards, the use of Bt GM crops leads to continuous exposure of the target and non-target organisms to Bt toxins;
- S. whereas the assumption that Bt toxins exhibit a single target-specific mode-of-action can no longer be considered correct and effects on non-target organisms cannot be excluded ⁽¹⁷⁾ whereas an increasing number of non-target organisms are reported to be affected in many ways; whereas 39 peer-reviewed publications that report significant adverse effects of Bt toxins on many 'out-of-range' species are mentioned in a recent overview ⁽¹⁸⁾; whereas a range of non-target organisms in the Union could be exposed to Bt toxins via spillage, waste and manure resulting from the import of Bt crops; whereas no effects on non-target organisms were evaluated in the risk assessment;
- T. whereas the risk assessment did not consider the development of resistance in the target pests to Bt toxins, possibly resulting in the use of less environmentally safe pesticides or increased doses and the number of applications to the GM crop in the country of cultivation; whereas, the United States Environmental Protection Agency is planning to phase out many Bt corn hybrids, as well as some Bt cotton varieties, in the next three to five years, due to the growth in insect resistance to such crops ⁽¹⁹⁾;
- U. whereas, while it has been claimed that the use of Bt crops leads to a decrease in the use of insecticides, a study undertaken in the United States ⁽²⁰⁾, finds that 'several analyses on the influence of Bt crops on pesticide-use patterns do not seem to have considered seed treatments and so may have overstated reductions in insecticide use (especially "area treated") associated with Bt crops';
- V. whereas the Union is party to the United Nations (UN) Convention on Biological Diversity (UN CBD), which makes it clear that both exporting and importing countries have international responsibilities regarding biological diversity;

Upholding the Union's international obligations

- W. whereas Regulation (EC) No 1829/2003 provides that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union's obligations under the UN Sustainable Development Goals ('SDGs'), the Paris Climate Agreement and the UN CBD;

⁽¹⁶⁾ Parenti, M.D., Santoro, A., Del Rio, A., Franceschi, C., 'Literature review in support of adjuvant/immunogenicity assessment of proteins', EFSA Supporting Publications, January 2019, 16(1):1551, <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2019.EN-1551>

⁽¹⁷⁾ See, for example, Hilbeck, A., Otto, M., 'Specificity and combinatorial effects of *Bacillus thuringiensis* Cry toxins in the context of GMO environmental risk assessment', *Frontiers in Environmental Science* 2015, 3:71, <https://doi.org/10.3389/fenvs.2015.00071>

⁽¹⁸⁾ Hilbeck, A., Defarge, N., Lebrecht, T., Böhn, T., 'Insecticidal Bt crops. EFSA's risk assessment approach for GM Bt plants fails by design', *RAGES* 2020, p. 4, https://www.testbiotech.org/sites/default/files/RAGES_reportInsecticidal%20Bt%20plants.pdf

⁽¹⁹⁾ <https://www.dtnpf.com/agriculture/web/ag/crops/article/2020/09/29/epa-proposes-phasing-dozens-bt-corn>

⁽²⁰⁾ Douglas, M.R., Tooker, J.F., 'Large-Scale Deployment of Seed Treatments Has Driven Rapid Increase in Use of Neonicotinoid Insecticides and Preemptive Pest Management in U.S. Field Crops', *Environmental Science and Technology* 2015, 49, 8, pp. 5088-5097, <https://pubs.acs.org/doi/10.1021/es506141g>

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- X. whereas a 2017 report by the UN's Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health ⁽²¹⁾; whereas UN SDG Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination ⁽²²⁾; whereas authorising the import of the GM maize would increase demand for this crop treated with a herbicide that is toxic to reproduction and that is no longer authorised for use in the Union, thereby increasing the exposure of workers in third countries; whereas the risk of increased worker exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;

Undemocratic decision-making

- Y. whereas the vote on 17 May 2021 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- Z. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;
- AA. whereas, in its eighth term, the European Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, the European Parliament has already adopted 18 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
- AB. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
- AC. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽²³⁾;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²⁴⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;
3. Calls on the Commission to withdraw its draft implementing decision;

⁽²¹⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽²²⁾ <https://sdgs.un.org/2030agenda>

⁽²³⁾ The Commission 'may' and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽²⁴⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

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4. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs ⁽²⁵⁾; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;
 5. Calls on the Commission to move forward with the utmost urgency concerning the development of sustainability criteria, with full involvement of Parliament; calls on the Commission to provide information on how this process will be undertaken and in what timeframe;
 6. Reiterates its call on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide break-down products and any combinatorial effects, including with the GM plant itself;
 7. Reiterates its call on the Commission not to authorise the import for food or feed uses of any GM plant which has been made tolerant to a herbicide-active substance that is not authorised for use in the Union;
 8. Calls on EFSA to investigate the substantial differences between native Bt toxins and those expressed by synthetic transgenes in GM crop plants, and to widen its risk assessment in order to fully take into account all interactions and combinatorial effects between Bt-toxins, GM plants and their constituents, residues from spraying with the complementary herbicides, the environment as well as impacts on health and food safety;
 9. Calls on EFSA to no longer accept toxicity studies based on isolated proteins which are likely to be different in structure and biological effects compared to those produced by the plant itself, and to require that all tests are carried out with tissue from the GM plant;
 10. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
 11. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm' ⁽²⁶⁾;
 12. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 ⁽²⁷⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 13. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽²⁵⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽²⁶⁾ Texts adopted, P9_TA(2020)0005, paragraph 102.

⁽²⁷⁾ Texts adopted, P9_TA(2020)0364.

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P9_TA(2021)0336

Genetically modified maize Bt 11 (SYN-BTØ11-1)

European Parliament resolution of 7 July 2021 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt 11 (SYN-BTØ11-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073424/01 — 2021/2761(RSP))

(2022/C 99/08)

The European Parliament,

- having regard to the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt 11 (SYN-BTØ11-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D073424/01,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 11(3) and 23(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 17 May 2021, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 25 November 2020, and published on 13 January 2021 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on assessment of genetically modified maize Bt11 for renewal authorisation under Regulation (EC) No 1829/2003 (application EFSA-GMO RX-016), EFSA Journal 2021; 19(1):6347, <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2021.6347>

⁽⁴⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LLcotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T3Ø4-4Ø × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIRØ98 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).

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- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas, on 24 September 2018, Syngenta Crop Protection NV/SA, submitted to the Commission an application, in accordance with Articles 11 and 23 of Regulation (EC) No 1829/2003, for the renewal of the authorisation for the placing on the market of products containing or consisting of genetically modified maize Bt11 ('the GM maize') for uses other than food and feed, with the exception of cultivation;
- B. whereas, on 25 November 2020, EFSA adopted a favourable opinion in relation to the renewal of the GM maize, which was published on 13 January 2021; whereas, on 28 January 2009, EFSA adopted a favourable opinion in relation to the initial authorisation of the GM maize which was published on 17 February 2009 ⁽⁶⁾;
- C. whereas the GM maize confers tolerance to herbicides containing glufosinate as well as producing an insecticidal protein, a 'Bt toxin', Cry1Ab which is toxic to certain lepidopteran pests ⁽⁷⁾;

Lack of assessment of herbicide residues, metabolites and cocktail effects

- D. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of 'complementary' herbicides, in large part because of the emergence of herbicide-tolerant weeds ⁽⁸⁾; whereas, as a consequence, it has to be expected that the GM maize will be exposed to both higher and repeated doses of glufosinate, and that therefore a higher quantity of residues may be present in the harvest;
- E. whereas glufosinate is classified as toxic to reproduction 1B and therefore meets the 'cut-off criteria' set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽⁹⁾; whereas the approval of glufosinate for use in the Union expired on 31 July 2018 ⁽¹⁰⁾;
- F. whereas assessment of herbicide residues and their break-down products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms ('EFSA GMO Panel') and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides are broken down by the GM plant concerned, and the composition and thus toxicity of the break-down products ('metabolites'), can be driven by the genetic modification itself;
- G. whereas, due to specific agricultural practices in the cultivation of herbicide-tolerant GM plants, there are specific patterns of applications, exposure, occurrence of specific metabolites and emergence of combinatorial effects that require special attention; whereas those were not considered by EFSA;

⁽⁶⁾ Opinion of the EFSA Panel on Genetically Modified Organisms on application reference EFSA-GMO-RX-Bt11 for renewal of the authorisation of existing products produced from insect-resistant genetically modified maize Bt11, under Regulation (EC) No 1829/2003 from Syngenta, EFSA Journal 2009; 7(2):977, <https://www.efsa.europa.eu/en/efsajournal/pub/977>

⁽⁷⁾ EFSA 2009 opinion, p. 2.

⁽⁸⁾ See, for example, Bonny, S., 'Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact', Environmental Management, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C. M., 'Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years', Environmental Sciences Europe; 28 September 2012, Vol. 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

⁽⁹⁾ 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).

⁽¹⁰⁾ https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/active-substances/?event=as.details&as_id=79

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Outstanding questions concerning Bt toxins

- H. whereas toxicological tests for GM authorisations are carried out with isolated Bt toxins; whereas little significance can be attributed to toxicological tests conducted with proteins in isolation due to the fact that Bt toxins in GM crops, such as maize, cotton and soybeans, are inherently more toxic than isolated Bt toxins; whereas this is because protease inhibitors (PI), present in the plant tissue, can increase the toxicity of the Bt toxins by delaying their degradation; whereas this phenomena has been demonstrated in a number of scientific studies, including one conducted for Monsanto 30 years ago which showed that even the presence of extremely low levels of PI enhanced the toxicity of Bt toxins up to 20-fold ⁽¹¹⁾;
- I. whereas those effects are not taken into account in EFSA risk assessments, even though they are relevant for all Bt plants approved for import or cultivation in the Union; whereas risks, arising from this enhanced toxicity due to the interaction between PI and Bt toxins, to humans and animals consuming food and feed containing Bt toxins cannot be ruled out;
- J. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties ⁽¹²⁾, meaning that they can increase the allergenicity of other proteins with which they come into contact;
- K. whereas assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is considered outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the risk assessment; whereas this is problematic since residues from spraying with glufosinate are known to disturb the microbiome which, for example, may enhance immune reactions in combination with Bt toxins ⁽¹³⁾;

Bt crops: effects on non-target organisms and increased resistance

- L. whereas, unlike the use of insecticides, where exposure is at the time of spraying and for a limited time afterwards, the use of Bt GM crops leads to continuous exposure of the target and non-target organisms to Bt toxins;
- M. whereas the assumption that Bt toxins exhibit a single target-specific mode-of-action can no longer be considered correct and effects on non-target organisms cannot be excluded ⁽¹⁴⁾ whereas an increasing number of non-target organisms are reported to be affected in many ways; whereas 39 peer-reviewed publications that report significant adverse effects of Bt toxins on many 'out-of-range' species are mentioned in a recent overview ⁽¹⁵⁾; whereas a range of non-target organisms in the Union could be exposed to Bt toxins via spillage, waste and manure resulting from the import of Bt crops; whereas no effects on non-target organisms were evaluated in the risk assessment;
- N. whereas the risk assessment did not consider the development of resistance in the target pests to Bt toxins, possibly resulting in the use of less environmentally safe pesticides or increased doses and the number of applications to the GM crop in the country of cultivation; whereas, the United States Environmental Protection Agency is planning to phase out many Bt corn hybrids, as well as some Bt cotton varieties, in the next three to five years, due to the growth in insect resistance to such crops ⁽¹⁶⁾;

⁽¹¹⁾ MacIntosh, S.C., Kishore, G.M., Perlak, F.J., Marrone, P.G., Stone, T.B., Sims, S.R., Fuchs, R.L., 'Potentiation of *Bacillus thuringiensis* insecticidal activity by serine protease inhibitors', Journal of Agricultural and Food Chemistry, 38, pp. 1145-1152, <https://pubs.acs.org/doi/abs/10.1021/jf00094a051>

⁽¹²⁾ For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36(5), pp. 630-648, <https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252>

⁽¹³⁾ Parenti, M.D., Santoro, A., Del Rio, A., Franceschi, C., 'Literature review in support of adjuvanticity/immunogenicity assessment of proteins', EFSA Supporting Publications, January 2019, 16(1): 1551, <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2019.EN-1551>

⁽¹⁴⁾ See, for example, Hilbeck, A., Otto, M., 'Specificity and combinatorial effects of *Bacillus thuringiensis* Cry toxins in the context of GMO environmental risk assessment', Frontiers in Environmental Science 2015, 3:71, <https://doi.org/10.3389/fenvs.2015.00071>

⁽¹⁵⁾ Hilbeck, A., Defarge, N., Lebrecht, T., Böhn, T., 'Insecticidal Bt crops. EFSA's risk assessment approach for GM Bt plants fails by design', RAGES 2020, p. 4, [https://www.testbiotech.org/sites/default/files/RAGES_report-Insecticidal %20Bt%20plants.pdf](https://www.testbiotech.org/sites/default/files/RAGES_report-Insecticidal%20Bt%20plants.pdf)

⁽¹⁶⁾ <https://www.dtnpf.com/agriculture/web/ag/crops/article/2020/09/29/epa-proposes-phasing-dozens-bt-corn>

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- O. whereas, while it has been claimed that the use of Bt crops leads to a decrease in the use of insecticides, a study undertaken in the United States ⁽¹⁷⁾, finds that ‘several analyses on the influence of Bt crops on pesticide-use patterns do not seem to have considered seed treatments and so may have overstated reductions in insecticide use (especially “area treated”) associated with Bt crops’;
- P. whereas the Union is party to the United Nations (UN) Convention on Biological Diversity (UN CBD), which makes it clear that both exporting and importing countries have international responsibilities regarding biological diversity;

Comments by Member State competent authorities

- Q. whereas Member State competent authorities submitted many comments to EFSA during the three-month consultation period ⁽¹⁸⁾; whereas those comments include criticism over the literature search performed by the applicant, that the monitoring reports of the GM maize for the authorisation period have severe shortcomings and that data on glufosinate residue levels, including relevant metabolites, in plant material from the field studies would support the assessment of food, feed, and environmental safety; whereas one competent authority requested an assessment of what impacts the GM crop has on biodiversity in producing and exporting countries, including on how the import of this crop influences the selection of crops in the Union and also raised the ethical issue of whether a commodity whose cultivation will entail operators’ exposure to glufosinate which is toxic for reproduction and no longer authorised in the Union, should be authorised for import into the Union;

Upholding the Union’s international obligations

- R. whereas Regulation (EC) No 1829/2003 provides that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union’s obligations under the UN Sustainable Development Goals (‘SDGs’), the Paris Climate Agreement and the UN CBD;
- S. whereas a 2017 report by the UN’s Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health ⁽¹⁹⁾; whereas UN SDG Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination ⁽²⁰⁾; whereas authorising the import of the GM maize would increase demand for this crop treated with a herbicide that is toxic to reproduction and that is no longer authorised for use in the Union, thereby increasing the exposure of workers in third countries; whereas the risk of increased worker exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;

Undemocratic decision-making

- T. whereas the vote on 17 May 2021 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- U. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;

⁽¹⁷⁾ Douglas, M.R., Tooker, J.F., ‘Large-Scale Deployment of Seed Treatments Has Driven Rapid Increase in Use of Neonicotinoid Insecticides and Preemptive Pest Management in U.S. Field Crops’, *Environmental Science and Technology* 2015, 49, 8, pp. 5088-5097, <https://pubs.acs.org/doi/10.1021/es506141g>

⁽¹⁸⁾ State comments on the GM maize can be accessed via EFSA’s register of questions: <http://registerofquestions.efsa.europa.eu/roqFrontend/login?>

⁽¹⁹⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽²⁰⁾ <https://sdgs.un.org/2030agenda>

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- V. whereas, in its eighth term, the European Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, the European Parliament has already adopted 18 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
- W. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
- X. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽²¹⁾;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²²⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;
3. Calls on the Commission to withdraw its draft implementing decision;
4. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs ⁽²³⁾; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;
5. Calls on the Commission to move forward with the utmost urgency concerning the development of sustainability criteria, with full involvement of Parliament; calls on the Commission to provide information on how this process will be undertaken and in what timeframe;
6. Reiterates its call on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide break-down products and any combinatorial effects, including with the GM plant itself;
7. Reiterates its call on the Commission not to authorise the import for food or feed uses of any GM plant which has been made tolerant to a herbicide-active substance that is not authorised for use in the Union;
8. Calls on EFSA to investigate the substantial differences between native Bt toxins and those expressed by synthetic transgenes in GM crop plants, and to widen its risk assessment in order to fully take into account all interactions and combinatorial effects between Bt-toxins, GM plants and their constituents, residues from spraying with the complementary herbicides, the environment as well as impacts on health and food safety;

⁽²¹⁾ The Commission 'may' and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽²²⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽²³⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

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9. Calls on EFSA to no longer accept toxicity studies based on isolated proteins which are likely to be different in structure and biological effects compared to those produced by the plant itself, and to require that all tests are carried out with tissue from the GM plant;
 10. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
 11. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm' ⁽²⁴⁾;
 12. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 ⁽²⁵⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 13. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽²⁴⁾ Texts adopted, P9_TA(2020)0005, paragraph 102.

⁽²⁵⁾ Texts adopted, P9_TA(2020)0364.

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P9_TA(2021)0337

Protection of the EU's financial interests — combatting fraud — annual report 2019**European Parliament resolution of 7 July 2021 on the protection of the EU's financial interests — combating fraud — annual report 2019 (2020/2246(INI))**

(2022/C 99/09)

The European Parliament,

- having regard to Articles 310(6) and 325(5) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to its resolutions on previous annual reports of the Commission and of the European Anti-Fraud Office (OLAF),
- having regard to the Commission report of 3 September 2020 entitled ‘31th Annual Report on the Protection of the European Union's financial interests — Fight against fraud — 2019’ (COM(2020)0363) and the accompanying staff working documents (SWD(2020)0156, SWD(2020)0157, SWD(2020)0158, SWD(2020)0159 and SWD(2020)0160),
- having regard to OLAF's 2019 report and activity report of its Supervisory Committee,
- having regard to the annual report of the European Court of Auditors on the implementation of the EU budget for the 2019 financial year, together with the institutions' replies ⁽¹⁾,
- having regard to Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 ⁽²⁾ (the OLAF Regulation),
- having regard to Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations ⁽³⁾,
- having regard to the judgment of the General Court (First Chamber) of 26 June 2019 in Case T-617/17, *Vialto Consulting Kft. v Commission* ⁽⁴⁾,
- having regard to the judgment of the General Court (Sixth Chamber) of 6 June 2019 in Case T-399/17, *Dalli v Commission* ⁽⁵⁾ and the judgment of the Court (First Chamber) of 25 February 2021 in Case C-615/19 P, *Dalli v Commission*,
- having regard to the judgment of the General Court of 13 May 2020 in Case T-290/18, *Agmin Italy SpA v Commission* ⁽⁶⁾,
- having regard to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law ⁽⁷⁾,
- having regard to the European Court of Auditors' Special Report No 01/2019 of 10 January 2019 entitled ‘Fighting fraud in EU spending: action needed’,

⁽¹⁾ OJ C 377, 9.11.2020, p. 13.

⁽²⁾ OJ L 248, 18.9.2013, p. 1.

⁽³⁾ OJ L 437, 28.12.2020, p. 49.

⁽⁴⁾ OJ C 295, 2.9.2019, p. 24.

⁽⁵⁾ OJ C 255, 29.7.2019, p. 31.

⁽⁶⁾ OJ C 215, 29.6.2020, p. 29.

⁽⁷⁾ OJ L 305, 26.11.2019, p. 17.

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- having regard to the European Court of Auditors' Special Report No 06/2019 of 16 May 2019 entitled 'Tackling fraud in EU cohesion spending: managing authorities need to strengthen detection, response and coordination',
 - having regard to the European Court of Auditors' overview of 9 October 2018 entitled '2017 EU audit in brief: introducing the 2017 annual reports of the European Court of Auditors',
 - having regard to the expert report drawn up for the Commission on 10 September 2020 entitled 'Study and Reports on the VAT Gap in the EU-28 Member States: 2020 Final Report',
 - having regard to Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law ⁽⁸⁾ (the PIF Directive),
 - having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ⁽⁹⁾,
 - having regard to Decision (EU) 2019/1798 of the European Parliament and of the Council of 23 October 2019 appointing the European Chief Prosecutor of the European Public Prosecutor's Office ⁽¹⁰⁾,
 - having regard to the Commission communication of 14 December 2020 on the review of the European Union under the Implementation Review Mechanism of the United Nations Conventions against Corruption (UNCAC) (COM(2020)0793),
 - having regard to its resolution of 14 February 2017 on the role of whistleblowers in the protection of EU's financial interests ⁽¹¹⁾,
 - having regard to Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom ⁽¹²⁾,
 - having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹³⁾,
 - having regard to the Commission communication of 29 April 2019 entitled 'Commission Anti-Fraud Strategy: enhanced action to protect the EU budget' (COM(2019)0196),
 - having regard to the continuing implementation of the Hercule III programme,
 - having regard to Regulation (EU) 2021/785 of the European Parliament and of the Council of 29 April 2021 establishing the Union Anti-Fraud Programme and repealing Regulation (EU) No 250/2014 ⁽¹⁴⁾,
 - having regard to the Commission communication of 14 April 2021 on the EU Strategy to tackle Organised Crime 2021-2025 (COM(2021)0170),
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0209/2021),
- A. whereas *de jure*, the Member States and the Commission have a shared responsibility and must work closely together to protect the Union's financial interests and fight fraud and corruption; whereas *de facto*, the Member States' authorities managed approximately 74 % of EU expenditure and collected the Union's traditional own resources (TOR) with regard to the EU budget for 2019;
- B. whereas while it should fulfil its respective responsibilities under shared management for supervision, control and auditing, the Commission is only capable of monitoring approximately 10 % of all expenditure;

⁽⁸⁾ OJ L 198, 28.7.2017, p. 29.

⁽⁹⁾ OJ L 283, 31.10.2017, p. 1.

⁽¹⁰⁾ OJ L 274, 28.10.2019, p. 1.

⁽¹¹⁾ OJ C 252, 18.7.2018, p. 56.

⁽¹²⁾ OJ L 424, 15.12.2020, p. 1.

⁽¹³⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽¹⁴⁾ OJ L 172, 17.5.2021, p. 110.

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- C. whereas Article 310(6) TFEU states that 'the Union and the Member States, in accordance with Article 325, shall counter fraud and any other illegal activities affecting the financial interests of the Union'; whereas Article 325(2) TFEU states that 'Member States shall take the same measures to counter fraud affecting the financial interests of the Union as they take to counter fraud affecting their own financial interests'; whereas Article 325(3) TFEU states that 'the Member States shall coordinate their action aimed at protecting the financial interests of the Union against fraud' and, to that end, 'shall organise, together with the Commission, close and regular cooperation between competent authorities'; whereas under Article 325(4) TFEU, the European Court of Auditors must be consulted on any measures to be adopted by the legislator in the fields of the prevention of and fight against fraud affecting the EU's financial interests;
- D. whereas according to Article 83 TFEU, corruption is a particularly serious crime with a cross-border dimension;
- E. whereas the diversity of legal and administrative systems in the Member States needs to be adequately addressed in order to create more unified administrative and reporting systems in the EU and to effectively prevent irregularities and combat fraud and corruption with more tangible and satisfactory results;
- F. whereas VAT is an important revenue source for national budgets and whereas VAT-based own resources constituted 11,97 % of total EU budget revenue in 2019;
- G. whereas systematic, institutionalised and high-level cases of corruption and deliberate attempts to weaken checks and balances and the independence of the institutions responsible for monitoring and controlling finances in certain Member States seriously harm the Union's financial interests, while posing a threat to democracy, fundamental rights and the rule of law; recalls the detrimental impact of corruption for the trust of EU citizens in the institutions;
- H. whereas according to the European Court of Auditors, the Commission's insights into the scale, nature and causes of fraud are insufficient and not all potential fraud is reported in the irregularity management system;
- I. whereas corruption affects all Member States to varying degrees, and is not only a burden on the EU economy, but also undermines democracy and the rule of law right across Europe;

General

1. Welcomes the Commission's 31st annual report on the protection of the EU's financial interests and the fight against fraud (PIF Report), which underlines the achievements of 2019 with regard to the consolidation of the institutional framework on the fight against fraud and irregularities at EU level, namely the transposition into national law by 18 Member States of the measures provided for in the PIF Directive by the end of the year, with four more Member States having done so by June 2020; calls on all remaining Member States to take all the necessary measures and ensure the full and correct transposition of the directive in the shortest possible time; calls on the Commission to closely monitor the transposition process in all Member States and to make use of its prerogatives for launching infringement procedures where Member States fail to comply with the transposition process;
2. Regrets the fact that the Commission had to send reasoned opinions to Ireland and Romania on 3 December 2020 for failing to transpose the PIF Directive into national law; notes that Romania transposed the PIF Directive into national law on 15 December 2020;
3. Emphasises that respect for the rule of law is a precondition for sound financial management, including the efficient and effective allocation and management of EU funds and the fight against corruption and mismanagement; strongly welcomes, in that regard, the adoption of Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget;

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4. Welcomes the fact that the Commission has immediately started its work on a clear methodology and analysis of potential cases; acknowledges that the Commission has clearly stated on several occasions that it will fulfil its role as guardian of the Treaties and apply Regulation (EU, Euratom) 2020/2092 from the date it entered into force without undue delay, so that no case is lost during the necessary preparation work in the first half of 2021; recalls that Regulation (EU, Euratom) 2020/2092 applies to all commitments and payments from 1 January 2021, while providing safeguards for final beneficiaries and recipients;

Detected fraudulent and non-fraudulent irregularities

5. Notes that the total number of fraudulent and non-fraudulent irregularities reported in 2019 amounted to 11 726 cases overall (2 % fewer cases than in 2018), and involved a value of approximately EUR 1,6 billion — a 34 % decrease on 2018; notes, in this respect, that the data on the number of cases and the corresponding value for each year is continuously assessed and updated and should be considered within a long-term perspective;

6. Notes that the number of detected irregularities reported as fraudulent is an indication of the extent of detection and of the capacity of the Member States and EU bodies to intercept potential fraud, but not a direct indicator of the level of fraud affecting the EU budget or a specific Member State; notes that it is unclear how many fraudulent irregularities go unreported every year, making it very difficult to evaluate the effectiveness of anti-fraud activities; recalls that in 2019, the European Court of Auditors published two special reports in which it highlighted the Commission's shortcomings with regard to its insights into the scale, nature and causes of fraud and identified weaknesses in the Commission's strategic approach towards managing fraud risks, calling on it to take more proactive measures to address these issues; calls on the Commission, therefore, to develop a methodology to improve reliability and provide for more accurate estimations of the scale of fraud in the EU; notes that the detection and reporting of an irregularity implies that corrective measures have been taken to protect the Union's financial interests and that, whenever relevant, criminal proceedings have been launched;

7. Notes that the number of fraudulent irregularities reported in 2019 (939 cases — 8 % of all irregularities) and their related financial amounts (approximately EUR 461,4 million — 28 % of all financial amounts affected by irregularities) decreased significantly compared to 2018; notes that in 2019, the number of fraudulent irregularities reported was 40 % less than in 2015 and 25 % lower than the five-year average for 2015-2019; notes that in 2019, 514 expenditure-related irregularities reported as fraudulent represented 0,3 % of 2019 payments, while 425 revenue-related irregularities reported as fraudulent corresponded to 0,3 % of the gross amount of TOR collected for 2019;

8. Takes into consideration the fact that the number of non-fraudulent irregularities registered in 2019 (10 787 cases) remained stable in comparison to 2018, while the financial amounts involved decreased by 8 % to approximately EUR 1,2 billion; notes that in 2019, 6 550 expenditure-related irregularities reported as non-fraudulent represented 0,5 % of 2019 payments, while 4 237 revenue-related irregularities reported as non-fraudulent corresponded to 1,5 % of the gross amount of TOR collected for 2019;

9. Emphasises that the change in the number of fraudulent or non-fraudulent irregularities detected represents a momentary snapshot that should be seen within the context of other significant factors; stresses that reported falls in the total number of cases of both fraudulent and non-fraudulent irregularities can either indicate a positive development — an overall decrease in fraudulent activity, or a negative development — a reduction in the level of detection of fraudulent activity;

10. Highlights that in the particular case of fraudulent irregularities, detections were concentrated within a few Member States, which suggests different approaches to the use of criminal law to protect the EU budget; underlines and regrets the fact that many Member States do not have specific laws to combat mafia-type organised crime, whose involvement in cross-border activities and sectors affecting the EU's financial interests is constantly growing; calls on the Commission to address these differences between the Member States and to consider new harmonising measures;

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11. Recalls that deficiencies in the validity and comparability of data and reporting technologies, with varying degrees of digitalisation in the Member States, continue to severely hamper the quality and reliability of the information available to the Commission in the irregularity management system and OWNRES system; regrets the fact that the detection of the misuse, fraud and embezzlement of EU funds is mostly limited to incidental discoveries by the Commission and the Court of Auditors during their sample-based audits or to investigations by OLAF; is concerned by the Court of Auditors' repeated findings that the work of some national authorities is considered too error-prone and therefore unreliable; emphasises that these deficiencies have an impact on the quality of data reported by the Member States to the Commission on the number of fraudulent and non-fraudulent irregularities detected; notes that three Member States did not report any fraudulent irregularities in 2019 ⁽¹⁵⁾; is particularly concerned by the lack of adequate staffing and qualifications of certain national authorities and the lack of internal audits;

12. Underlines the increased risks that the COVID-19 crisis has brought to the implementation of the EU budget; notes with concern that more than half of the fraudulent irregularities were reported by two Member States and that some Member States regularly do not report a single case of fraud; calls on the Commission to pay particular attention to these cases by carrying out monitoring and taking action to ensure the full protection of the EU budget, and to run random, on-the-spot checks, especially in exceptional circumstances of crises; shares the Commission's view that countering fraud and irregularities is of the utmost importance in a period of crisis ⁽¹⁶⁾;

13. Urges the Member States and the Commission to cooperate more closely with regard to exchanging information, improving data collection and enhancing the effectiveness of controls; calls on Member States, in this regard, to publish data on the final beneficiaries in a uniform, machine-readable format and to ensure interoperability with the Commission's monitoring tools; strongly urges the Commission to conduct a thorough analysis of the underlying reasons and potential structural problems causing the persisting systemic weaknesses in the reliability of the work of some national authorities and to pay particular attention to any potential differences between countries' systems; calls on the Commission to address clear country-specific recommendations to the national authorities; asks the Commission to establish a structured dialogue with the national authorities and the Court of Auditors to continuously work on capacity-building and exchanges of best practices to improve the reliability of national authorities' work, and to keep Parliament informed about the progress made; calls on the Commission to offer further support to improve cooperation under the Eurofisc network;

14. Reiterates, in this regard, its call on the Commission to establish a uniform system for the collection of comparable data on irregularities and cases of fraud from the Member States in order to standardise the reporting process and ensure the quality and comparability of the data provided;

Revenue — own resources fraud

15. Notes that 425 irregularities were reported as revenue-related fraud in 2019 — 21 % lower than the five-year average of 541 irregularities per year for 2015-2019; notes, moreover, that the affected amount of TOR estimated and established (EUR 80 million) in 2019 was 19 % lower than the five-year average of EUR 98 million; notes that inspection by anti-fraud services was the most successful method of detecting fraudulent cases;

16. Notes that 4 237 irregularities were detected and reported as non-fraudulent for 2019 — 6 % lower than the five-year average, and that the affected amount of TOR estimated and established was EUR 397 million in 2019, which is 3 % lower than the five-year average; notes, moreover, that non-fraudulent irregularities were primarily detected through post-release controls;

17. Stresses the seriousness of the current situation concerning fraud involving the failure to pay VAT, in particular so-called carousel fraud; calls on all Member States to participate in all of Eurofisc's fields of activity to facilitate the exchange of information to help combat fraud;

⁽¹⁵⁾ Cyprus, Luxembourg and Malta.

⁽¹⁶⁾ PIF Report, Chapter 10.2, p. 31.

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18. Notes from the 2020 Final Report on the VAT Gap that the EU VAT gap dropped to EUR 140 billion in 2018 and could fall below EUR 130 billion in 2019; is concerned, however, that the VAT gap may reach EUR 164 billion in 2020 and asks the Commission for a thorough explanation as to whether this increase was in any way related to the COVID-19 pandemic;

19. Is deeply concerned by the extensive impact of VAT fraud on the EU budget as well as national budgets; deems it very important to step up the fight against the biggest kind of VAT fraud — missing trader intra-community (MTIC) fraud, which comes at an estimated annual cost of EUR 40-60 billion; calls on the Commission to assess the strengths and weaknesses of different potential solutions to tackle MTIC fraud, notably the introduction of a real-time, digital transaction-based reporting system developed by researchers (TX++), or a combination of the definitive VAT system with digital and real-time, transaction-based reporting;

20. Notes that 16 revenue-related anti-fraud measures were reported by the Member States in 2019: eight in the area of customs fraud, five on tax fraud, and three on a mixture of the two; notes that the Commission began an evaluation process in 2019 to determine how useful Council Regulation (EC) No 515/97 ⁽¹⁷⁾ has been in preventing customs fraud;

21. Notes that between 2017 and 2019, the Commission carried out on-the-spot inspections on the control strategy in the field of customs value in all Member States and found that the Union's financial interests were not effectively protected, leading to significant losses to the EU budget of TOR; notes that OLAF has issued investigative reports with recommendations for six Member States which have not fully implemented the necessary measures to consistently tackle undervaluation fraud; calls on the Commission to report back to Parliament on the Member States that could provide a good example of best practices to follow and those where significant challenges remain;

22. Notes that just as in 2017 and 2018, solar panels were the goods most affected by fraud and irregularities in monetary terms in 2019; calls on the Commission to recognise the systemic nature of such fraud and strongly urges the Council and the Member States to take robust action in this regard;

23. Notes that there are serious doubts about the accuracy of the TOR (custom duties) amounts transferred to the EU budget by the United Kingdom as a consequence of investigations carried out by OLAF on undervaluation fraud concerning textiles and shoes imported via the UK from China, as well as those conducted by the Commission within the framework of own resources management; strongly criticises the fact that the UK still refuses to make available to the EU budget the missing TOR amounts from 2011-2017 (EUR 2,679 billion gross); welcomes the Commission's referral to the Court of Justice in March 2019 of an infringement case against the UK concerning the TOR losses due to undervalued imports; asks the Commission to report on any developments in this regard;

24. Is deeply concerned by the non-quantifiable reservation maintained for 2019 by the Commission's Directorate-General for Budget (DG BUDG), which stated that the undervaluation fraud partly moved to other Member States with certain ramifications on the collection of TOR pending final quantification; notes that the Commission has carried out inspections on undervaluation in all Member States and checked how Member States are organised to address issues of undervaluation, with particular regard to textiles and shoes from China; notes that the undervaluation of goods imported to the EU is and will remain a threat to revenue and poses a significant challenge that will have to be dealt with in the years to come; notes that the Commission will follow up with and hold Member States financially responsible for any potential losses incurred; is concerned that according to provisional calculations, TOR losses in 2019 accounted for 1 % of total TOR for the year; asks the Commission to promptly inform Parliament about the findings and consequences of its inspections and quantification calculations, once these have been finalised;

⁽¹⁷⁾ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

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25. Reiterates that a combination of different detection methods (release controls, post-release controls and inspections by anti-fraud services and others) is the most efficient way of detecting fraud and that the efficiency of each method depends on the Member State concerned, the efficiency of its administrative coordination, and the ability of the relevant Member State services to communicate with one another; calls on the Commission to inform the Council on the Member States that could provide a good example of best practices to follow and those where significant challenges for improvement remain;

26. Notes that over the past five years, the annual TOR recovery rate has varied between 52 % and 66 %, and that the recovery rate for cases reported in 2019 currently stands at approximately 57 %; notes that differences in the Member States' recovery results may arise from factors such as the type of fraud or irregularity or the type of debtor involved; notes that as of March 2020, the overall recovery rate for all years between 1989 and 2019 was 61 %; reiterates its call on the Commission to report every year on the amount of EU own resources recovered, following the recommendations made by OLAF, and to inform the discharge authority of the amounts still to be recovered;

Expenditure fraud

27. Notes that there were 514 expenditure irregularities reported as fraudulent in 2019 totalling EUR 381,4 million (0,3 % of 2019 payments);

28. Notes that there were 6 550 expenditure irregularities reported as non-fraudulent in 2019, representing 0,5 % of 2019 payments;

29. Notes that with regard to the common agricultural policy (CAP), the detections of irregularities were concentrated in a few Member States, above all for fraudulent irregularities, which suggests that different approaches to the use of criminal law to protect the EU budget or reporting practices on suspected fraud could be significant factors behind the differences between the Member States; notes that while the overall financial amounts were relatively stable in 2019, there was an increase in those relating to direct support and a decrease in those relating to rural development; notes, in particular, that in the area of direct support, most detections indicated the use of falsified documents or requests for aid, while in rural development many detections related to implementation; is worried that the creation of artificial conditions for receiving financial support is a common type of fraud in direct support, indicating a *modus operandi* in fraudulent irregularities that touches upon ethics and integrity; notes that there was a significant fall in fraudulent irregularities in rural development due to the decline in detections related to the 2007-2013 programming period, in line with the programming lifecycle, and a slow start of detections related to the 2014-2020 programming period, and that more fraudulent and non-fraudulent irregularities were still detected in rural development than in direct support; points out, however, that market measures recorded the highest fraud detection rate (FDR) at 0,87 %, more than four times that of rural development with regard to fraudulent irregularities, and that non-fraudulent irregularities represented nearly double the irregularities detection rate (IDR) of that of rural development; notes, moreover, that according to the Court of Auditors' 2017 annual reports⁽¹⁸⁾, the manner in which expenditure is disbursed has an impact on the risk of error and, in particular, errors were mainly confined to cost reimbursements, whereas the error rate for entitlement payments was below the materiality threshold of 2 %;

30. Reiterates its call for the introduction of maximum amounts for the payments that one natural person can receive from the first and second pillar of the CAP and for cohesion funds; is of the opinion that maximum amounts defined per natural person are much harder to circumvent; recalls that beneficiaries can artificially split up their companies or create additional companies that can all receive the maximum amount of funding in order to circumvent a cap defined by legal person; welcomes the intentions of the proposal for the CAP to count all companies belonging to the same group as one beneficiary; deems these endeavours insufficient, however, as opaque and highly complex company structures, which often involve entities in several Member States and/or third countries, make it very difficult to ensure that all companies

⁽¹⁸⁾ European Court of Auditors, 2017 EU audit in brief: introducing the 2017 annual reports of the European Court of Auditors, p. 11.

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belonging to the same group are identified as such and are actually treated as one beneficiary, and create other opportunities to circumvent these restrictions; calls on the Commission to include proposals for caps per natural person for CAP and cohesions funds in its proposal for the revision of the Financial Regulation ⁽¹⁹⁾;

31. Repeats its concern that CAP subsidies continue to incentivise land-grabbing by criminal and oligarchic structures; reiterates its urgent call on the Commission to establish a complaints mechanism for farmers and SMEs faced with land-grabbing, severe misconduct by national authorities, irregular or biased treatment in tenders or distribution of subsidies, pressure or intimidation from criminal structures, organised crime or oligarchic structures, or another severe infringement of their fundamental rights to lodge a complaint directly with the Commission; welcomes the fact that such a complaints mechanism has been proposed for the new CAP regulation;

32. Notes the complexity of the analysis on cohesion policy data and the different phases of the 2007-2013 programming period; notes that the financial amounts reported were significantly lower than the exceptional year of 2018, but on average are trending upward for the cohesion funds; underlines the importance of cooperation with the judicial authorities and stresses the need to pay closer attention to the unexpected downturn of financial amounts of both fraudulent and non-fraudulent irregularities, and, excluding 'exceptional' cases, for the 2014-2020 programming period of the financial amounts involved in fraudulent irregularities for all funds in 2019, with particular regard to the European Regional Development Fund; stresses the urgent need for the Commission, OLAF and the EPPO to fully investigate whether the different reporting patterns in the Member States in terms of their tendency to detect fraudulent irregularities involving large financial amounts are somehow related to possible conflicts of interest with stakeholders in the Member States or even criminal activity;

33. Is very concerned by media reports about EU-co-financed infrastructure investments which were repurposed after the minimum required period of three or five years; regrets the allegations of fraud and personal enrichment from this repurposing; regrets the fact that the Commission has not been able to provide additional information to dispel the remaining doubts; welcomes the Commission's intention to follow up properly on these allegations and calls on the Commission to report its findings to Parliament; further calls on the Commission to analyse which Member States have severe problems with the repurposing of EU-co-financed infrastructure projects;

34. Considers the legal minimum durability requirement of three to five years too short given the significant amounts of co-financing and the longevity of such projects; regrets the fact that the co-legislators did not decide to introduce longer durability requirements during the revision of the Common Provisions Regulation ⁽²⁰⁾; notes that there are significant differences between Member States' national rules on the durability of infrastructure investments and premature repurposing;

35. Calls on the Commission to conduct a thorough analysis on the different national rules on the durability of appropriation requirements of co-financed investments and premature repurposing, both for infrastructure and equipment, with a particular focus on whether national rules go beyond the minimum EU requirements; calls on the Commission to report its findings to Parliament;

36. Reiterates the transparency requirements for the CAP and cohesion policy, which oblige the responsible authorities of the Member States to maintain a publicly available list of final beneficiaries; strongly calls on the Member States to publish such data in a uniform, machine-readable format and ensure interoperability of the information; demands that the Commission collect and aggregate the data and publish lists of the largest beneficiaries from each fund in each Member State;

37. Notes that among the fraudulent irregularities detected in 2019, actions related to health infrastructure were affected by breaches of public procurement rules, with the most common issues detected relating to supporting documents: 15 Member States reported irregularities in actions related to health infrastructure and seven of these also detected fraud; notes

⁽¹⁹⁾ OJ L 193, 30.7.2018, p. 1.

⁽²⁰⁾ OJ L 347, 20.12.2013, p. 320.

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that the non-reporting of irregularities in this area by other Member States is not an indication that they were not affected by such risks and calls on the Commission, OLAF and the EPPO to ensure that fraudulent activities, especially those related to fighting the COVID-19 pandemic, do not remain unresolved;

38. Is concerned about continued reports by the Court of Auditors and the Commission about persisting weaknesses in public procurement in several Member States; calls on the Commission to conduct a thorough analysis of the Member States with noticeable weaknesses about the underlying reasons for these and to specify precisely to what extent they are due to formal errors or systemic fraud and corruption; is of the opinion that minor formal errors need to be treated differently and that the Commission should focus more on the more severe issues, such as intentional manipulations of the tender criteria to favour the application of certain or single bidders, corruption relating to bidder selection, conflicts of interest and other fraudulent misuse;

39. Points out that complete transparency in accounting for expenditure is essential, especially as regards infrastructure works financed directly through EU funds or financial instruments; calls on the Commission to provide for EU citizens to have full access to information on co-financed projects;

40. Stresses the need for complete transparency in accounting for the transfers and loans provided for under the Recovery and Resilience Facility and calls on the Commission to provide for Parliament to have full access to information;

41. Invites the Commission to step up its fraud prevention and detection work to ensure that EU money continues to reach the intended beneficiaries and brings effective and measurable benefits to citizens' lives;

Digitalisation as a means to protect the EU's financial interests

42. Emphasises that a greater degree of digitalisation, interoperability and harmonisation of reporting, monitoring and auditing in the EU is overdue and indispensable given the cross-border nature of misuse, fraud, misappropriations, conflicts of interest, double funding and other systemic problems; is concerned, moreover, about the controls on the financial instruments managed by intermediaries and the demonstrated weaknesses in the checks on the registered offices of beneficiaries; reiterates the need to make the disbursement of direct and indirect funds conditional on the disclosure of data on effective ownership by the beneficiaries and by financial intermediaries;

43. Regrets the fact that under the current rules, the lack of information about the ownership structures and beneficial owners of companies and groups of companies is significantly contributing to the opaqueness of how funds are currently distributed and hindering a more efficient detection of irregularities; emphasises, once again, the crucial importance of comprehensive, reliable and comparable data for the efficient, effective and timely control of EU spending and the protection of European taxpayers' money;

44. Reiterates its urgent call on the Commission to propose a legal basis in the Financial Regulation for the creation of an interoperable digital reporting and monitoring system to allow timely, uniform and standardised reporting by the Member States' authorities in the area of shared management; encourages the mandatory use of existing data-mining and risk-scoring tools, such as Arachne, as one element of the planned reporting and monitoring system; underlines that such an interoperable reporting and monitoring system would allow not only for an earlier and more efficient detection of misuse, fraud, misappropriations, conflicts of interest, double funding and other systemic problems, but also a comprehensive overview of how EU funds are actually being distributed and of potentially unintended concentrations in the hands of a few oligarchic or even criminal ultimate beneficiaries;

45. Recalls that this system should not lead to the national authorities becoming too overlaid with bureaucracy or create data congestion; calls on the Commission to determine which indicators and data are truly relevant, necessary and proportionate for auditing and control purposes and achieving the intended programming goals, and to reduce the number of indicators and milestones that need to be entered into the system;

46. Notes that the early detection and exclusion system (EDES) established by Article 135 of the Financial Regulation should ensure effective sanctions on unreliable persons or entities by excluding them from the award and procurement procedures funded under the EU budget and imposing financial penalties; regrets the fact that the database lists only very few economic operators — six as of May 2021; calls on the Commission to review the criteria with a view to reducing complexity and making EDES more applicable in practice;

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47. Asks the Commission to consider extending EDES to apply to funds under shared management, with respect for the principles of proportionality and appropriateness, in its proposal for the revision of the Financial Regulation; urges the Member States and the Commission to ensure greater interoperability of existing European and national databases and data-mining tools; acknowledges that the European Data Protection Supervisor sees no general data protection issues with establishing such interoperability, as long as there is a clear legal basis for doing so;

48. Welcomes the current rules on e-procurement, which stipulate that tender opportunities must be published in *Tenders Electronic Daily* (TED), procurement documents must be accessible electronically with hyperlinks included in the TED notices, economic operators must submit tenders electronically, and contracting authorities must accept electronic invoices;

49. Observes that public procurement is undergoing a digital transformation; welcomes the process of rethinking public procurement with digital technologies in mind; is of the opinion that this reform should go beyond simply moving to electronic tools and should include various pre-award and post-award phases; insists that these reforms should also allow for data-based approaches to be integrated at various stages of the procurement process; calls on the Commission to pay particular attention to framework agreements awarded through public procurement procedures, as the related fraud and corruption pose an increased risk to the Union's financial interests;

50. Observes that the increasing digitalisation of public services and enhanced transparency rules mean that more information on EU public finances is available in electronic formats; notes, furthermore, that the computing capacity and software currently available allow for a large amount of complex data to be processed in a relatively short period of time, which creates new potential for the detection of fraud using specialised data analytics techniques such as big data, data mining and AI technologies on open data; believes that the abundance of open data represents an opportunity to support the creation of reliable 'reputation systems', which can help prevent criminal activities; asks the Commission to carry out a systemic analysis to investigate how the new technologies are being used in the field of fraud detection and prevention, to assess their limitations, and to devise proposals on how to improve their use;

The new Commission Anti-Fraud Strategy

51. Welcomes the adoption of the new Commission Anti-Fraud Strategy on 29 April 2019; welcomes the zero tolerance policy towards fraud; welcomes the reintroduction of the Commission's corporate oversight of fraud issues by giving OLAF a stronger advisory and supervisory role; recalls that the strategy envisages a binding action plan for the Commission services and executive agencies only, despite the fact that most responsibilities lie with the Member States; calls for a unified approach which should also include the Member States;

52. Calls on the Commission to consider revising its new Anti-Fraud Strategy to fully reflect the operationalisation of the EPPO and its role in fighting fraud;

53. Stresses the importance of prioritising the development and establishment of national anti-fraud strategies (NAFSs) by all Member States, including in the light of the new challenges posed by the COVID-19 crisis and the recovery and resilience plans; is very concerned that according to the follow-up for 2018, only 10 Member States reported adopting or updating an NAFS and communicated it to OLAF, while 17 Member States have still not adopted one ⁽²¹⁾, with only four of them considering adopting or preparing a new strategy ⁽²²⁾; calls on the Member States that have not yet adopted an NAFS to do so without further undue delay; calls on the Commission to assess the NAFSs that have been adopted, to examine why Member States are lagging behind in adopting them, and to push the remaining Member States to progress with adoption;

The European Anti-Fraud Office (OLAF)

54. Welcomes the opening of negotiations in 2019 on the revision of the OLAF Regulation with regard to cooperation with the EPPO and the effectiveness of OLAF investigations; welcomes the entry into force of the revised Regulation (EU, Euratom) 2020/2223 in January 2021, which significantly strengthens OLAF's role and paves the way for smooth

⁽²¹⁾ Belgium, Denmark, Germany, Estonia, Ireland, Spain, Croatia, Cyprus, Luxembourg, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia, Finland and Sweden.

⁽²²⁾ Belgium, Spain, the Netherlands and Romania.

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collaboration with the EPPO; notes that the new rules include a clear definition of the complementary roles of the two offices, clear rules on how cases are reported, and improves how OLAF can conduct its own investigations; acknowledges that the new legal framework makes OLAF more effective by streamlining the rules for on-the-spot checks and inspections, allowing OLAF to access bank account information via the national competent authorities, reinforcing the rules governing the work of the anti-fraud coordination services in the Member States, and providing better guarantees for those concerned by OLAF investigations through the creation of a controller;

55. Considers that the reinforced powers for OLAF, the launch of the EPPO and the coordination of work across the EU's entire anti-fraud architecture for identifying, investigating and prosecuting fraudsters constitutes a major step forward in protecting the EU's financial interests; welcomes, in this regard, the conclusion of working arrangements between the EPPO, Eurojust and Europol, which establish the rules of cooperation and how the EU bodies will work together in the fight against crimes affecting the financial interests of the European Union;

56. Reiterates its assessment on the importance of OLAF's investigations and its role in coordinating efforts to protect the EU's financial interests and combat fraud;

57. Recalls that OLAF was created not only for internal investigations but also for supporting Member States in external investigations; stresses that following the creation of the EPPO, OLAF will remain the sole office responsible for protecting the EU's financial interests in Member States that opted not to join the EPPO; recalls that while the subsidiarity principle prevents OLAF from launching investigations where Member States are in a better position to act, this does not exclude OLAF from conducting analyses of recurring cases, trends and patterns and on how its ability to detect these phenomena has led to enhanced cooperation and successful actions;

58. Strongly believes that OLAF needs to be reinforced with budgetary means and personnel in order to be fully capable of carrying out its duties on prevention and investigation, not least in the Member States not participating in the EPPO; underlines the importance of ensuring that OLAF remains a strong and fully functioning partner to the EPPO; stresses that the future cooperation between OLAF and the EPPO should be based on close cooperation, the efficient exchange of information and complementarity, while avoiding duplications or conflicted competences;

59. Reiterates the fact that OLAF's remit is to help devise and develop methods to prevent and combat fraud, corruption and any other illegal activity affecting the financial interests of the Union; recalls that one of the key elements of OLAF's mandate is to promote and coordinate, with and among the Member States, the sharing of operational experience and best procedural practices on the protection of the Union's financial interests; regrets the fact, therefore, that no assessment of OLAF's investigative results on expenditure is explicitly given in the PIF Report; invites OLAF to provide tangible guidance and advice to the Member States and the Commission, building on the analysis of its investigative experience;

60. Notes the administrative arrangement for the exchange of information and cooperation between OLAF and the European Court of Auditors signed in 2019 and welcomes more structured cooperation between the Court of Auditors and OLAF;

61. Welcomes the agreement between OLAF and the co-legislators, in close cooperation with the Commission services, towards including standard provisions on the protection of the Union's financial interests in all legislation on post-2020 spending programmes, harmonised by area;

The European Public Prosecutor's Office (EPPO)

62. Welcomes the appointment of Laura Codruța Kövesi as European Chief Prosecutor in 2019 and the launch of EPPO operations on 1 June 2021; regrets the fact that the date on which the EPPO was due to become operational had to be postponed several times owing to a lack of financial and human resources and severe delays in the appointment of European and delegated prosecutors in a few Member States; asks the Commission to increase the financial and staffing resources of the EPPO to enable it to tackle the challenges that will arise from the spending of the exceptionally large recovery fund;

63. Notes that the appointment procedure for the delegated European prosecutors was launched in 2019 and completed in 2020, with 22 European prosecutors taking their oath before the Court of Justice on 28 September 2020; regrets the lack of nominations of European delegated prosecutors in particular by Slovenia, which cancelled its appointment process, as

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well as the considerable delays in many other Member States; notes that Chief Prosecutor Kövesi is deeply concerned about Slovenia's 'manifest lack of sincere cooperation' following delays in the recruitment of its delegated prosecutors; urges the Commission to strictly monitor the Member States that have not yet nominated their European delegated prosecutors or have not adapted their national legislation for the operationalisation of the EPPO, where necessary, by suspending their funding on the basis of Article 63(2) and (8) of the Financial Regulation and the sector-specific rules, and/or by launching infringement proceedings; notes, moreover, that by the end of 2019, 18 Member States had notified the Commission that they had incorporated the PIF Directive into national law; calls on the Commission to do its utmost to incentivise all Member States to join the EPPO and urges the five Member States that have not yet joined to do so without undue delay;

64. Recalls that pursuant to Council Implementing Decision (EU) 2018/1696, the selection panel for the appointment of the European prosecutors evaluates the candidates and provides the Council with a ranking which it must take into consideration but which, according to the Implementing Decision, is not binding; recalls that in the case of the candidates nominated by Belgium, Bulgaria and Portugal, the Council did not follow the selection panel's order of preference; recalls that on 27 July 2020, Austria, Estonia, Luxembourg and the Netherlands published a statement affirming that 'a competition between rankings of national selection panels and the ranking of the European selection panel must be avoided, at the risk of eroding the European component of the appointment procedure';

65. Highlights with great concern Malta's failure to nominate three suitable candidates for the College of European Prosecutors, thereby delaying completion of the college; expresses particular concern, moreover, at media reports that the Portuguese Government provided the Council with wrongful information about the title and experience of the candidate who was ranked second by the European selection panel and eventually appointed as the Portuguese European prosecutor; expresses further concern at the fact that one of the unsuccessful Belgian candidates filed a complaint about the selection procedure before the Court of Justice; regrets the fact that these issues overshadowed the formation of the College of European Prosecutors and calls on the Member States involved to provide Parliament with all the necessary information and documentation to fully assess the rightfulness of the selection process;

66. Recalls that the European and delegated prosecutors must be independent and that any suspicion of an intervention by a national government in favour of a candidate against the recommendation by the European selection panel would have severe and negative repercussions on the reputation, integrity and independence of the EPPO as an institution;

The fight against corruption

67. Welcomes the adoption of Directive (EU) 2019/1937 (the Whistleblower Directive), while noting that the deadline for transposition is 17 December 2021; calls on the Commission to closely monitor and assist the Member States, ensuring the complete, correct and timely transposition of the directive, and to start assessing the implementation by the Member States as soon as the deadline has passed;

68. Highlights the importance of independent media and investigative journalists and reiterates the need to protect them; calls on the Commission to provide for serious legal protections akin to those provided for whistleblowers, and to develop comprehensive measures for the protection and financing of independent investigative journalism, including a rapid response mechanism for journalists in distress and effective legislation to combat strategic lawsuits against public participation (SLAPPs);

69. Stresses the importance of the progress made on the Commission's legislative and policy initiatives to prevent and fight corruption, as well as the regular monitoring and evaluation of the Member States' legal frameworks via the newly established Rule of Law Report; recalls however, while reiterating its regret that the Commission no longer deems it necessary to publish a specific anti-corruption report, that the newly established Rule of Law Report is highly descriptive; calls on the Commission to augment these reports by issuing recommendations on situations where deficiencies have been identified;

70. Is very concerned by the findings of the 2020 Rule of Law Report, which highlights concerns about the effectiveness of the investigation, prosecution and adjudication of corruption cases, including high-level corruption cases in several Member States, such as Bulgaria, Croatia, Czechia, Hungary, Malta and Slovakia; insists that high-level corruption must be systematically pursued with consistent and resolute action to launch criminal investigations and prosecute corruption cases involving high-level officials or their immediate circle when serious allegations arise;

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71. Stresses that the institutions entrusted with the enforcement of criminal law must work effectively and impartially and should be equipped with adequate funding, human resources, technical capacity and specialised expertise in order to be able to carry out their tasks;

72. Highlights that the connection between corruption and fraud in the EU may have a negative impact on the EU budget; calls on the Commission to consider establishing a network of corruption prevention authorities in the European Union;

73. Welcomes the Union's role as an observer to the Group of States against Corruption (GRECO), while reiterating its recommendation that the EU should become a member; fully supports the Stockholm Declaration of December 2019, which calls on European decision-makers to strengthen the fight against corruption;

74. Notes that the appropriate legal basis for the EU to become a full member of GRECO is Article 83 TFEU in conjunction with Article 218 TFEU; notes that full EU membership of GRECO would require an invitation from the Council of Europe's Committee of Ministers and the conclusion of an agreement between the Council of Europe and the EU on the arrangements for membership; notes that the applicable decision-making procedure is laid down in Article 218 TFEU for the conclusion of international agreements whereby the Council, acting on a recommendation from the Commission, would need to authorise the Commission to negotiate the arrangements for membership in GRECO with the Council of Europe and request Parliament's consent, whereupon the Council may adopt a final decision to conclude the agreement;

75. Notes that in the case of full EU membership in GRECO the EU institutions may be monitored and evaluated by the group of states; underlines that the GRECO evaluation system should take into account the specific nature of the EU as a Union based on the principle of conferred competences, its institutions, and the particular features of EU law; emphasises that the EU's rights and obligations in GRECO and the practical arrangements for its membership as a distinct legal entity, alongside all of its Member States, should be clarified in advance in the agreement on the arrangements for membership;

76. Notes that eight measures of a legislative, organisational and administrative nature were reported by the Member States in 2019 in the area of enhancing transparency, fighting corruption and preventing conflicts of interest in public procurement;

77. Reiterates its call on the Commission to set up an internal corruption evaluation mechanism for the EU institutions;

78. Is concerned about the Czech Chief Prosecutor General citing permanent pressure by the justice minister as reasons for his recent resignation; asks the Commission to look into vulnerabilities of the Czech judicial system and to carefully examine whether any other cases involving members of the Czech Government have been withdrawn or prematurely closed potentially following pressure or unjustified interference; calls on the Commission to also conduct such an analysis for all the other Member States and to keep Parliament informed about its findings and conclusions;

Recommendations

79. Reiterates its call on the Commission to establish a digital and interoperable uniform system for the collection of comparable data on irregularities and cases of fraud from the Member States in order to standardise the reporting process and ensure the quality and comparability of the data provided; underlines the importance of harmonising definitions to obtain comparative data across the EU;

80. Calls on the Commission to ensure the full transparency and quality of data reported by Member States in the irregularity management system; urges the Member States to report complete data in a timely manner; calls on the Commission and the Member States to link the irregularity management system with EDES and Arachne and to provide access to it for all Member States and the Commission;

81. Considers it necessary for the Member States to cooperate more closely with regard to exchanges of information in order to improve data collection and enhance the effectiveness of controls;

82. Emphasises that EDES, as the EU's blacklist, has huge potential for flagging people and companies that misuse EU funds; notes, in addition, the judgment of the General Court of 13 May 2020 in Case T-290/18 (*Agmin Italy SpA v Commission*), wherein the Court of Justice confirmed the validity of the respective roles of the panel and the authorising

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officers and found that the adversarial procedure led by the panel had fully respected the right of the entity concerned to be heard; invites the Commission to include the extension of EDES to funds under shared management in its proposal for the revision of the Financial Regulation; asks the Commission to equip this system with the necessary financial and staffing resources to enable it to operate on a full time basis;

83. Deplores the fact that there are more than 290 monitoring and reporting systems for the CAP and cohesion funds, which makes it impossible to verify the final beneficiaries of those funds and prevent and investigate fraud and corruption effectively; calls on the Commission and the Member States to establish a harmonised or unified reporting system with timely and accurate data in order to remedy this situation;

84. Recalls the need for a more incisive and effective response and coordination at both EU and national level in the fight against corruption and organised crime, including mafia-style crime, with a particular focus on transnational and cross-border aspects, in order to tackle fraudsters' constant ability to adapt to new technologies and scenarios; stresses that this could be achieved by using AI tools, data-mining and other relevant digitalised tools, while respecting the protection of personal data;

85. Emphasises the particular importance of EU and national anti-fraud institutions and bodies in the context of increased EU resources through the Recovery and Resilience Facility; recalls the importance of supporting and strengthening cooperation among the EU institutions, the EPPO, OLAF, EU agencies — notably Europol and Eurojust — and national authorities in order to detect and tackle fraud and corruption more effectively, while ensuring that roles do not overlap and promoting the exchange of information; recalls the need to ensure greater, more suitable resources for the EPPO, OLAF and the relevant EU agencies in future budgets; reiterates its request for the EPPO to be able to use the financial resources in the 2021 budget for additional staff recruitment, not least given the increased workload from the adoption of the EU's new long-term budget, Next Generation EU and other cost-driven projects;

86. Highlights the importance of structured information exchange among the competent authorities for cross-checking accounting records relating to transactions between two or more Member States in order to prevent cross-border fraud arising from the structural and investment funds; reiterates its request to the Commission to include in its work programme a legislative proposal for a horizontal regulation on mutual administrative assistance in the area of EU expenditure; emphasises that this information exchange should be in a digital format and conducted through interoperable or shared IT systems and tools to facilitate more timely and efficient cooperation;

87. Regrets the fact that only 13 Member States used Arachne when carrying out their risk analyses; reiterates the importance of this tool and the interoperability of IT systems and databases for the purposes of risk analysis and detection of fraud; reiterates its call on the Commission and the Member States in the Council in particular to move towards Parliament's position of making the use of Arachne mandatory; calls on the Member States to ensure that the system is supplied with timely and reliable data; is of the opinion that the Commission, the Court of Auditors, the EPPO and OLAF need to have access to this data;

88. Notes that 16 Member States have strengthened risk analysis to detect fraud and irregularities through the use of IT tools; calls on the Commission to facilitate exchanges of good practices between these countries and Member States with no experience;

89. Notes with concern that no information is provided in the PIF Report on the analysis of cases of conflicts of interest, despite the relevance of the new provision adopted in the Financial Regulation in 2018 and the acknowledged importance and impact of this phenomenon; calls on the Commission to fill this gap in its next PIF Report and to devote more attention to fraud relating to public procurement;

90. Highlights that in order to combat corruption effectively and protect the EU's financial interests, the Commission should adopt a holistic, coherent and systematic approach by developing better rules on transparency, incompatibilities and conflicts of interest, internal control mechanisms, illegitimate lobbying and revolving doors scenarios, which can be detrimental to relations between the institutions and interest representatives;

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91. Invites the Commission to explore new avenues for the PIF Report to be shared and analysed alongside other sources of information and annual reports such as the Rule of Law Report, including through enhanced dialogue between Europol, Eurojust and the EPPO in order to help identify trends in fraudulent and non-fraudulent irregularities, detect weaknesses and provide useful lessons learnt to improve the adoption of fraud-proofing measures by all stakeholders;

92. Welcomes the events organised by OLAF in 2019 dedicated specifically to supporting non-EU countries; strongly encourages the Commission, OLAF and all the other EU institutions and bodies entrusted with the protection of the Union's financial interests to actively engage and collaborate with partner authorities in candidate, potential candidate and Eastern Partnership countries, by promoting measures to effectively address possible cases of fraud; calls on the Commission to develop specific and regular mechanisms to effectively prevent and combat fraud with EU funds in these states;

93. Regrets the fact that Parliament repeatedly has to address several recommendations without receiving any clear response from the Commission; notes with regret that on some observations and recommendations, the Commission has not taken any tangible action or measures; asks the Commission to provide Parliament with a clear explanation whenever it decides not to follow one of its recommendations;

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

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P9_TA(2021)0338

The impact on the fishing sector of offshore windfarms and other renewable energy systems

European Parliament resolution of 7 July 2021 on the impact on the fishing sector of offshore wind farms and other renewable energy systems (2019/2158(INI))

(2022/C 99/10)

The European Parliament,

- having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),
- having regard to the EU biodiversity strategy for 2030, set out in 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 Commission recommendations of May 2020 for positive interactions between offshore wind farms and fisheries,
- having regard to the Commission’s 2020 Blue Economy Report of 11 June 2020,
- having regard to the Commission communication of 17 September 2020 entitled ‘Stepping up Europe’s 2030 climate ambition — Investing in a climate-neutral future for the benefit of our people’ (COM(2020)0562),
- having regard to the Commission communication of 19 November 2020 entitled ‘An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future’ (COM(2020)0741),
- having regard to 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) ⁽¹⁾,
- having regard to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning ⁽²⁾ (‘Maritime Spatial Planning Directive’),
- having regard to 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 ⁽³⁾,
- having regard to the Agreement adopted at the 21st Conference of the Parties (COP21) to the UN Framework Convention on Climate Change (UNFCCC) in Paris on 12 December 2015 (the Paris Agreement),
- having regard to its resolution of 16 January 2018 on international ocean governance: an agenda for the future of our oceans in the context of the 2030 Sustainable Development Goals ⁽⁴⁾,
- having regard to the ‘EMODnet Human Activities Vessels Density Mapping — Service, 2019’ and ‘Offshore Renewable Energy Developments — 2018’ mapping services of the OSPAR Data and Information Management System,
- having regard to the North Sea Advisory Council (NSAC) advice of 28 December 2020 on the development of offshore wind farms and fisheries interactions,
- having regard to its position adopted at first reading on 24 June 2021 with a view to the adoption of a regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) ⁽⁵⁾,

⁽¹⁾ OJ L 164, 25.6.2008, p. 19.

⁽²⁾ OJ L 257, 28.8.2014, p. 135.

⁽³⁾ OJ L 328, 21.12.2018, p. 82.

⁽⁴⁾ OJ C 458, 19.12.2018, p. 9.

⁽⁵⁾ Texts adopted, P9_TA(2021)0309.

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- having regard to the study requested by the Committee on Fisheries (PECH) of 12 November 2020 on the impact of the use of offshore wind and other marine renewables on European fisheries,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on Fisheries (A9-0184/2021),
- A. whereas the EU is aiming to become climate neutral by 2050 at the latest, in line with the Green Deal objectives; whereas the Commission has proposed a greenhouse gas (GHG) emission reduction objective of at least 55 % by 2030, while Parliament has called for a GHG emission reduction target of 60 % by 2030; whereas offshore renewable energy is one of the options that Member States can choose to achieve this target; whereas it should play a key role in achieving these objectives through an integrated approach taking into account the three pillars of sustainability;
- B. whereas under the Treaties the EU has the responsibility to ensure security of supply and Member States are responsible for determining the structure of their energy supply and their choice of energy sources, while respecting the EU targets for climate neutrality by 2050;
- C. whereas according to the Commission's estimates, 30 % of the EU's electricity demand in 2050 will be met by offshore wind, corresponding to an increase from the current 12 GW offshore wind capacity in the EU-27 to a target of 300 GW in 2050; whereas according to the Commission's estimates demand will reach 40 GW of ocean energy capacity by 2050;
- D. whereas according to Article 194 of the Treaty on the Functioning of the European Union (TFEU), the Union energy policy must ensure the functioning of the energy market and security of energy supply, promote energy efficiency and savings and the development of renewable energy and promote the interconnection of energy networks; whereas the definition of the energy mix of Member States remains a national competence, and therefore energy mixes are highly diversified;
- E. whereas the Northern Seas (North Sea, Baltic Sea and North-East Atlantic) account for more than 85 % of all offshore wind capacity in EU-27 waters;
- F. whereas the geographical characteristics of Member States and European sea basins vary greatly across the EU; whereas the development of offshore wind farms (OFWs) and other renewable energy systems is currently concentrated in the North Sea and the Baltic Sea, where conditions are more favourable; whereas, in the future, the possibility or desirability of creating, or of increasing the size or capacity of, offshore renewable energy installations will equally be very different in each basin and Member State;
- G. whereas it was agreed in the EU-UK Trade and Cooperation Agreement that EU fishing vessels would continue to have reciprocal access to UK waters and would therefore continue to share the European marine space which currently contains 110 OFWs with more than 5 000 wind turbines;
- H. whereas the supply of wind energy can be irregular and unstable, due to changing weather circumstances;
- I. whereas the possibilities for storing wind energy are still very limited;
- J. whereas other offshore renewable energy sources such as wave, tidal and thermal technologies, floating photovoltaic installations and the use of algae to produce biofuels play an important role in the Commission's offshore renewable energy strategy, although there are currently no large-scale installations in operation; whereas they can contribute to achieving climate neutrality and enhanced European leadership, and create new jobs; whereas it is necessary to continue research and innovation, as other offshore renewable energy sources could be promising and more appropriate in some areas and have less impact on fishing activities, fish stocks and the marine environment;

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- K. whereas offshore wind turbines have an average life cycle of 25 to 30 years; whereas very few turbines have so far been decommissioned and recycling is still very complex with 85 to 90 % of a dismantled wind turbine being recycled; whereas a long-term vision based on a circular economy and life-cycle approach is necessary in order to assess the impacts on other activities, such as fishing, and on local communities and ecosystems, at the end of the project; whereas eco-design through the use of specific materials and the design of the infrastructure can foster the development of local biodiversity; whereas recycling methods or maintaining infrastructures as artificial reefs have to be assessed at an early stage of the conception of the project;
- L. whereas the most cost- and space-efficient way to achieve the 2050 offshore capacity target would be through the multiple use of the same maritime space by different sectors, by considering a co-benefit approach, according to which each activity benefits from the other, as the cohabitation of activities can be positive in terms of the environment and socio-economic benefits;
- M. whereas there is increasing competition between different uses of maritime space, which often leads to the historical uses of evident historical, cultural, social and economic value, such as fishing, being overlooked;
- N. whereas the Maritime Spatial Planning Directive states that Member States must take into consideration the interactions of activities and uses such as aquaculture, fishing, and installations and infrastructures for the production of energy from renewable sources, as well as submarine cables, promote the coexistence of relevant activities and apply an ecosystem-based approach;
- O. whereas, through their maritime spatial plans, Member States should aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, of the fisheries and aquaculture sectors, and the preservation, protection and improvement of the environment, including resilience to climate change impacts; whereas, in this regard, fisheries and aquaculture interests should receive special attention and should not be marginalised as Member States continue their work and subsequent revisions of national maritime spatial plans;
- P. whereas the Commission proposal for an EU Biodiversity Strategy states that ‘The EU will prioritise solutions such as ocean energy, offshore wind, which also allows for fish stock regeneration’, while a recent study published by its Directorate-General for Internal Policies⁽⁶⁾ reveals that ‘potential fisheries benefits as a consequence of Offshore Renewables installations are not well understood and empirical evidence is pending’;
- Q. whereas the Commission, in its communication entitled ‘An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future’, called on public authorities to plan the deployment of offshore renewable energies in the long term and from an early stage, assessing their environmental, social and economic sustainability, ensuring coexistence with other activities, such as fisheries and aquaculture, and making sure the public accept planned deployments;
- R. whereas fisheries have a relatively small impact on GDP; whereas it is of the utmost importance for fishing communities in many Member States;
- S. whereas around 80 % of all fishing vessels in the EU are small-scale vessels, with most being family-run businesses that go back generations, operating mainly in coastal waters;
- T. whereas the cumulation of current and future offshore renewable developments has the biggest impact on fishing operations targeting demersal species and crustaceans;
- U. whereas harnessing offshore energy, while ensuring environmental protection and the sustainable development of fisheries and other economic activities, requires joint planning and a rigorous assessment of cumulative impacts, including socio-economic effects;

⁽⁶⁾ Study — ‘Impact of the use of offshore wind and other marine renewables on European fisheries’, European Parliament, Directorate-General for Internal Policies, Policy Department B — Structural and Cohesion Policies, 12 November 2020.

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- V. whereas additional research into the effects of OFWs and other offshore renewable energy systems on the marine environment and fisheries resources is needed;
- W. whereas Parliament insists that the Union's 2030 target for the climate must be an economy-wide GHG emission reduction of 60 % compared to 1990;
- X. whereas exploring EU offshore wind resources and promoting marine renewable energy projects in a manner compatible with other uses of the maritime space, primarily fisheries, while seeking synergies and protecting biodiversity is a necessity;
- Y. whereas the monitoring and empirical analysis of fishing practices before, during and after the construction of OFWs is important to create a better understanding of co-existence;
- Z. whereas the foundations of offshore renewable energy devices might attract marine life and could have an artificial reef effect;
- AA. whereas the International Hydrographic Organisation (IHO) recommends avoiding fishing activities at a minimum distance of 0,25 nautical miles (463 meters) on either side of a submarine cable to minimise risks;
1. Highlights the need to avoid the potential negative long-term impact caused by offshore wind turbines on certain ecosystems, fish stocks and biodiversity, and consequently on fisheries as a whole; emphasises the need for a life-cycle approach to their development, from construction through operation and decommissioning, hence the importance of rigorous and detailed studies to assess the impacts of existing offshore wind turbines;
2. Emphasises that offshore renewable energy should be deployed in such a way as to create opportunities for other activities, through an environmental, social and economic co-benefits approach, ensuring benefits for fishers and local communities;
3. Warns that offshore renewable energy will only be sustainable if it has no negative impact on the environment and on economic, social and territorial cohesion, especially in fisheries-dependent regions;
4. Is concerned about the lack of research into the decommissioning of offshore wind turbines and into the effects of decommissioning on the environment;
5. Reaffirms that it remains the competence of a Member State to decide on its national energy mix and technologies;
6. Emphasises that renewable energy and energy efficiency are among the key drivers for reaching a net zero-emissions economy; highlights that in order to meet the 2030 renewable energy target, offshore renewable electricity infrastructure capacity and production need to be increased accordingly;
7. Highlights the important potential of renewable hydrogen, including from wind and solar energy, in reaching the Union's climate neutrality objective;
8. Stresses that floating wind farms have the potential to be developed in deep water areas, which expands the viable zone for wind energy development while reducing its visibility from shore; calls, therefore, on the Commission and the Member States to support the upscaling and commercialisation of sustainable floating offshore wind technology that further reduces the impact on fisheries;
9. Stresses the need to minimise the risk of the large-scale roll-out of OFWs affecting the physical functioning of the sea basin, in particular sea and air currents, which might contribute to a mixing of the stratified water column and consequently influence the nutrient cycle, wave generation, tidal amplitudes and bedload sediment transport, and that the effects of these must be closely monitored, while infrasonic noise from rotating blades could repel fish, as well as marine mammal species, from OFWs, and electromagnetic fields from underwater cables, as well as underwater noise from pile driving, could have severe negative impacts on crustaceans and marine life; stresses in this regard the need for further development and research into how to avoid and mitigate these negative effects;

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10. Notes the importance of implementing best practices in terms of minimising disruption and mitigating damage to ecosystems in the planning, operational and decommissioning stages of offshore activity;
11. Takes the view that the installation of marine renewable energy production units must be incorporated into and respond to the development strategies and energy sovereignty of each state while being consistent with the objectives of the European Green Deal;
12. Highlights the importance of taking the morphological and geographical characteristics of the areas in which OWFs are to be established into account;
13. Takes the view that decisions to install offshore renewable energy production infrastructure should be based on the best scientific assessments of the associated impacts and involve all stakeholders in the exploitation of the areas to be occupied, in particular the associated fishing communities and their organisations;
14. Stresses the need to investigate the potential effects, such as artificial reef effects of offshore renewable systems, on marine life and fisheries, which could be limited to the operational phase and to examine how decommissioning can be carried out in such a way that its benefits might not be temporary; underlines that when OWFs are decommissioned, the sites need to be left in a state that allows fishing activities if they had been allowed before construction or during the operational phase, and that protects and respects the environment;
15. Points out the need to consider the characteristics of the seabed when deploying OFWs so as not to build infrastructure where it would risk altering the local habitat and ecosystem;
16. Proposes to assess the combination and integration of OWFs within marine protected areas (MPAs) against clearly defined habitat and biodiversity conservation objectives, including those pertaining to fisheries resources; underlines that management committees should be set up in these MPAs in order to achieve better coexistence of activities, and that approval by the relevant competent authority in charge of the MPAs must be given;
17. Stresses that OWFs should, whenever possible, be placed in zones where fishing is not permitted, in order to minimise negative impacts on the fishing industry;
18. States that OWFs can have an impact on fisheries by changing the spatial distribution and abundance of commercially fished marine species as well as through their closure for safety reasons or the imposition of a change in fishing activity or method, for example from active to passive;
19. Insists on the establishment of dialogue and cooperation with fishers at an early stage in the process; emphasises the need to take into account local ecosystems and the specificities of the local community; highlights the need for proper compensation for fishers if the establishment of OWFs affects their activities;
20. Takes note of the fact that the Commission communication on the biodiversity strategy for 2030 states that 'The EU will prioritise solutions such as ocean energy, offshore wind, which also allows for fish stock regeneration', and that the possibility of a combination of OWFs and protected areas is considered;
21. Stresses that the environmental, social and economic impact of OFWs depends on site-specific conditions, ecosystems and human activities, and that stakeholder collaboration in the design, implementation and management of OFWs is key to resolving issues of common interest;
22. Notes that the small-scale, coastal and artisanal fishing sector may bear the brunt of the impact of the installation of these offshore renewable energy production units, given their relative proximity to the coast;
23. Stresses that small-scale and coastal fishers will be particularly affected if displacement takes place, as they may not have the capacity to move to fishing grounds further afield or to change fishing method, particularly if OFWs are located in territorial waters (12 nautical miles from the coast); calls for appropriate compensation as a last resort;

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24. Stresses the need to facilitate access to insurance for fishing vessels operating in or sailing through areas with OWFs, as it is currently very problematic owing to the insufficient indemnity levels offered by fishing vessels' insurance policies;
25. Points out that any restriction on access to traditional fishing grounds directly affects the livelihoods of fishers from the different coastal EU Member States and dependent jobs ashore; stresses, therefore, that appropriate compensation should be given as a last resort when necessary; furthermore, points out that restrictions on access could undermine the responsible and sustainable provision of food security;
26. Calls on Member States, in line with maritime spatial planning provisions, to designate specific historical and traditional fishing grounds of local fishers as areas that are to remain free of offshore renewables;
27. Stresses that overlap analysis of offshore renewables and fisheries suggests a sharp increase in spatial conflict potential in certain European sea basins over the coming years; stresses, in this context, the need for early spatial planning which includes all relevant stakeholders, with regard to both the placement and the lay-out of OFWs; calls for effective participation, dialogues and networks to be set up at an early stage, in order to reduce and avoid conflicts;
28. Stresses that there are currently some examples of cooperation of (active or passive) fishing activities in areas with OFWs; stresses that cooperative co-design approaches to the deployment of OWFs, in order to combine them with other uses, can reduce the potential impact on fisheries, strengthen the relationship between the various sectors involved and allow for beneficial cooperation between them;
29. Recognises the potential for aqua- and algaculture, as well as for passive fishing, within areas with OWFs; stresses, however, that more research is necessary in order to assess their ecological impact and economic potential;
30. Is concerned about the fact that, apart from prohibitions and restrictions to fishing activities, fishers tend to avoid fishing in areas with OWFs even if access is permitted because of the risk of accidental damage, snagging and loss of fishing gear, and that consequently the fear of potential exposure to liability is a source of concern that hinders coexistence;
31. Stresses that outermost regions' and islands' energy mixes are highly dependent on fossil fuel imports, despite their local characteristics which are conducive to the development of renewables; calls, therefore, on the Commission and the Member States to pay special attention and dedicate specific funding to the development of offshore renewable energy in these territories in order to minimise dependency on fossil fuels;
32. Acknowledges the potential of floating offshore wind devices which create opportunities for installations in areas with deep waters, and involve greater distance from the coastline, less visual impact and less potential spatial overlap with fishing areas;
33. Stresses that the decommissioning of offshore wind turbines must neither generate enduring environmental impacts or pose safety risks to fishing vessels due to any remaining sub-seabed infrastructure; points out, in addition, that recycling methods should be further developed in order to reduce the impacts on the environment; considers it essential to ensure that offshore windfarms should only be built if an integrated approach to the life-cycle processes of offshore wind turbines is taken, meaning that it is clear from the beginning how offshore wind turbines can be designed, constructed, used, decommissioned and recycled in a sustainable way; stresses further that decommissioning strategies envisaging alternative future use or removal of the constructions must be integrated into the design and installation plans from the beginning, and that the long-term sustainable impact must be considered in order to adhere to the principles of a circular economy;
34. Urges the creation of an international standard that defines how to decommission turbines and that gives a comprehensive overview of the rules and regulations on decommissioning, while adhering to the principles of a circular economy;

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35. Emphasises that financial arrangements should be put in place in order to cover the long-term risks arising from abandoned offshore infrastructure which might be removed so that fishing may safely return;
36. Stresses that any sub-seabed infrastructure left in situ should be subject to appropriate monitoring;
37. Highlights that assessments of the economic, socio-economic and socio-cultural effects of offshore renewables on fisheries are lacking in recent empirical studies; urges the Commission, therefore, to carry out further research in addition to studying the environmental impacts in order to assess the possible economic and social impacts on fisheries of investments in offshore renewables and to identify appropriate ways to overcome these negative impacts;
38. Stresses that standardised monitoring programmes and harmonisation of fishing effort data are required to enable cumulative ecological and socio-economic as well as environmental impact assessment of the expansion of offshore renewable energy and that compatibility and comparability of data have to be improved;
39. Proposes that Member States increase coordination in the field of OWF research in order to facilitate the collection and exchange of research findings and data, as well as exchange of best practices; recalls that offshore wind energy is one of the most advanced technologies, but that other renewable energy systems could be promising, and in certain cases more appropriate, in some areas where fishing activities take place and thus have a less damaging impact on the economic, social and environmental aspects; highlights the importance of boosting investments in research and development in this regard;
40. Calls on the Commission and the Member States to improve cross-border cooperation in maritime spatial planning, including with the United Kingdom, the largest producer of offshore wind in Europe, in order to find solutions to common problems, integrate electricity connections and learn from best practices;
41. States that maritime spatial planning must play a key role, by distinguishing each maritime area on the basis of its own characteristics and has to put greater emphasis on the assessment of achieving co-location options and multi-usage of OFWs, which is of the utmost importance in achieving a win-win situation for sustainable fisheries, aquaculture and the offshore energy sector, and in including the effective participation of fisheries in the decision-making process as opposed to the overly vague notions of 'consultation' and 'observers', the fulfilment of commitments made and the prior resolution of usage conflicts;
42. Calls on Member States, as the competent authority on maritime spatial planning, in the context of their continued work and subsequent revisions of national maritime spatial plans, to take into account the need to ensure that the negative effects of offshore wind turbines on fisheries are avoided and that they are therefore placed away from fishing grounds;
43. Promotes the application of an ecosystem-based approach in maritime spatial planning, with the intention of providing a systems-based framework for understanding and managing marine ecosystems and their interaction with socio-economic activities;
44. Highlights the importance of community energy production schemes which allow coastal communities and cooperatives, including fishers, to generate their own electricity and reinvest profits back into the community;
45. Stresses that OWFs should only be built if the exclusion of negative environmental and ecological, as well as economic, socio-economic and socio-cultural impacts on fishers and aquaculture producers is guaranteed, in line with the objectives of the Blue Economy and the European Green Deal;
46. Urges the Member States to take into account the impact of offshore renewable energy on the marine ecosystem and fisheries when determining their energy mix;
47. Urges the Member States also to continue working on the development and usage of other forms of renewable energy;

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48. Calls on the Commission to carry out an impact assessment to examine the expected economic, social and environmental consequences of constructing OWF facilities where they are likely to come into conflict with both the fishing sector and the sustainability of marine life;
 49. Stresses that cooperation across the sectors active in the offshore environment and economy will also be a driver for a just transition; calls on the Commission to assess initiatives that stimulate local economies and economic activities offshore and to find synergies between sectors that can serve as a basis for a future-proof economic recovery;
 50. Highlights that examples of coexistence between the fishing sector and the offshore wind energy sector already exist, and that this experience should be used to find and share the best available practices for the whole life cycle of marine infrastructure;
 51. Stresses that stakeholders should have a right to participate and have a say in maritime spatial planning;
 52. Stresses that early, equitable, effective and continuous stakeholder consultation and participation, notably of fishers and aquaculture producers, the creation of transparent guidelines and the payment of compensation could alleviate the potential for conflict and create a level playing field between fisheries and offshore renewables;
 53. Calls for the EU to promote and support OWF in its external action, in particular with third countries where access to energy remains uneven and limited, in line with the Green Deal's objectives;
 54. Emphasises that the precautionary principle, in accordance with Article 191(2) TFEU, should apply if decisions have to be taken before the required knowledge or information is available;
 55. Notes that further measures at EU level might be required, including legislation, given that evidence suggests that Member States' maritime spatial planning does not guarantee the fair inclusion of fishers and other stakeholders and, where appropriate, compensation for fisheries;
 56. Urges the Commission and the Member States to ensure that maritime spatial plans guarantee the fair inclusion of fisheries, the sustainable continuation of their activities and fairly reflect the legitimate interests of fishers, shellfish gatherers and aquaculturists;
 57. Instructs its President to forward this resolution to the Council and the Commission.
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P9_TA(2021)0345

Citizens' dialogues and Citizens' participation in the EU decision-making

European Parliament resolution of 7 July 2021 on Citizens' dialogues and Citizens' participation in the EU decision-making (2020/2201(INI))

(2022/C 99/11)

The European Parliament,

- having regard to Article 10(3) of the Treaty on European Union (TEU),
 - having regard to Article 11 TEU,
 - having regard to its resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe ⁽¹⁾,
 - having regard to its resolution of 18 June 2020 on the European Parliament's position on the Conference on the Future of Europe ⁽²⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the position in the form of amendments of the Committee on Petitions,
 - having regard to the opinions of the Committee on Culture and Education and the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0213/2021),
- A. whereas the results of the 2019 European elections sent a positive signal that European citizens are taking an increasing interest in developments at EU level and that they believe that EU legislation has an impact on their daily lives; whereas overall turnout in 2019 was 50,6 %, the highest since 1994 and a notable increase from 2014, when turnout was 42,6 %; whereas, although turnout in 2019 was higher among all groups of the population, the increase was led by the younger generation, with large increases among people aged under 25 and those aged between 25 and 39; whereas despite the overall increase in turnout, large differences remain between individual Member States;
- B. whereas according to the Civic Engagement Eurobarometer of June 2020 ⁽³⁾, voting in European elections was regarded by 55 % of respondents as the most effective way of ensuring that voices are heard by decision-makers at EU level; whereas, although it is the aim to continuously improve the way in which democracy works in the EU, several Eurobarometer surveys show that citizens are not satisfied with the way democracy works; whereas this perception is not only measured at EU level, but also at national level; whereas a considerable proportion of EU citizens do not feel heard and consider the EU to be a distant entity;
- C. whereas Articles 10 and 11 TEU and Articles 20, 21, 24, 227 and 228 of the Treaty on the Functioning of the European Union (TFEU) form the basis for citizens to participate in the making of EU policies and legislation;
- D. whereas Article 10(3) TEU lays down that every citizen shall have the right to participate in the democratic life of the Union and that decisions shall be taken as openly and as closely as possible to the citizen;
- E. whereas Article 11(1) and (2) TEU requires the institutions to give, by appropriate means, citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action, and to maintain an open, transparent and regular dialogue with representative associations and civil society;

⁽¹⁾ Texts adopted, P9_TA(2020)0010.

⁽²⁾ Texts adopted, P9_TA(2020)0153.

⁽³⁾ Flash Eurobarometer FL4023

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- F. whereas the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁴⁾, in its paragraph 19, underlines that public and stakeholder consultation is integral to well-informed decision-making and to improving the quality of law-making;
- G. whereas Article 165(2) TFEU mandates the EU to encourage the development of youth exchanges and of exchanges of socio-educational instructors, and to encourage the participation of young people in democratic life in Europe;
- H. whereas EU citizens may only under certain conditions institute proceedings directly before the Court of Justice of the European Union (CJEU), in order to enforce their rights under the Treaties, including the Charter of Fundamental Rights; whereas democratic elections to the European Parliament constitute the main bottom-up instrument for citizens in the EU, while other means, namely the European Citizens' Initiative (ECI), complaints to the European Ombudsman and petitions to Parliament, which are important supplements to Parliamentarism, must be strengthened;
- I. whereas there have been six successful ECIs to date, most recently the 'Minority Safepack' initiative and the 'End the Cage Age' initiative; whereas Regulation (EU) 2019/788 ⁽⁵⁾ on the ECI, which came into effect in January 2020, intends to make it easier for citizens to call on the Commission to propose legislative acts in its areas of competence in which the Union has the power to act; whereas the 'Minority Safepack' initiative was the first ECI to be debated in Parliament on the basis of the revised ECI regulation, and was overwhelmingly supported by Parliament in December 2020 with 76 % of the votes cast; whereas, nevertheless, the impact of ECIs is low, owing in part to the Commission's lack of follow-up;
- J. whereas the European Ombudsman's recommendations are not legally binding but the rate of compliance with findings is consistently high;
- K. whereas citizens of the EU and any natural or legal person residing in or with a registered office in a Member State have the right to submit petitions to the European Parliament under Articles 24 and 227 TFEU whenever the matter affects them directly and falls within the EU's fields of activity;
- L. whereas online public consultations carried out by the Commission are mostly aimed at a particular target group, are not widely disseminated and are sometimes too brief, meaning that they do not reach a significant proportion of the population; whereas the European Court of Auditors, in a comprehensive review of the Commission's consultation policy in 2019, recommended that the Commission should improve the way it reaches out to citizens in order to promote greater participation;
- M. whereas Citizens' Dialogues conducted by the Commission are a way to provide information to citizens rather than to engage with them in a debate about their vision and what they would like to see change in the EU and do not provide a feedback mechanism to inform citizens about the outcomes of their participation;
- N. whereas the current functioning of existing participatory instruments, such as the ECI, public consultations and Citizens' Dialogues, does not provide sufficient means for citizens to influence EU decision-making; whereas this is largely due to the lack of effective follow-up in the decision-making process at institutional level;
- O. whereas most forms of participation are rarely used by individual citizens; whereas individual citizens are largely unaware of the existing participatory instruments and therefore underrepresented in views and data collected through the existing instruments; whereas citizens' participation does not replace organised civil society;
- P. whereas the current participatory instruments do not maximise the potential of citizens' participation and therefore insufficiently contribute to strengthening the democratic legitimacy of the EU and increasing citizens' sense of ownership towards an EU that reflects their needs and visions;
- Q. whereas reforming the existing participatory instruments, while paying particular attention to the most underrepresented groups of society, notably young people, and further developing a European public sphere can contribute to reinforcing the democratic legitimacy of the EU;

⁽⁴⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

⁽⁵⁾ Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55).

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- R. whereas improving citizens' participation and transparency at EU level is key to bringing the Union closer to citizens and increasing citizens' trust and confidence in EU institutions, as well as achieving a real multi-level democracy; whereas a lack of transparency prevents public debate on any piece of legislation; whereas not all stakeholders have equal access to the EU institutions or information about their work; whereas the Commission should carry out open, transparent and regular dialogues with citizens and civil society organisations; whereas the EU should ensure that civil society can participate actively in the public debate and has the capacity to influence policy and decision-making processes;
 - S. whereas there is a need to enhance the European dimension of citizenship education, by improving citizens' understanding of the EU, in order to enable their participation;
 - T. whereas there is a growing need for European citizenship education classes across Member States; whereas in this context, the work of civil society organisations in civic education and learning should be recognised, and a holistic approach to citizenship education, including both formal and non-formal education and learning, should be encouraged;
 - U. whereas existing successful projects on citizens' participation, such as European HomeParliaments and EU Youth Dialogue, have demonstrated that citizens would like to be included in EU decision-making processes on a regular basis;
 - V. whereas the Council remains a closed-door institution as confirmed by the European Ombudsman's inquiry OI/2/2017/TE into the Council's lack of transparency regarding public access to its legislative documents and its decision-making process;
 - W. whereas the OECD defines open government as 'a culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth';
 - X. whereas the European Citizens' Consultations of 2018 conducted by Member States about the Future of Europe have proven to be an effective tool to engage with citizens on EU matters; whereas the lack of concrete follow-up and continuity in the process led to mixed results from this participatory effort;
 - Y. whereas the Conference on the Future of Europe should involve as much public participation as possible and could potentially be a valuable experience of engaging with citizens in order to understand what they truly expect from the EU and the work of the institutions;
1. Stresses the need to reflect on how the Union can become more effective in engaging with citizens under the Union's core principles of representative democracy; believes that citizens should have a greater voice in EU decision-making to make the Union more reflective of citizens' views and more resilient, democratic and effective; believes in this regard that Treaty change should not be precluded, although it should not be a goal in itself, and that the Conference on the Future of Europe should provide an opportunity to forge a constructive dialogue with citizens on these key topics;
 2. Believes that any reform of the Union, in order to make it more social, equitable, cohesive, united, focused, capable, sovereign and accountable, is strengthened by directly engaging with citizens through participatory mechanisms;
 3. Underlines that there is an underlying tension between the vision of an EU centred around Member States and an EU centred around EU institutions which can be surpassed by developing an approach and instruments for a European Union of citizens;
 4. Points out that the existing participatory instruments have various shortcomings and should therefore be improved and new ones developed to make citizens' participation more accessible, inclusive, meaningful and effective; opines that, to facilitate public participation in wider political debates and equip citizens with the opportunity to influence political outcomes, with synergies in existing mechanisms, it is imperative that citizen engagement is structured in a way that responds to citizens' expectations; believes that this bottom-up participatory agenda should complement representative democracy in the EU;

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5. Highlights the importance of the ECI as the only participatory tool at EU level which has the capacity to potentially trigger legislation; calls for the response that is given to it to be strengthened through the adoption of a parliamentary resolution for each successful ECI; notes that the Commission must fully comply with its legal obligation to state sufficient reasons for why it did or did not take action on an ECI, and believes that this needs to be more comprehensive to ensure that citizens are provided with an accurate picture of what should be expected from engagement with or the launching of an ECI; regrets the lack of follow-up of successful ECIs by the Commission through legislative measures; believes that, in accordance with Article 15 of Regulation (EU) 2019/788, in case the Commission, within the given deadlines, has failed to publish its intentions, or has set out in a communication that it intends not to take action on an ECI which has met the procedural requirements and is in line with the Treaties, in particular the core values of the Union, enshrined in Article 2 TEU, Parliament could, in line with Rule 222 of its Rules of Procedures, decide to follow up on the ECI with a legislative own-initiative report (INL); urges the Commission to commit itself to submitting a legislative proposal following Parliament's adoption of such an INL; proposes in that regard to modify the current framework agreement between Parliament and the Commission; asks that the ECI regulation be amended to incentivise the Commission to table a legislative proposal where the ECI submitted meets the relevant requirements;
6. Points out that, following the report of the European Court of Auditors ⁽⁶⁾, which recognised the effectiveness of the Commission's public consultations, and given the satisfactory perception of citizens, the Commission should improve its public consultation process in order to promote greater citizens' participation and to better monitor and assess their contributions;
7. Points out that the current concept and practice of Citizens' Dialogues should be reinforced and updated;
8. Underlines the benefits of engaging with citizens and civil society in the development of a European public sphere and in complementing the democratic legitimacy of the EU provided by its representative institutions and democratic procedures;
9. Underlines that not all stakeholders, notably citizens and civil society groups, are equally active politically, vocal or influential; therefore, believes that EU participatory democracy requires supporting unorganised citizens and promoting their access to electoral and participatory opportunities within and outside EU channels;
10. Considers that citizens' trust in the EU institutions is fundamental for democracy, good governance and effective policymaking; believes that the EU institutions must strive for the highest possible standards of transparency, accountability and integrity; stresses that citizens' access to documents of the European institutions is fundamental for participatory democracy; calls in particular on the Council to increase transparency as regards its decision-making process and access to documents;
11. Underlines the potential of new technologies which can provide new avenues to engage with citizens, to ensure an effective bottom-up approach and improve the capacity of citizens to hold institutions accountable;
12. Stresses that open government, which combines increased transparency and accountability measures and participatory tools, is a good response to the democratic deficit that results from a perceived lack of agency in EU decision-making by EU citizens;
13. Welcomes the envisaged establishment of an ethics body as an independent authority to foster transparency in the EU institutions;
14. Draws attention to the new Citizenship, Equality, Rights and Values Programme, which is expected to give more visibility and impact to activities that contribute to citizens' dialogues and engagement in participative democracies; stresses the importance of ensuring continuity and increased resources for the 'citizens' strand of this programme, including town twinning and remembrance activities; welcomes the introduction of activities aimed at fostering further European values

⁽⁶⁾ Special report 14/2019 'Have your say!', European Court of Auditors, September 2019.

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under this programme, such as raising awareness of a common European history; calls for the swift establishment of the 'Civil Dialogue Group' under the new programme;

15. Believes that it is important to promote exchanges between citizens of different countries at European, national, regional and local level, in particular through networks of towns and regions, and by facilitating an inter-regional dialogue; calls on the Commission to ensure sufficient funding for that purpose through the 'Citizens' engagement and participation' strand of the Citizenship, Equality, Rights and Values programme;

16. Emphasises that improved information regarding citizens' concerns will assist the EU institutions in their efforts to be attentive and responsive to these concerns by ensuring adequate channels to reach citizens and gather input and by providing appropriate follow-up in the ensuing decision-making process; calls for participatory mechanisms to be improved to enable citizens' participation to have a meaningful impact on EU decision-making;

17. Underlines the need to engage with young people in particular in a political debate on the future of Europe and involve them consistently in participatory mechanisms and regularly held citizens' dialogues, as today's decisions will determine their future; emphasises the need to identify new means of communication and interaction adapted to the interests of young people;

18. Commends child-specific consultations conducted by the Commission and supports the setting up of an EU children's participation platform in the future; welcomes the inclusion of young people in the Digital Platform and Citizens' Panels of the Conference on the Future of Europe; urges the EU institutions to create ways to ensure similar engagement with children and young people in the future on a structural basis and with adequate feedback mechanisms;

19. Calls for genuine involvement of young people and youth organisations in the planning, implementation and evaluation of events and programmes; commends the efforts made by the EU Youth Dialogue to include young people and youth organisations in creating policy and decision-making; calls on the EU institutions to commit to taking tangible action based on the outcomes of the EU Youth Dialogue;

20. Highlights the necessity of engaging with educational institutions and civic education organisations to ensure that active European citizenship becomes part of the curriculum across the EU; calls on the Commission to provide support in order to complement educational programmes in all Member States, notably by supporting the development of a common curriculum on European and global civic education, fostering a better understanding of the existing EU institutions and of the history and cultures of Member States, and encouraging objective and critical thinking of the benefits of the European Union; suggests the inclusion of modules on EU functioning and history in educational curricula and calls on the Commission to propose guidelines for such modules;

21. Recalls the Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education adopted by the EU education ministers on 17 March 2015, in which they called for strengthened actions in the field of education at European, national, regional and local level in order to safeguard our pluralistic society;

22. Calls on the Commission to launch an annual European Union Olympiad competition on EU functioning and history for young people in high schools, vocational training and other educational structures, in order to boost interest, participation and debate on EU affairs; emphasises that the Erasmus+ programme should also be utilised to enhance European citizenship education, especially among students and young people; reiterates the need for the Commission to better support EU affairs and study programmes that exist across Europe and beyond, building on the successful Erasmus+ programme;

23. Believes that ensuring youth participation will be an essential part of the long-lasting impact of citizens' dialogue initiatives; stresses the importance, therefore, of focusing on young people in any EU learning activities and suggests that youth engagement tools be promoted, with a special focus on social media, mobile apps, mobile games, quizzes and other youth-friendly formats; welcomes peer-to-peer educational programmes such as the European Youth Parliament and the EU Youth Dialogue as examples of good practices;

24. Underlines the importance of academia, researchers and universities in the improvement of the level of know-how of citizens about participatory mechanisms in the EU in order to increase their participation in the EU decision-making process;

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25. Highlights that effective citizens' dialogues and active citizens' participation are strongly linked to the European dimension of citizenship education; stresses therefore the need to enhance the European dimension of citizenship education in order to enable citizens' participation and ability to act as informed citizens and to fully participate in civic and social life at both, the European and Member State level, based on understanding of political, legal, social and economic concepts and structures, as well as global developments and sustainability; calls on the Commission to develop a comprehensive European strategy to enhance citizenship competences in the EU and develop supportive measures aimed at providing equal access to citizenship education to all people residing in the EU in order to enable them to exercise their political rights;

26. Proposes to establish a European network for citizenship education to provide a platform for the exchange of best practices and knowledge regarding methods of enhancing the European dimension of citizenship education; stresses the need for new models and instruments of citizenship education;

27. Highlights the role played by the media in shaping citizens' opinions on EU policy and the EU itself; stresses the need to uphold an independent and diverse media landscape across Europe, but believes greater effort should be made to tackle disinformation and misreporting in the media on EU issues, notably through increased support for fact-based, pan-European media projects;

28. Underlines the right of citizens to have access to reliable, independent and factual information on the European Union, its policies and its decision-making processes; recognises the need to establish diversified access to a neutral, independent and informative common European news centre, accessible in all the official EU languages, and to develop proactive communication with EU citizens; recalls, too, the value of existing media outlets; considers it necessary to concretely tackle the spread of misinformation and disinformation, especially in times of crises when valid, reliable and timely information is needed most; stresses that the independence of the media is crucial to these processes; calls for the introduction into the functioning of online platforms of downstream feedback, fact-checking and moderation in relation to misinformation and disinformation that are respectful of civil rights and freedom of expression; considers it essential, therefore, to reinforce the training of journalists in order to foster independent and critical thinking;

29. Welcomes the European Democracy Action Plan (EDAP) objective of improving citizens' participation in democratic systems through informed decision-making; emphasises the need to ensure youth participation and the civic engagement of people from disadvantaged backgrounds under Erasmus+ and the European Solidarity Corps; welcomes the measures announced under the EDAP to strengthen media freedom, freedom of expression and quality journalism; looks forward to the Commission's proposals for practical and efficient tools to better secure the safety of journalists, who are all too often subjected to threats and undue intimidation, thereby limiting citizens' right to information; notes with concern the lack of specific proposals to ensure artistic freedom and grant protection to censored and prosecuted artists and invites the Commission to further develop this area under the EDAP;

30. Recognises the right of all EU citizens to request and receive information from the EU institutions in one of the official EU languages; points out that genuine dialogue and the active and informed participation of EU citizens in EU decision-making is only possible if there is no language barrier, and therefore calls on the Commission to make much greater efforts to communicate with citizens in all the official EU languages; notes that in order to strengthen inclusiveness, awareness and visibility, there is a need to improve the accessibility of online content; suggests that all EU websites should be user-friendly and available in all official EU languages;

31. Recalls that European policies and legislation are most times implemented by local and regional administrations and that they have the capacity to reach out more easily and play a central role in educating citizens about the EU, as they are the level of government closest to the citizens; stresses that a first step could be to increase the resources allocated to the liaison offices of the European institutions and to develop their territorial network throughout Europe;

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32. Welcomes the opinion of the Committee of the Regions of 14 October 2020 entitled 'Local and regional authorities in the permanent dialogue with citizens' ⁽⁷⁾; requests, in addition to EU-wide tools for citizens' participation, the establishment of a network of multi-level governments that should serve as a transmission chain between European institutions and citizens;

33. Reiterates the need to fully engage citizens in EU decision-making in order to enhance the legitimacy of the EU and increase public trust in the work of the institutions; stresses, therefore, the importance of permanent participatory mechanisms to further facilitate and encourage citizens' participation in EU decision-making beyond the act of voting and other existing channels and instruments; supports awareness-raising activities of these mechanisms to maximise their impact and effectiveness; underlines the need for such mechanisms at European, national, regional and local level and for adequate horizontal and vertical coordination among institutions at different levels;

34. Highlights the fact that regular participatory processes with citizens could serve different purposes, such as influencing annual political or legislative priorities, developing specific proposals in relation to specific questions, discussing institutional matters or deciding on the spending of certain public resources; underlines, however, that while citizens' participation will prove to be beneficial in some areas, it is important that citizens have a clear understanding of engagement outcomes, including inherent limitations, with appropriate and transparent follow-up procedures;

35. Notes that citizens' participation mechanisms include a wide range of tools that are complementary, such as citizens' assemblies, citizens' initiatives, public consultations, citizens' dialogues, participative budgeting, referendums, etc.;

36. Recalls that participatory mechanisms for citizens should provide a means for individuals to express their ideas and concerns; underlines the fact that they have to be participatory, inclusive, open, deliberate, transnational, transparent, non-partisan, accountable, effective, visible and engaging;

37. Emphasises that, in order to reach out to as many people as possible, an inclusive approach must be taken; underlines the fact that the selection of participants should ensure a well-balanced representation of the population by the use of adequate communication mechanisms to reach a diverse public, so that the societal and territorial diversity is fully reflected; stresses that all citizens should have equal access to participatory mechanisms, including those living in disadvantaged areas or those who have a lower exposure to EU information; calls for participatory mechanisms to be extended to all, including non-EU citizens residing in the EU as well as EU citizens residing in another Member State or in a non-EU country, who should be offered alternative mechanisms adapted to their needs;

38. Stresses the need for citizens to have access to participation mechanisms in all official Union languages; recalls that language barriers make the European institutions distant from citizens and prevent the development of a truly inclusive European democracy;

39. Underlines the importance of giving full access to persons with disabilities to all the different instruments that the EU provides to citizens, particularly through systematic interpretation and translation into sign language and easy-to-read language;

40. Highlights that civil society organisations, social partners and other stakeholders should play a major role in all participatory instruments; considers that proper methodologies supporting their participation are crucial; underlines the fact that, in order for such instruments to be successful, the Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) must be involved;

41. Stresses that the purpose, rules and timeframes of any participatory process must be communicated from the very beginning in order for them to be effective; underlines that communication on citizen engagement needs to highlight the practical role of any mechanism, otherwise failing to meet expectations will reduce participation, and in turn legitimacy;

42. Emphasises the need to have a good balance between a common format and diverse national practices for the regularly held citizens' dialogues in order to provide citizens with a European framework that accommodates various traditions of deliberation at national level;

43. Stresses that digital technologies should be a complement to face-to-face participation instruments and should especially be used to encourage participation among populations that have difficulties participating in traditional participatory instruments;

⁽⁷⁾ OJ C 440, 18.12.2020, p. 49.

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44. Calls on the Commission and the Member States to develop accessible, innovative and inclusive tools for citizens' participation and dialogues, making better use of digital technologies to allow all citizens (such as younger and older people, people with disabilities, mobile EU citizens, people living in rural or less populated areas) to play an effective part in EU decision-making, building on the lessons from the way the COVID-19 pandemic has acted as an accelerator for the use of digital tools; points out the added value of a non-bureaucratic and comprehensive website providing citizens with information about all European participatory initiatives; underlines the crucial role of social media, especially for children; stresses that the purpose of such innovative tools should be to support representative democracy and that transparency at all levels should be ensured;

45. Calls for fact checking and moderation with regard to disinformation in the functioning of online platforms that are used to engage with citizens;

46. Recalls that, prior to the launching of any participatory process, the EU institutions must commit themselves to following up on their outcome in the light of their competences and legislative procedures, since citizens' disappointment often stems from a lack of follow-up; stresses that citizens should have a clear understanding of citizen engagement and dialogue structures so that expectation meets reality, otherwise there is a risk of disenfranchising citizens; highlights that any new participatory instrument should be accompanied by a significant communication campaign, with high-level political engagement at EU and national level, similar to the successful electoral campaign for the 2019 European Parliament elections;

47. Stresses that the EU institutions must actively provide guidance to participants throughout the participatory process; underlines that at the end of this process, its outcome must be clearly defined, so that it can be subject to an obligatory response; proposes that participants should be provided with written feedback on each proposal or recommendation in clear language at the end of such exercises, in which the EU institutions clarify their intention to implement that proposal or recommendation or justify their decision not to do so; recognises that there are difficulties and challenges to overcome if participative mechanisms are to contribute more significantly to democratic quality, and in turn to a sense of ownership and European identity;

48. Highlights the need to establish a framework for the follow-up to citizens' dialogues in order to take citizens' input effectively into account; proposes that part of the follow-up could be to translate the outcome into initiative reports and public hearings and to involve citizens, including the most underrepresented groups of society, notably young people, throughout these steps;

49. Believes that citizens' participatory processes must adhere to the highest possible level of transparency; notes that transparency and open data reinforces trust in public institutions and therefore their legitimacy; highlights that promoting the democratic legitimacy of the EU institutions through public engagement requires a greater understanding of EU decision-making; calls for the creation of a standard for open government at EU level that could serve as a basis for other levels of government;

50. Proposes that the Commission's 'Have your say' website becomes a one-stop resource granting access to all participatory instruments at EU level; notes that the COVID-19 pandemic has encouraged the use of digital media and online conference systems, and therefore sees further opportunities that digitalisation offers for citizens' participation; points out that this has helped citizens to participate more quickly, widely and inclusively in decision-making; believes that the EU should promote new and innovative ways for citizens' participation, enabling the use of digital technology tools that facilitate multilingual dialogue with citizens; calls on the Commission to embrace further digital possibilities for citizens' participation, in all official EU languages, including tutorials, past examples and information on relevant legislation; believes that provisions should be made for persons who are blind, visually impaired or otherwise print-disabled;

51. Encourages the setting up of an independent civil society, academic and social partners forum in order to monitor the process and its follow-up by the EU institutions;

52. Encourages the facilitation of the establishment of an independent civil society organisations network, based on voluntary participation, to bring together different democracy initiatives, including across different regions, in order to facilitate information sharing and knowledge transfer as well as to ensure that best practice methods are used; believes that this will increase citizens' awareness of EU decision-making procedures, as well as ensure more opportunities for citizens to influence policy-making;

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53. Welcomes the proposal from the Presidents of the EESC and the CoR to set up an interinstitutional working group on citizens' participation in EU decision-making processes;
 54. Commits to engaging with the other EU institutions and stakeholders to strengthen additional channels of citizen input, including the expansion of citizens' dialogues and the establishment of a permanent mechanism for citizens' participation with a formally binding follow-up process;
 55. Calls on the Commission to present a proposal for an interinstitutional agreement on civil dialogue on the basis of Article 11(2) TEU, stating that institutions must maintain an open, transparent and regular dialogue with representative associations and civil society;
 56. Underlines the importance of fostering civic engagement and active participation in a coordinated and coherent way at local, regional, national and EU level; believes, in this context, that the role, activities and independence of European Commission Representations and European Parliament Liaison Offices (EPLOs) in the Member States should be strengthened, in order to facilitate civic engagement and direct dialogue with citizens, provide access to and the dissemination of information and raise awareness about the European Union and its policies through broad and well-coordinated use of communication tools for the digital and physical participation of citizens;
 57. Points out the New European Bauhaus initiative as a recent innovation to encourage and facilitate citizens' participation; highlights that the initiative brings citizens, experts, businesses, and institutions together and facilitates conversations about making tomorrow's living spaces more affordable and accessible;
 58. Proposes the introduction of citizens' participation mechanisms for pilot projects, including 'participatory budgeting' to allow the shaping of the expenditure side of the Union's budget and crowdsourcing to enable citizens to be involved in the co-creation of policies with EU decision-makers;
 59. Stresses the need to facilitate citizens' participation, with sufficient engagement from EU institutions, in the structural reforms of the EU by reforming the Convention method as provided for in Article 48 TEU; proposes that this be discussed in the Conference on the Future of Europe;
 60. Welcomes the Conference on the Future of Europe and believes that it is a great opportunity to engage directly with citizens in a meaningful dialogue on the future of Europe and to provide responses to their demands;
 61. Underlines the importance of balanced participation of civil society organisations alongside institutional representatives in the Conference on the Future of Europe; stresses the need for a solid follow-up on the outcome of the Conference, keeping citizens informed of the different steps in the resulting decision-making process, ensuring that the dialogue with citizens is meaningful and that it continues after the formal end of the Conference on the Future of Europe;
 62. Stresses that citizens' agoras organised in the framework of the Conference on the Future of Europe should serve as a pilot for their future institutionalisation as a permanent mechanism of citizen participation in key debates;
 63. Expects that the Conference on the Future of Europe will bring an important contribution in the further development of citizens' participation in the EU policy-making process and pave the way for the establishment of new permanent mechanisms for citizens' participation;
 64. Considers that the Conference on the Future of Europe provides an opportunity to discuss possible mechanisms for the active participation of citizens in the consultation process in order to influence the annual Work Programme of the Commission and the State of the Union address; notes that such a mechanism could work on an annual basis, starting in the first months of each year with national and regional citizens agoras that should prepare the priorities to be discussed in a transnational European citizens agora, which could be concluded on Europe Day; points out that the priorities resulting from the European citizens agora should be presented to the EU institutions in order to feed into the consultation mechanism that leads to the establishment of the annual Work Programme of the Commission;
 65. Instructs its President to forward this resolution to the Council and the Commission.
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P9_TA(2021)0346

EU-NATO cooperation in the context of transatlantic relations**European Parliament resolution of 7 July 2021 on EU-NATO cooperation in the context of transatlantic relations (2020/2257(INI))**

(2022/C 99/12)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU),
- having regard to the North Atlantic Treaty,
- having regard to Title V of the Treaty on European Union (TEU), in particular Articles 21 and 42 thereof,
- having regard to its resolution of 13 June 2018 on EU-NATO relations ⁽¹⁾,
- having regard to its resolution of 11 December 2018 on military mobility ⁽²⁾,
- having regard to its resolution of 14 February 2019 on the future of the INF Treaty and the impact on the European Union ⁽³⁾,
- having regard to the statement by the Secretary-General of the North Atlantic Treaty Organization (NATO) of 2 August 2019 on the Intermediate-Range Nuclear Forces Treaty,
- having regard to its legislative resolution of 26 November 2019 on the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax and Directive 2008/118/EC concerning the general arrangements for excise duty as regards defence effort within the Union framework ⁽⁴⁾,
- having regard to its resolution of 15 January 2020 on the implementation of the common security and defence policy — annual report ⁽⁵⁾,
- having regard to its resolution of 15 January 2020 on the implementation of the common foreign and security policy — annual report ⁽⁶⁾,
- having regard to its resolution of 25 March 2021 on the implementation of Directive 2009/81/EC, concerning procurement in the fields of defence and security, and of Directive 2009/43/EC, concerning the transfer of defence-related products ⁽⁷⁾,
- having regard to the Council conclusions of 14 November 2016 on the EU Global Strategy for the Union's foreign and security policy, entitled 'Shared vision common action: a stronger Europe',
- having regard to Council Decision (EU) 2017/971 of 8 June 2017 determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Decisions 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces, 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian armed forces (EUTM Mali) and (CFSP) 2016/601 on a European Union CSDP military training mission in the Central African Republic (EUTM RCA) ⁽⁸⁾, establishing the EU Military Planning and Conduct Capability (MPCC),
- having regard to the defence package presented by the Commission on 7 June 2017 in the 'Reflection Paper on the Future of European Defence' (COM(2017)0315),

⁽¹⁾ OJ C 28, 27.1.2020, p. 49.

⁽²⁾ OJ C 388, 13.11.2020, p. 22.

⁽³⁾ OJ C 449, 23.12.2020, p. 149.

⁽⁴⁾ OJ C 232, 16.6.2021, p. 71.

⁽⁵⁾ Texts adopted, P9_TA(2020)0009.

⁽⁶⁾ Texts adopted, P9_TA(2020)0008.

⁽⁷⁾ Texts adopted, P9_TA(2021)0102.

⁽⁸⁾ OJ L 146, 9.6.2017, p. 133.

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- having regard to the European Council conclusions of 13 and 14 December 2018 on security and defence,
- having regard to the Council conclusions of 17 June 2020 on security and defence,
- having regard to Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects ⁽⁹⁾,
- having regard to the Council conclusions of 16 November 2020 entitled 'A recovery advancing the transition towards a more dynamic, resilient and competitive EU industry',
- having regard to the Council conclusions of 20 November 2020 on the PESCO Strategic Review 2020,
- having regard to the decision of the Council of 6 May 2021 to approve the participation of the US, Canada and Norway in the PESCO project on military mobility,
- having regard to the Council conclusions of 16 April 2021 on an EU Strategy for cooperation in the Indo-Pacific,
- having regard to the decision of the US to rejoin the Paris Agreement,
- having regard to the joint statement adopted at the EU-US Summit on 15 June 2021,
- having regard to the joint statement adopted at the EU-Canada Summit on 15 June 2021,
- having regard to the Climate Change and Defence Roadmap proposed by the European External Action Service on 6 November 2020,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 2 December 2020 entitled 'A new EU-US agenda for global change' (JOIN(2020)0022),
- having regard to the European Council conclusions of 10 and 11 December 2020 on EU-US relations,
- having regard to the Council decision of 22 March 2021 establishing the European Peace Facility (EPF),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 16 December 2020 entitled 'The EU's Cybersecurity Strategy for the Digital Decade' (JOIN(2020)0018),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 7 June 2017 entitled 'A Strategic Approach to Resilience in the EU's external action' (JOIN(2017)0021),
- having regard to the statement of the members of the European Council of 26 February 2021 on security and defence,
- having regard to the agreement between the negotiators of the European Parliament and of the Council of 10 December 2020 on the European Defence Fund (EDF),
- having regard to the political agreement between the European Parliament and the Council of 18 December 2020 on the Neighbourhood, Development and International Cooperation Instrument (NDICI) for the next multiannual financial framework (MFF) period (2021-2027),
- having regard to the Security of Information Agreement of 14 March 2003 between the EU and NATO,

⁽⁹⁾ OJ L 371, 6.11.2020, p. 3.

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- having regard to the Joint Declaration on EU-NATO Cooperation, signed in Warsaw on 8 July 2016 by the Presidents of the European Council and the European Commission, and the Secretary-General of NATO,
- having regard to the common set of 74 proposals for the implementation of the Warsaw Joint Declaration endorsed by the EU and NATO Councils on 6 December 2016 and 5 December 2017,
- having regard to the Joint Declaration on EU-NATO cooperation, signed in Brussels by the Presidents of the European Council and the European Commission, and the Secretary-General of NATO on 10 July 2018, and to the Brussels Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels on 11 and 12 July 2018,
- having regard to the five progress reports by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the Secretary-General of NATO on the implementation of the common set of proposals submitted jointly in June and December 2017, and in June 2018, 2019 and 2020,
- having regard to the UN Sustainable Development Goals (SDGs), in particular SDG 16 aiming to promote peaceful and inclusive societies for sustainable development,
- having regard to the nuclear disarmament obligation for nuclear-armed States Parties set out in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),
- having regard to the Wales Summit Declaration, issued on 5 September 2014 by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales,
- having regard to the Brussels Summit communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels on 14 June 2021,
- having regard to the G7 leaders' communiqué of 13 June 2021 entitled 'Our shared agenda for global action to build back better',
- having regard to the US-Russia Summit held in Geneva on 16 June 2021,
- having regard to the UN Agenda for Disarmament entitled 'Securing our Common Future',
- having regard to the report of the Reflection Group Appointed by the NATO Secretary-General of 25 November 2020 entitled 'NATO 2030: United for a New Era', co-chaired by Thomas de Mazière and Wess Mitchell,
- having regard to the NATO 2030 Young Leaders Group report of 4 February 2021 entitled 'NATO 2030: Embrace the change, guard the values',
- having regard to the visit by the NATO Secretary-General to the College of Commissioners of 15 December 2020,
- having regard to the participation of the VP/HR in the meeting of NATO Defence Ministers of 17 and 18 February 2021, and in the meeting of NATO Foreign Affairs Ministers of 23 and 24 March 2021,
- having regard to the State of the Union speech of 14 September 2016 by Commission President Juncker,
- having regard to the statements of 19 February 2021 by the political leaders of NATO and the EU at the Special Munich Security Conference 'Beyond Westlessness',
- having regard to the exchange of views during the 3 March 2021 session of the Interparliamentary Conference for the common foreign and security policy (CFSP) and the common security and defence policy (CSDP),
- having regard to European Court of Auditors (ECA) Review No 09/2019 of 12 September 2019 on European defence,

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- having regard to the exchange of views with the NATO Secretary-General during the joint meeting of the Committee on Foreign Affairs, the Subcommittee on Security and Defence, and the Delegation for relations with the NATO Parliamentary Assembly held on 15 March 2021,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0192/2021),
- A. whereas European and transatlantic solidarity and partnership form the basis for the past, current and future security of the transatlantic partnership; whereas both NATO and the EU are different in nature but evolving in the same volatile geopolitical context;
- B. whereas both the EU and NATO have begun reflection processes in order to properly adjust to the unprecedented global security changes; whereas in June 2020, EU leaders agreed to launch a process aimed at defining a ‘Strategic Compass’; whereas at their recent Summit on 14 June 2021, NATO leaders decided to begin working on the next Strategic Concept, which will be endorsed at their next Summit in 2022;
- C. whereas in November 2020, the EU’s first comprehensive, 360-degree, classified analysis on the full range of threats and challenges the EU faces, or might face in the near future, was prepared cooperatively by the EU Member States’ intelligence services; whereas in November 2021, the VP/HR is scheduled to present a draft of the Strategic Compass, which Member States will then discuss and are scheduled to adopt in March 2022; whereas the Strategic Compass aims to facilitate the emergence of a ‘common European security and defence culture’;
- D. whereas the EU explicitly recognises the role of NATO for its members in defending Europe and its citizens (Article 42 (7) TEU); whereas NATO has the primary responsibility of collective defence (Article 5 of the Washington Treaty); whereas NATO remains a crucial guarantor in the field of capabilities, ensuring the technical and human interoperability of the allied forces and the consistency of their equipment policies; whereas the commitment to collective self-defence, embodied in Article 5 of the North Atlantic Treaty and Article 42(7) TEU, is the guarantee of solidarity between allies and between Member States;
- E. whereas the common values, common history and special relationship shared by the EU, European members of NATO, the US and Canada constitute the keystone of the Transatlantic Alliance; whereas the EU and NATO share common security challenges, common defence interests and the same increasingly challenging security environment;
- F. whereas following the 2016 Joint Declaration, a process of cooperation between the EU and NATO was set in motion, centred around 74 common proposals for action in the areas of countering hybrid threats, operational cooperation, including at sea and on migration, cybersecurity and defence, defence capabilities, defence industry and research, exercises, and supporting eastern and southern partners’ capacity-building efforts;
- G. whereas Europe’s security and defence depends on the political will and civilian and military capacity of Europeans to assume their responsibilities in a strategic environment that has deteriorated considerably in recent years; whereas NATO should not be seen merely as a continuation of a project from the past, but as a vision for the future of the world’s security and stability, which needs to continue adapting its political strategy to new challenges, maintain political solidarity and cohesion, and remain a credible, technically innovative organisation;
- H. whereas the only legal framework for EU-NATO relations continues to be the 2003 Agreed Framework, which is limited to the sharing of collective NATO planning structures, assets and capabilities with the EU when it comes to the planning and conducting of EU CSDP military operations in accordance with the ‘Berlin Plus’ arrangements;
- I. whereas on 10 November 2020, NATO Secretary-General Jens Stoltenberg stated that ‘we need to pursue nuclear arms control and disarmament as a matter of urgency’ and on 15 December 2020, NATO allies reaffirmed their commitment to the preservation and strengthening of arms control, disarmament and non-proliferation;

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- J. whereas the EU and its Member States, in particular since the publication of the 2016 EU Global Strategy, have pursued policies enabling them to be a more active and influential global actor for peace and security, and have consequently intensified their cooperation in the field of security and defence; whereas milestones include the establishment of the European Defence Fund (EDF) and its precursor programmes, the launch of the Permanent Structured Cooperation (PESCO) and the Coordinated Annual Review on Defence (CARD), as well as the agreement on the European Peace Facility (EPF);
- K. whereas CARD provides the EU with an instrument to further harmonise Member States' efforts in defence capability development and to identify additional areas for cooperation;
- L. whereas in the framework of the CSDP, 5 000 EU military and civilian staff are currently deployed in six military and 11 civilian missions and operations on three continents; whereas these missions have successfully provided support, capacity building and training with the goal of ensuring peace, security and stability in conflict and post-conflict areas; whereas Europe's capacity relies heavily on the Union's ability to intervene credibly in external theatres of operations;
- M. whereas recent months have seen unprecedented levels of high-level EU-NATO interaction, such as the first discussion between a NATO Secretary-General and the College of EU Commissioners in December 2020, and the participation of the NATO Secretary-General in the European Council in February 2021;
- N. whereas NATO, through its Defence Planning Process (NDPP), sets its 'Level of Ambition' every four years by identifying in qualitative and quantitative terms the pool of forces, equipment and capabilities that allies should have in their inventories to support the full spectrum of NATO missions and be able to respond to possible threats and challenges;
- O. whereas the US has long called on the EU and its Member States to step up their efforts in terms of investments in their security and defence, as an important contribution to burden-sharing within the alliance;
- P. whereas the COVID-19 pandemic is having a significant impact on international relations and national budgets and has further exacerbated existing global tensions and security challenges such as the irresponsible and aggressive deployment of forces; whereas China and Russia in particular have tried to use the pandemic to advance their strategic interests; whereas the EU and NATO have cooperated closely since the beginning of the pandemic, addressing matters such as the distribution of medical equipment and personnel, the repatriation of citizens, cyber and hybrid threats, and countering disinformation activities and hostile propaganda;
- Q. whereas the Commission, when presenting the Defence Action Plan, underlined that industrial overcapacity, fragmentation and inefficiency in European military capability production has yearly costs of EUR 25 to 100 billion, which are borne by the national defence budgets of the Member States;
- R. whereas democracies need to adequately respond to today's challenges; whereas a number of NATO and EU members face internal challenges to democracy; whereas, globally, authoritarian regimes, such as Russia and China, appear to have consolidated their influence and are pursuing an aggressive agenda;
- S. whereas NATO's Enhanced Forward Presence (EFP) in the eastern flank of the alliance, with four multinational battlegroups in Estonia, Latvia, Lithuania and Poland, is led by the US, the UK, Canada and Germany respectively;
- T. whereas NATO has successfully tested its Rapid Air Mobility initiative to enable the urgent transport of medical supplies during the COVID-19 pandemic;

70 years of the transatlantic bond through NATO

1. Is convinced that the European Union and NATO have converging security and defence interests; welcomes the intensified EU-NATO cooperation that has been in place since the signature of the 2016 Warsaw Joint Declaration and was reinforced by the 2018 Brussels Joint Declaration, and underscores that a reinvigorated strategic EU-NATO partnership is essential to address the security challenges facing Europe and its neighbourhood; commends the achievements of the

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alliance and underlines its continued relevance; underlines that NATO needs to step up its efforts to adapt to the changing nature and increased level of threats, in order to remain a credible and sustainable global actor for collective security and peace in the world; recalls that for Member States which are also NATO allies, NATO is the cornerstone of collective defence; calls for the EU to keep deepening the transatlantic bond and its important partnership with NATO;

2. Reaffirms its previous commitment to the EU's ambitions in the field of security and defence, and reiterates the EU's ambition to be a global actor for peace and security; underlines the fact that NATO remains the bedrock of the security and collective defence of its members and the transatlantic community as a whole, and an indispensable forum for consultations and security decisions between allies; reaffirms its support for transatlantic cooperation, partnership and friendship, which have contributed to Europe's success over the past 70 years and have been the basis for its stability and security since the end of the Second World War;

3. Underscores that the EU-NATO partnership and transatlantic cooperation as a whole are built on a common history and support for the core values of democracy, freedom, respect for human rights, the rule of law, the promotion of peace and international cooperation, and a rules-based international order; stresses that NATO is more than a military alliance and represents a symbol of shared democratic values;

4. Underlines that NATO is a valued partner also to EU Member States which are not members of the alliance; recognises that NATO cooperates with some of the non-NATO EU Member States, inter alia through its Partnership for Peace (PfP) programme and Partnership Interoperability Initiative (PII); recalls that EU-NATO cooperation must be without prejudice to the security and defence policy of the non-NATO EU Member States; recalls that NATO cooperation with non-NATO EU Member States is an integral part of EU-NATO cooperation; welcomes the involvement of the non-NATO EU Member States in the alliance's initiatives, while respecting neutrality policies, the respective constitutional frameworks, the involvement of third countries and the EU's ambitions; stresses that the two organisations have clearly distinct features and that each should cooperate with full respect for the autonomy and decision-making procedures of the other on the basis of the principles of reciprocity and inclusiveness, without prejudice to the specific character of the security and defence policies of any of the Member States; recalls the different nature and roles of both organisations, the EU being a civilian organisation with a military arm for out-of-area operations under Article 43(1) TEU (Petersberg Tasks), and NATO being a military and political alliance in charge of organising the collective territorial defence of its members;

5. Highlights that the transatlantic community is faced with a broad array of emerging threats, systemic competition and unprecedented common challenges to our democratic societies, the rule of law and respect for fundamental freedoms which affect the security of the Member States and of their citizens, whether directly or indirectly, ranging from conventional threats, ineffective arms control and the proliferation of weapons of mass destruction (WMD), the absence of nuclear weapons risk reduction, instability in the southern and eastern neighbourhoods, climate change, pandemics and terrorism, to hybrid threats, disinformation, cyber attacks, malicious use of emerging and disruptive technologies (EDTs), unsafe migration and a shifting global power balance; stresses that, in view of the resulting challenge to the international rules-based order, stronger EU-NATO cooperation contributes to effective global governance and multilateralism;

6. Underscores that the transatlantic community can only successfully manage these challenges by further deepening cooperation and taking the partnership to a new level; underlines the fact that both the EU and NATO have unique abilities and strengths; considers therefore that the complementarity of efforts and advanced cooperation are of the utmost importance for maintaining transatlantic security; underlines that maintaining political cohesion and unity, as well as strengthening political consultation, must be priorities for the EU-NATO partnership in order to better address common challenges;

7. Is confident that the transatlantic community is capable not only of adapting to the new challenges but also of tackling them; expresses its gratitude for the excellent work performed by the numerous EU, NATO and national staff members who work hard to protect our citizens;

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8. Pays tribute and respect to all the service members of the transatlantic alliance who fell or were wounded in service, as well as to those currently serving;

Enhancing both transatlantic and EU-NATO cooperation

9. Applauds the strong signal of transatlantic unity and cooperation sent by the NATO Summit on 14 June 2021, which demonstrated that the alliance remains vital and capable of adapting to current and new challenges; believes that the conclusions on EU-NATO cooperation should also be reflected in the work on NATO's next Strategic Concept; welcomes the appointment by the NATO Secretary-General of the independent group of experts, and commends in particular their recommendations for stronger EU-NATO cooperation; endorses the proposals by the Commission President and the VP/HR of December 2020 for an EU-US Security and Defence Dialogue; welcomes the clearly stated commitment of the Biden administration to engaging with EU and NATO partners in all domains;

10. Strongly welcomes the EU-US Summit of 15 June 2021 and the expression of unwavering support for robust NATO-EU cooperation; welcomes the joint EU-US recognition of the contribution EU security and defence initiatives can make to both European and transatlantic security and welcomes the stated intention to launch a dedicated EU-US dialogue on security and defence; underlines both the key relevance of the US security presence in Europe for Europe's security and its full commitment to transatlantic security cooperation; underscores that a strong EU-US partnership is a key element of successful EU-NATO cooperation; underlines that the transatlantic partnership benefits from predictable foreign policy-making and multilateral engagement; considers the change of the US administration as an opportunity to reaffirm shared values, such as democracy, the rule of law, multilateralism, peace and prosperity, and to enhance international cooperation in tackling common threats, which could include, where possible, joint sanctions;

11. Fully shares the view expressed in the final communiqué of the recent NATO Summit that the ongoing strategic processes within NATO and the EU offer a unique opportunity to further intensify our consultations and cooperation to enhance the security of our citizens and promote peace and stability in the Euro-Atlantic area and beyond; reiterates its call, therefore, for the ongoing and future work being carried out in parallel on both the EU's Strategic Compass and the recently announced work on NATO's next Strategic Concept to establish clear priorities and identify additional synergies in order to strengthen the transatlantic bond and further EU-NATO cooperation; calls on all actors involved to use this opportunity to link these processes at both political and technical level; underlines the fact that both processes should ensure coherence and identify common regional and global threats, and the necessary next steps to address those threats; expresses its vision that the EU Strategic Compass could lay the foundations for an EU contribution to NATO's next Strategic Concept; believes that these distinct processes should separately highlight the added value of each organisation, help define, where relevant, a better division of tasks and, by means of a constant dialogue and close coordination, map out whether the EU or NATO should take the lead in a given field in a mutually reinforcing way;

12. Expects that the completion of the Strategic Compass will deepen EU solidarity and contribute to progress towards a common strategic culture among Member States; welcomes the first common threat analysis of November 2020 and calls for steps forward towards an agreed common threat assessment; considers that the EU's integrated approach could be updated to take into account the findings of the threat analysis undertaken within the Strategic Compass process; believes that the security dimension of the countries in the EU's immediate neighbourhood, in particular the Eastern Partnership (EaP) and the Western Balkans, should be properly taken into account in the drafting of the Strategic Compass, since the European security environment and European resilience cannot be achieved without the long-term security and resilience of all the EU's neighbours;

13. Emphasises that Article 5 of the North Atlantic Treaty as well as Article 42(7) TEU and Article 222 TFEU are important instruments for guaranteeing solidarity in a crisis towards members of the respective organisations; recalls that Article 5 of the North Atlantic Treaty was invoked after the September 2001 terror attacks in New York and Washington to express solidarity towards the US and that Article 42(7) TEU was invoked after the November 2015 terror attacks in Paris to express solidarity towards France; encourages a discussion about the relationship between Article 42(7) TEU and

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Article 5 of the North Atlantic Treaty, which establish respectively the EU's and NATO's unequivocal commitment to solidarity and security, during the review of the Strategic Concept and the drafting of the Strategic Compass, while considering that the autonomous decision-making of both organisations should be fully respected;

14. Welcomes the positive language on EU-NATO cooperation in the final communiqué of the NATO Summit on 14 June 2021; believes, however, that significantly more efforts are needed to advance EU-NATO cooperation and achieve a true strategic partnership; underlines that the EU is a partner of NATO and that EU-NATO cooperation is mutually reinforcing and based on the agreed guiding principles of transparency, reciprocity, inclusiveness and the decision-making autonomy of both organisations; stresses that the development of coherent, complementary and interoperable defence capabilities is essential to increase the security of the Euro-Atlantic area in line with the principle of the single set of forces; reiterates that a European capability to act, either in partnership or autonomously, is essential for complementarity and to contribute to the fulfilment of NATO's core tasks, as well as to enhance conflict prevention, and hence for the security of the European continent as a whole;

15. Is of the opinion that future EU-NATO cooperation should build on experience and lessons learned from both the EU's unique expertise in civilian crisis management and capacity building, in particular the 'Civilian Planning and Conduct Capability' (CPCC), and its military crisis management expertise, namely the 'Military Planning and Conduct Capability' (MPCC), together with the experience gained from deploying 37 military operations in the field since 2003 and providing assistance to military actors in partner countries via the 'Capacity Building in support of Security and Development' (CBSD) initiative and the African Peace Facility instrument, which has been integrated into the European Peace Facility;

16. Welcomes the clear language in the NATO Summit communiqué of 14 June 2021 on the importance of resilience; stresses that both the EU and NATO should strengthen their cooperation and coordinate it more effectively in the key field of resilience, and highlights the EU's ambition to develop a meaningful approach towards strengthening the various civilian and military aspects of resilience, inter alia in the area of protecting critical infrastructure, such as in the transport, energy and IT sectors, as well as the role of the EU as a key actor in fighting disinformation and fake news;

17. Welcomes the positive decision by the Council of 6 May 2021 authorising the coordinator of the Military Mobility project, the Netherlands, to invite the US, Canada and Norway, following their respective requests, to participate in the PESCO project on military mobility; underlines that such participation would mark an important step towards increased coherence between the respective EU and NATO capability development efforts, and would constitute a concrete example of a reinvigorated transatlantic partnership; recalls that exceptional participation by third countries in PESCO projects, provided that it does not undermine the objective of fostering the EU CSDP and that they meet an agreed set of political, substantive and legal conditions, can be in the Union's strategic interest, especially if they provide technical expertise or additional capabilities; considers that this is particularly true of strategic partners such as NATO allies, countries in the Western Balkans and EaP partners; recalls its position that third-country participation can only be exceptional, decided on a case-by-case basis and at the invitation of the EU Member States, and underlines that such participation should provide added value and contribute to strengthening the CSDP; recalls also that participation by third countries must respect the relevant rules set out in Decision (CFSP) 2020/1639;

18. Underlines the importance of transatlantic cooperation on a range of international issues, such as climate change, pandemic response, emerging disruptive technologies, artificial intelligence, cybersecurity, the fight against terrorism, including jihadist and state-sponsored terrorism, energy, maritime security and resilience, and in the area of outer space;

19. Recognises the important cooperation between the EU and NATO in the Western Balkans, such as that between the EU Rule of Law Mission in Kosovo (EULEX) and Kosovo Force (KFOR); pays tribute to Operation EUFOR Althea, whose operational headquarters are located at the Supreme Headquarters Allied Powers Europe (SHAPE) on the basis of the Berlin Plus arrangements with NATO, which has been contributing under these arrangements to a safe and secure environment in Bosnia and Herzegovina since it took over from NATO's Stabilisation Force (SFOR) in 2004; notes that the experiences of and lessons learned from these missions and operations are instrumental in ensuring that all current and future EU-NATO cooperation provides peace, security and stability in affected regions, in supporting and training local partners and in

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building capacities; notes the important role that NATO integration has played in the Western Balkans by stabilising these countries, which was important for their EU perspective and gradual EU integration; believes that the EU and NATO should provide more support to the countries of the Western Balkans to counter malicious foreign interference from countries such as Russia, China, Turkey and Saudi Arabia, as well as radical groups and non-state actors; welcomes the fact that three Western Balkan countries in the EU accession process, Albania, Montenegro and North Macedonia, have become NATO allies;

20. Calls on Member States and NATO allies alike to harness every means possible to support the strengthening of military-security cooperation with candidate and potential candidate EU countries and with eastern and southern neighbourhood partners, as without this the security and stability of the region cannot be assured; recalls the important role that the EU can play in supporting NATO's open door policy by maintaining close political and operational synergies with its aspirant countries, namely Bosnia and Herzegovina, Ukraine and Georgia; stresses the significance of contributions made by NATO's various partner countries to Euro-Atlantic security; urges stronger coordination and the effective division of labour between the EU and NATO in cooperating with third countries, with a particular emphasis on NATO's Enhanced Opportunities Partnership (EoP) countries; reiterates its support for both EU and NATO Enlargement;

Threats and challenges faced by the EU and NATO

21. Expresses its utmost concern regarding the continuous revisionist, militaristic and aggressive policies pursued by Russia under President Putin; welcomes the clear language on Russia used during the recent NATO and EU-US Summits, and welcomes the establishment of an EU-US high-level dialogue on Russia; underscores the need for both NATO and the EU to have a consistent, proactive strategy and to lawfully, swiftly and unitedly respond to acts of traditional and hybrid aggression and provocation by Russia; reiterates its previous condemnation of Russia's illegitimate and illegal annexation of Crimea in 2014; condemns Russia's continuous use of cyber attacks, disinformation campaigns, fake news, assassination plots and poison attacks against opposition figures; calls for the EU and NATO to leverage and expand current engagements to counter Russia's direct and indirect aggressions and activities directed against Ukraine, Georgia and Moldova, as well as its ongoing assertive activities in the Baltic and Black Sea regions, in the Sea of Azov, in the Eastern Mediterranean and in the High North; recalls the importance of respecting international borders and the territorial integrity of Russia's neighbours; recalls that the transatlantic partners must coordinate their dual-track approach of deterrence and dialogue with Russia, maintaining regular contact in the areas of arms control, military transparency and any other issues related to security;

22. Condemns the recent Russian sanctions against top European officials and other EU citizens, including the President of the European Parliament, and regrets President Putin's evident rejection of dialogue, as well as the violation of a number of major international commitments and continuous violations of human rights and fundamental freedoms, and considers Russia's continued aggressive actions and increased military assertiveness as a threat to international security and stability; expresses concern about Russia's recent large-scale military activities in and around Ukraine; expresses, in this context, its unwavering support for Ukraine's sovereignty and territorial integrity and calls for its military capabilities and resilience to be strengthened;

23. Recognises that the growing influence, assertiveness, and military, technological and political rise of China need to be met with a coordinated transatlantic strategy; welcomes, in this light, the strong language used during the recent NATO and EU-US Summits; expresses serious concern regarding the policies pursued by the Chinese Communist Party (CCP) authorities when it comes to, among other things, the suppression of democracy in Hong Kong, the discriminatory treatment of religious and cultural minorities, especially the Uyghurs in Xinjiang, threats towards Taiwan, or aggressive policies and actions in the South China Sea; further points to the relevance of the fact that China, as an authoritarian regime, has entered into systemic competition with the transatlantic partnership by undermining the rules-based international order, which has been built over many decades, and in turn is attempting to reshape it according to the CCP's own values, doctrine and interests; recalls China's increased presence on the international stage as well as in Europe through its Belt and Road Initiative, its investments in critical infrastructure in Europe, its activities in cyber space, in the Arctic regions and in Africa, and its documented intellectual property theft and stockpiling of ballistic missiles; calls for close

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observation of Chinese activities in the area of information and communication technologies (ICT), especially with regard to its Digital Silk Road initiative, in order to prevent dependencies on infrastructure under the control of Chinese companies, which carries the risk of unilateral Chinese influence on international norm development in ICT; calls for the EU and NATO to increase coordination on securing critical digital infrastructure and telecommunications networks against tampering by foreign countries, by phasing out equipment that is produced by entities from non-democratic countries such as China;

24. Encourages the EU and NATO to commence a strategic dialogue to develop a common and coordinated approach towards China, drawing on each organisation's strengths and capacities in order to generate the most added value possible based on commonly agreed strategic goals;

25. Expresses serious concern that authoritarian adversaries and competitors of the transatlantic partnership are not only using military but also political, economic, technological and social tools to undermine our societies and democracies; points to the significant security and economic challenges posed by hybrid threats, cyber attacks, foreign interferences, interference in elections and disinformation campaigns, which constitute an attack against the very nature of our democracies; condemns the recent increased cases of cyber attacks and espionage by state and non-state actors against EU Member States and NATO allies in the context of the COVID-19 pandemic, including targeting the healthcare sector; underlines the fact that any European effort in the field of resilience must also include, as the basis for ensuring support for our defence activities, a clear public communication strategy to increase public awareness of transatlantic security challenges; considers that the EU and NATO should seek to agree on and implement an all-encompassing approach for bolder, coordinated, proportionate responses and adequate conflict prevention, and crisis management mechanisms to counter common novel threats;

26. Highlights that NATO remains a unique forum for defence cooperation between the EU and its former Member State, the UK; calls for a comprehensive, inclusive and strategic security and defence partnership between the EU and the UK; calls for NATO and the EU to increase common action on the international stage to protect democracy, including by strengthening multilateral organisations in order to defend the rules-based multilateral order against rising authoritarian powers; calls for the active development of closer ties with like-minded democracies around the world; believes that enhanced partnerships with countries such as Japan, Australia and India, who together with the US form the Quadrilateral Security Dialogue, as well as South Korea and New Zealand, along with intensified cooperation with Taiwan, would not only increase our overall security but could help to ensure more effective implementation of global norms and rules, as laid out by multilateral fora such as the UN; also encourages EU-NATO cooperation with ASEAN members in this context;

27. Encourages the EU, NATO and the UN to further explore opportunities for closer cooperation in crisis management, humanitarian actions, peacekeeping and the capacity building of partners, especially in joint areas of operation; calls for the creation of a more inclusive environment by increasing women's participation across the three core tasks and throughout their political and military structures; urges the EU and NATO to work together for a more systematic implementation of UN Security Council Resolution 1325 on women, peace and security (WPS) and to develop joint education and training activities;

28. Underlines the need for a consistent, clear, coherent and coordinated EU-NATO approach to the southern neighbourhood, addressing both traditional threats such as terrorism and the growing, aggressive presence of Russia and China; points to the past cooperation between NATO Operation Ocean Shield and EU Naval Force Atalanta in combating piracy and providing safe passage in the Gulf of Aden;

29. Calls for cooperation and coordination in the Mediterranean between the EU's Operation EUNAVFOR MED IRINI and NATO's Operation Sea Guardian; emphasises that both operations contribute to security and stability in the Mediterranean;

30. Is preoccupied by growing tensions in the Indo-Pacific region, which represent a threat to regional and global stability, and calls for intensified cooperation with like-minded partners in the region, which should include regular political dialogue and consultation, information exchange, and the coordination of training and exercises;

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31. Calls for strong commitment and coordination between the EU and NATO in sustaining the progress made in the past two decades in Afghanistan in the light of the withdrawal of the Resolute Support Mission in Afghanistan, which should take place in an orderly, and coordinated manner; encourages further support to Intra-Afghan peace talks, with the insistence that the process preserves and builds on the political, economic and social achievements of the Afghan people since 2001, particularly the protection of women's, children's and minority rights;

32. Supports enhanced coordination between the EU, the UN and NATO in Iraq, inter alia through the EU Advisory Mission (EUAM) in Iraq and NATO's Mission Iraq (NMI), which both help to stabilise the country;

33. Encourages EU-NATO dialogue and cooperation with partner countries in Latin America and the Caribbean; points out that Colombia is the only NATO partner country in Latin America and stresses the need to consolidate further partnerships in the region;

34. Recognises that hybrid and cyber attacks by hostile states and non-state actors challenge the traditional definition of interstate conflict, espionage and sabotage; calls for the EU to further develop its own toolbox for protecting critical infrastructure against hybrid attacks; welcomes the work undertaken in the framework of the European Defence Agency's (EDA) Consultation Forum for Sustainable Energy in the Defence and Security Sector (CF SEDSS) to improve the protection of critical infrastructure within the EU; emphasises that both the EU and NATO should further strengthen their own capabilities to prevent, deter and respond to hybrid and cyber attacks, including against their own institutions; welcomes the clarification in the 2021 NATO Summit communiqué that the North Atlantic Council can decide to invoke Article 5 in the event of hybrid warfare, as it can in the event of an armed attack; calls for increased cooperation and cyber defence training; proposes the creation of a common cyber threat information hub, as well as a joint EU-NATO task force for cybersecurity, in order to define and agree on collective responses to cyber threats; calls for strong coordination between the EU Agency for Cybersecurity (ENISA) and the NATO Cooperative Cyber Defence Centre of Excellence in this respect; calls for increased EU-NATO coordination as regards establishing collective attribution for malicious cyber incidents;

35. Welcomes the work of the European Centre of Excellence for Countering Hybrid Threats (Hybrid COE), the Computer Emergency Response Team for the EU Institutions, bodies and agencies (CERT-EU) and the NATO Computer Incident Response Capability (NCIRC) and sees this as a good example of EU-NATO cooperation; believes that a common response to cyber threats could be further developed through the Hybrid COE, including through joint courses and training; is convinced that more steps are needed, such as efforts to create more synergies between civilian and military components, to advance common resilience and hence avert future hybrid threats; points furthermore to EU-NATO potential in shaping global cyber norms, based on our shared common values; considers that the EU and NATO should coordinate their positions in developing an agenda for international arms control in key areas of EDTs with a military application;

36. Calls for the EU and NATO to step up joint efforts to achieve and maintain global technological leadership in military capabilities, including through the collaborative funding of research projects based on frontier technologies, quantum computing and artificial intelligence, thereby fostering the development of cutting-edge military capabilities anchored in democratic values; highlights the role that civilian-oriented start-ups and SMEs play in today's innovation in the field of emerging technologies; stresses that emerging technologies also offer opportunities to strengthen our defence postures; further stresses that interoperability, common technological standards and joint investment in cutting-edge technology, research and innovation are key for the EU and NATO to continue their ambition of protecting our citizens in the best possible way; emphasises that the development of artificial intelligence (AI) that respects fundamental rights and supports public interest requires the strengthening of an EU AI framework which involves public, private and civil society stakeholders; recommends that initiatives such as the EDIDP, PESCO and the EDF facilitate the engagement of small and medium-sized businesses (SMEs) by advancing efforts that support incubation and capital investment; encourages the development of a set of common EU AI capabilities to bridge technical gaps in order to ensure that Member States lacking the relevant technology-industry expertise or the ability to implement AI systems in their defence ministries are not left behind;

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37. Notes the rapidity of technological developments, including digitalisation and the increased potential of AI, and calls on EU Member States and NATO allies to seek closer cooperation so that they maintain the technological edge as regards these megatrends, ensure the interoperability of their IT systems, and jointly strive to develop common ethical standards for these new technologies and to promote them globally; calls for the EU and NATO to take the lead in global efforts to set up a comprehensive regulatory framework for the development and ethical use of weapons with a certain degree of autonomy; encourages EU and NATO allies to actively take part in international negotiations on a legally binding instrument that would prohibit lethal autonomous weapons systems without meaningful human control; highlights that EU-NATO cooperation is fundamental to counter the ambition of adversaries such as China and Russia of technological dominance and the malign use of technology;

38. Recognises the unprecedented challenge to global peace, prosperity, security, including human security, and stability posed by climate change as a 'threat and crisis multiplier'; calls for enhanced EU-NATO dialogue and a set of actions to counter climate change and its multifaceted consequences for international security; recalls that the EU has a wider range of competences and instruments that allow it to provide a comprehensive response to the challenges posed by climate change and the collapse of biodiversity; underlines that both the EU and NATO should increase investments in green technologies with the aim of improving military effectiveness while minimising the environmental footprint and avoiding further damages to ecosystems;

39. Acknowledges that space is a critical domain and that new technologies are rapidly enabling its use as one of the domains for defence; recognises that this creates both opportunities for EU-NATO cooperation and challenges for transatlantic security; acknowledges that NATO's space operability depends on its members' space-based assets, while highlighting the need to enhance cooperation based on existing EU programmes such as Galileo and Copernicus; believes that EU-NATO cooperation on space could help to promote space safety standards and best practices across the international community, ensuring mutual benefits in the areas of communication, navigation and intelligence; underlines the need for the EU and NATO to strive to prevent the weaponisation of space; notes the growing importance of space security and satellites, stresses the importance of the EU Satellite Centre and asks the agency to analyse and provide a report on the safety and/or vulnerabilities of the EU and Member State satellites to space debris, cyber attack and direct missile attack;

40. Recognises the growing strategic importance of the High North and Arctic regions and their political, economic, environmental and security dimensions, and recognises the importance of coordination between the EU and NATO in the Arctic; stresses that the Arctic must remain an area of peaceful cooperation and calls for confidence-building measures to avoid steps leading towards an increased military presence in the region; notes that the Arctic Council is mandated to enhance constructive dialogue and sustainable development; recalls the EU's application for observer status in the Arctic Council, recalls that the EU is currently updating its Arctic policy, and reiterates its call for enhanced cooperation with all Arctic partners, both bilaterally and regionally, including within the Arctic Council, the Barents Euro-Arctic Council and the Northern Dimension partnerships, on all issues of common interest; underlines the importance of ensuring freedom of navigation in the High North; recalls the parliamentary dimension of cooperation in the Arctic, *inter alia* through the Standing Committee of Parliamentarians of the Arctic Region (SCPAR), in which the European Parliament participates;

41. Commends the close cooperation between EU and NATO during the COVID-19 pandemic; underlines the important role of NATO allies and EU Member States' armed forces during the COVID-19 pandemic and welcomes military assistance for civil support operations, notably for the deployment of field hospitals, patient transport, and equipment delivery and distribution; encourages EU-NATO initiatives aimed at facilitating the cross-border use of military logistical capabilities to tackle such emergencies, in order to allow for greater coordination, synergy, solidarity and support; stresses the need to increase the EU's and NATO's chemical, biological, radiological and nuclear defence (CBRN) preparedness; is convinced that common EU and NATO efforts in tackling the COVID-19 crisis directly contribute to enhanced resilience for our societies; underlines that the COVID-19 pandemic has shown the challenges that disruptive emergencies, especially those of a non-traditional nature such as pandemics and natural disasters, pose to our current resilience; notes with concern that the COVID-19 crisis has had a negative impact not only on public health and the economy, but also on security, by accelerating

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geopolitical rivalries and enhancing uncertainties such as the continuity of supply chains, with lasting consequences for European and international security and stability; calls for the strengthening of EU-NATO cooperation with regard to better addressing non-traditional emergencies, which should include exercises on lessons learned from the COVID-19 pandemic, regular training exercises with the aim of better preparing Member States and allies to anticipate and better manage natural and man-made disasters, and the development of stockpiles of emergency equipment and necessary assets;

Time to deliver on EU defence ambitions

42. Is convinced that the Member States must increase their efforts to meet the EU's level of ambition and improve the EU's ability to act with a more capable, deployable, interoperable and sustainable set of military and civilian capabilities and forces, which would give the EU the capacity to contribute more equitably and decisively to transatlantic security, while enabling it to advance towards strategic autonomy and further pave the way to progressively frame a European Defence Union (EDU) in the spirit of Article 42 TEU, should the European Council, acting unanimously, so decide; stresses that strategic autonomy strengthens transatlantic security, and by no means aims to duplicate measures and resources or decouple from or weaken NATO, but in fact aims to be complementary to and interoperable with NATO efforts and capabilities; underlines at the same time that EU strategic autonomy not only entails defence capability development, based on a strong and independent European Defence Technological Industrial Base (EDTIB), but also the institutional capacity enabling the EU to act, where possible with partners, particularly with NATO, and independently if necessary; believes that these increased European capability development efforts will allow the EU to take greater responsibility for European security, including in the European neighbourhood, and global stability, and to better promote common EU-NATO interests and values; emphasises that a European Union with strategic autonomy will act as a cornerstone for the Transatlantic Alliance and facilitate a more efficient and effective approach to a number of the global challenges arising today and in the immediate future;

43. Firmly believes that, given the unprecedented level of challenges, the EU's ambitions for PESCO and capability development must cover a full-spectrum force package; recalls that EU investments in defence are investments in the security of the transatlantic community as a whole, which will result in fairer burden-sharing between transatlantic NATO partners; underscores the need to advance defence capability development in order to adequately respond to common threats; believes that EU Member States, especially the 21 common EU-NATO members, need to act coherently and should consider identifying a clear 'European ambition' regarding capability development, in particular by increasing their investment in research and innovation and without disregard for the transatlantic partnership; calls on the 21 common EU-NATO members to apply the 'single set of forces' principle by declaring the same pool of potentially available capabilities for planning purposes within the EU and NATO; encourages stronger efforts by members of both organisations to achieve greater coherence of output between the NDPP and EU initiatives on capability development, in particular the High-Impact Capability Goals (HICG), the EU's Capability Development Plan (CDP) and the EU CARD where requirements overlap, to avoid unnecessary duplications and to better respond to new threats; highlights the important role of the EDA in producing the EU CDP; underscores that any review of the EU's objectives must also reflect on its Headline Goals and HICG; underlines that such a review is fundamental in order to reap the full benefits of initiatives such as PESCO; is convinced, furthermore, that the EU must improve the nexus between planning, research and the development of capabilities;

44. Believes that the European allies in NATO, supported where possible by non-NATO European partners, as appropriate, should aim to ensure adequate burden- and responsibility-sharing with the objective of contributing an adequate share of the NDPP, reflecting on the importance and role of Europeans within the alliance; believes that this would have the simultaneous added effect of enhancing Europe's ability to defend itself and would consequently also increase its operational capacities;

45. Underlines that the transatlantic partnership can only be successful if all Member States fulfil their commitments, including defence investment pledges, and engage in mutual support; underlines NATO's 2 % goal, reconfirmed at the September 2014 NATO Summit in Wales and fulfilled by some European NATO allies, and stresses that achieving this objective is also an investment in European security and stability, thereby ensuring preparedness for new global challenges;

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recalls, similarly, the commitment to spending 20 % of the annual defence budget on the crucial area of research and development; underlines that new threats, such as cyber and hybrid threats, are add-ons to the existing security challenges and hence require additional resources; underlines the fact that, as the pandemic has illustrated, security cannot merely be measured in terms of a percentage of GDP spent, and that multiple other elements should also be taken into consideration when judging contribution efforts to enhance the alliance's common defence; calls for defence spending in absolute figures not to be reduced by the economic challenges that EU and NATO members are facing due to the COVID-19 pandemic;

46. Underscores that Europe, as far as possible, should look at these strategic challenges in a comprehensive and coherent way through the EU's 'integrated approach', which should be continuously improved through better coordination mechanisms and command structures, as well as by taking into account new threats and challenges, and should then consider which capabilities it can develop together which would ultimately both serve the EU Member States' contribution to NATO's collective defence, while enhancing the interoperability of their capabilities;

47. Reiterates its support for an effective implementation of the Defence Package directives concerning, respectively, procurement in the fields of defence and security and transfers of defence-related products; stresses that the full implementation of these directives would constitute an important step towards a European Defence Union by making EU defence policy more coherent and by fostering the development of the European defence industry; is convinced that their implementation is an effective way to counter the continued fragmentation of the EU's internal market for defence products, which is still leading to unnecessary duplication and the multiplication of inefficiencies in defence spending by the Member States; underscores the importance of a strong, competitive and innovative European Defence Technological and Industrial Base (EDTIB), combined with the emergence of an EU defence equipment market which fully respects internal market rules, and the EU's Common Position on arms exports; considers that this would increase European security and better equip members of both organisations; calls for further efforts to ensure a fully functional common defence market; highlights the importance of the EDF in pooling national resources for joint research, development, acquisition, procurement, maintenance and training, and calls for a strategic long-term orientation for its project funding; calls for greater synergies between the EDTIB and leading private sector actors in developing dual-use emerging technologies such as AI, while ensuring synergies with other actors (members of civil society, researchers etc.); underscores the importance of cooperation between the EDA and NATO and recognises the value of EU defence industrial cooperation within the Trans-Atlantic Defence Technological and Industrial Cooperation (TADIC); recalls the long-term ambition of building strong transatlantic cooperation in the defence and industrial sector in order to facilitate transatlantic technological and industrial development, addressing inter alia issues related to security of supply, a common approach to intellectual property rights, foreign direct investments and reciprocal access to defence markets; calls on the Commission to collaborate actively with NATO in order to facilitate transatlantic technological and industrial development; points out that European defence initiatives are complementary to those of NATO and designed to encourage Member States to engage in the field of defence; encourages close cooperation between the EDA and the NATO International Staff;

48. Highlights the importance of joint European projects, such as the Future Combat Air System (FCAS), the Eurodrone, with full respect for international law, and the Main Ground Combat System (MGCS), and calls for further ambitious and tangible projects;

49. Welcomes the EU and the US's commitment, as expressed at the recent EU-US Summit, to work towards an administrative arrangement between the EDA and the US; calls for the conclusion of a similar arrangement with other non-EU NATO allies, especially those with which EU accession negotiations have started, as appropriate, while respecting all the necessary safeguards to protect the security and defence interests of the EU and its Member States, in order to deepen transatlantic defence cooperation by ensuring that the military technology used is fully interoperable at a technical level;

50. Welcomes the extension of the New START Treaty, which gives both signatories additional time to pursue negotiations with a view to agreeing on a new arms control instrument; calls for the EU and NATO to strive for the involvement of other states, notably China; recalls the need to increase cooperation and investment in the key area of air

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and missile defence; expresses strong concern about the expiry of the INF Treaty, which has created a new security risk for European countries in particular; calls for Europe's security concerns to be recognised and properly addressed; regrets the recent withdrawals from the Treaty on Open Skies;

51. Reaffirms its full support for the EU and its Member States' commitment to the NPT as the cornerstone of the nuclear non-proliferation and disarmament regime; underlines the need to take effective measures in the direction of nuclear disarmament; reiterates its previous statement that international peace and security are strengthened in a world free from the existence and proliferation of nuclear weapons; urges the EU and NATO to strive towards an ambitious agenda for the preservation and strengthening of effective international arms control, disarmament and non-proliferation regimes as a cornerstone of global, transatlantic and European security, and recalls the need to pursue policies designed to move forward with the reduction of nuclear arsenals and to set limits on the deployment of hypersonic missiles; expresses concern about the current developments and initiatives in Iran as regards its uranium enrichment programme; reiterates its continued support for the Joint Comprehensive Plan of Action (JCPOA) as the best possible means of obtaining assurances of an exclusively peaceful use of nuclear energy by Iran; welcomes the resumption of talks, and calls on all parties to return to full compliance;

52. Calls for the EU and its institutions, while building on the foundation laid by the 'integrated approach', to develop both a common security and defence culture, which respects the specific character of the security and defence policies of the Member States, as well as a strategic approach, throughout its policy-making, which should apply in particular to decisions in the fields of trade, supply chain management, investment screening, development cooperation, infrastructure, mobility and digital technologies; underlines the key role of the Strategic Compass in this regard; underlines that in areas such as hybrid and cyber threats, as well as countering disinformation campaigns, the EU institutions are well positioned to develop joint responses; welcomes, in this regard, the December 2020 Security Union Package and believes that this is a good first step which needs to be swiftly followed up by further actions; notes the proposal for an NIS 2 Directive;

53. Stresses the significance of military mobility in ensuring the speedy movement of forces within and beyond the EU, which is important for an effective and preventive defence; calls for the EU and its Member States to step up efforts to continue to reduce procedural barriers to military mobility; welcomes the indispensable role of the EU when it comes to enhancing military mobility, and demands a significant increase in efforts made to implement this project, particularly through PESCO, but also by encouraging Member States to stimulate their industrial bases to propose competitive projects eligible for EU co-funding; calls for increased synergies on the EU side between the various actors involved; emphasises that a whole-of-government approach involving the EU institutions, Member States and NATO is necessary for military mobility to succeed; calls for consideration of an action plan focusing on EU-NATO common interests in military mobility by increasing ambition in areas such as digitalisation, the cyber resilience of transport infrastructure and systems, and the possibility of using artificial intelligence solutions for the benefit of military mobility; believes that this project demonstrates both the added value of EU-NATO cooperation and proof of how EU instruments and competences can contribute to NATO's collective defence; welcomes the fact that significant amounts of EU funds have been allocated to collaborative defence projects, despite not matching initial ambitions; recalls that 38 of the 46 current PESCO projects respond to NATO defence planning priorities and welcomes potential third-country participation in such projects, in line with the provisions of the relevant Council decision;

Towards an ambitious partnership

54. Fully subscribes to the statement in the recent NATO communiqué that the European Union remains a unique and essential partner for NATO; reiterates, in this light, its firm belief that EU-NATO relations need to be upgraded to a truly strategic level in order to reach the partnership's full potential, building on the unprecedented progress already achieved and with the overall objective of building a genuine organisation-to-organisation relationship; calls for regular special summits with the participation of all NATO and EU heads of state and government in order to maintain trust and understanding at the highest levels, and expresses its long-term vision for an EU-NATO Partnership Council; encourages a discussion, furthermore, on the creation of a permanent Council of EU Defence Ministers, which should closely liaise with meetings of NATO defence ministers; underlines the principle of inclusiveness in this regard;

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55. Reiterates the principle of inclusiveness, and encourages an increased number of joint informal meetings, as well as joint statements and communications by EU and NATO institutions' principals; reiterates its previous calls for the EU and NATO to organise regular, and more ambitious, joint exercises, building on the existing practice of Parallel and Coordinated Exercises (PACE), ensuring the involvement of all Member States and allies, which would serve to enhance mutual EU-NATO understanding and further enhance staff-to-staff cooperation; encourages an enhanced exchange of unclassified and classified information in future exercises, in an inclusive and non-discriminatory manner, as a first step in the exchange of information in real crisis situations;

56. Calls on all members to work towards the conclusion of a security agreement between Cyprus and NATO;

57. Welcomes the progress made on the 74 common proposals for action; believes, however, that more political support is needed to ensure full implementation; further calls for flagship projects to be put forward, for example in the field of EDTs and air-to-air refuelling, modelled after projects such as in the area of military mobility in order to increase ownership and make cooperation more tangible and results-orientated;

58. Underlines that the EU and NATO must coordinate their efforts to combat terrorism by improving current practices of intelligence-sharing among Member States and NATO allies, with a particular emphasis on achieving better common situational awareness in key areas, including emerging safe havens, terrorists' use of EDTs and hybrid tactics;

59. Acknowledges that in view of the institutional limitations, EU-NATO cooperation to a large extent takes place on an informal and technical staff-to-staff level, limiting at times the active involvement of all Member States and allies; considers these limitations a vulnerability for transatlantic, as well as European, security, due inter alia to the potential blocking of access to NATO structures for EU CSDP operations; believes that this situation is unsustainable and therefore strongly urges all stakeholders to work together in good faith to seek a solution which would render cooperation more formal and predictable on all levels, with a view to building a genuine and solid organisation-to-organisation relationship; welcomes the discussion about future EU military command capacities, which must be interoperable and compatible with NATO in order to ensure the most effective operational capacity of the single set of forces;

60. Underlines the need to reinforce allies' unity, solidarity and cohesion; acknowledges the serious disputes between allies in the Eastern Mediterranean; welcomes the establishment of NATO's de-escalation mechanism; recalls its concerns about Turkey's acquisition of the S-400 Russian missile system; stresses the importance of further trust-building measures based on dialogue and mutual respect; is deeply concerned about the behaviour of Turkey, a strategically important neighbour and NATO ally; calls on Turkey to avoid further provocative and destabilising actions, and encourages it to pursue a foreign, security and domestic policy that aligns with the obligations and expectations of an EU candidate country and NATO ally;

61. Recalls that both the EU and NATO are built around common democratic principles; recalls that the North Atlantic Treaty is directly tied to the UN Charter; calls on NATO to demand from its members full compliance with all articles of the UN Charter; underlines that the transatlantic partnership not only needs strong militaries but also strong and resilient societies; emphasises the mutually reinforcing link between strong democratic foundations, based on respect for the rules-based international order, and a strong transatlantic partnership, which only together can ensure the longevity of our democracies; supports the idea put forward by the Biden administration for a global summit of democracies; calls for increased efforts to take into account the high aspirations of younger generations and enable the effective participation of young people in our democratic processes, and to clearly present to young people the strategic challenges that our societies face, in order to assure that they engage with these critical issues and actively support our common efforts;

62. Recalls that a stronger role for the EU in security and defence has been described as a priority for EU citizens in Eurobarometer surveys; suggests that EU-NATO cooperation and security and defence issues at large should be addressed during the upcoming Conference on the Future of Europe in order to ensure that people's voices are heard;

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63. Underlines the importance of a proactive, effective and transparent communication, both in the EU and externally, and calls for even closer cooperation between the respective staff at both NATO and the EU on strategic communication, especially with regard to countering disinformation, foreign interference and cyber attacks, in strategically important areas such as the Western Balkans and Eastern Partnership countries; calls for improved information-sharing in identifying hybrid attacks in order to increase responsiveness; insists, however, on the fact that both the EU and NATO must maintain their respective independent capacities; supports the idea of launching independent centres of excellence for the study of foreign languages spoken in strategically important regions;

64. Underlines the importance of parliamentary diplomacy and reiterates its previous calls for an enhanced role for the NATO Parliamentary Assembly (PA); recommends that the status of the European Parliament's delegation in the NATO PA be upgraded by the NATO PA Standing Committee to full status, reflecting the importance of EU-NATO cooperation; calls for a joint meeting between Parliament's Foreign Affairs Committee and the Foreign Affairs Committee of the US House of Representatives in order to discuss the common security threats to the transatlantic partnership and how enhanced EU-NATO cooperation could help address to them;

65. Welcomes the first-ever participation of a NATO Secretary-General in a meeting of the College of Commissioners on 15 December 2020, which sent a strong message of mutual commitment in order to enhance the partnership between NATO and the EU; commends NATO Secretary-General Jens Stoltenberg on his leadership and determination to advance EU-NATO relations, which corresponds to the ambitions and priorities laid out by the EU leadership;

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66. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of NATO, the European Defence Agency, the governments and national parliaments of the EU and NATO Member States, and the NATO Parliamentary Assembly.

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Old continent growing older — possibilities and challenges related to ageing policy post 2020

European Parliament resolution of 7 July 2021 on an old continent growing older — possibilities and challenges related to ageing policy post-2020 (2020/2008(INI))

(2022/C 99/13)

The European Parliament,

- having regard to Articles 6, 153, 156 and 174 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union (the ‘Charter’), in particular Articles 21, 23, 24, 25, 26, 31, 32, 33, 34 and 35 thereof,
- having regard to the UN Convention on the Rights of Persons with Disabilities,
- having regard to the judgment of the Court of Justice of the European Union stating that the principle of non-discrimination on grounds of age is a general principle of EU law as a special case of equal treatment ⁽¹⁾,
- having regard to the Council conclusions of 7 June 2010 on active ageing,
- having regard to the Council conclusions of 9 September 2020 on the human rights, participation and well-being of older persons in the era of digitalisation,
- having regard to the UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals,
- having regard to the Political Declaration and Madrid International Plan of Action on Ageing adopted at the Second World Assembly on Ageing of 8-12 April 2002,
- having regard to the Ministerial Declaration adopted at the fourth UN Economic Commission for Europe Ministerial Conference on Ageing in Lisbon on 22 September 2017 entitled ‘A Sustainable Society for all Ages: Realizing the potential of living longer’,
- having regard to the report of the UN Independent Expert on the enjoyment of all human rights by older persons on the impact of the coronavirus disease (COVID-19) on the enjoyment of all human rights of older persons, submitted for the 75th session of the UN General Assembly on 21 July 2020,
- having regard to the European Pillar of Social Rights,
- having regard to Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012) ⁽²⁾, and to the original Commission communication of 6 September 2010 thereon (COM(2010)0462),
- having regard to the Council recommendation of 19 December 2016 entitled ‘Upskilling Pathways: New Opportunities for Adults’ ⁽³⁾,
- having regard to the Council recommendation of 22 May 2018 on key competences for lifelong learning ⁽⁴⁾,

⁽¹⁾ Judgment of 22 November 2005, *Werner Mangold v Rüdiger Helm*, C-144/04, ECLI: EU:C:2005:709.

⁽²⁾ OJ L 246, 23.9.2011, p. 5.

⁽³⁾ OJ C 484, 24.12.2016, p. 1.

⁽⁴⁾ OJ C 189, 4.6.2018, p. 1.

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- having regard to its resolutions of 7 September 2010 on the role of women in an ageing society ⁽⁵⁾ and 15 November 2018 on care services in the EU for improved gender equality ⁽⁶⁾,
- having regard its resolution of 11 November 2010 on the demographic challenge and solidarity between generations ⁽⁷⁾,
- having regard to its resolution of 26 May 2016 on poverty: a gender perspective ⁽⁸⁾,
- having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance ⁽⁹⁾,
- having regard to its resolution of 14 June 2017 on the need for an EU strategy to end and prevent the gender pension gap ⁽¹⁰⁾,
- having regard to its resolution of 14 November 2017 on the deployment of cohesion policy instruments by regions to address demographic change ⁽¹¹⁾,
- having regard to its position adopted at first reading on 28 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing 'Erasmus+: the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013 ⁽¹²⁾,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽¹³⁾ and establishing the principle of non-discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation,
- having regard to the Commission proposal for a Council directive of 2 July 2008 on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426), and to Parliament's position of 2 April 2009 thereon ⁽¹⁴⁾,
- having regard to the Commission communication of 12 October 2006 entitled 'The demographic future of Europe — from challenge to opportunity' (COM(2006)0571),
- having regard to the Commission report of 15 December 2006 entitled 'European Economy — the impact of ageing on public expenditure: projections for the EU-25 Member States on pensions, healthcare, long-term care, education and unemployment transfers (2004-2050)',
- having regard to the report of the Commission and the Social Protection Committee for the Ministers in the Employment and Social Affairs Council of 7 October 2014 entitled 'Adequate social protection for long-term care needs in an ageing society',
- having regard to the Commission communication of 26 April 2017 entitled 'An initiative to support work-life balance for working parents and carers' (COM(2017)0252),
- having regard to the Commission report of 24 November 2017 entitled 'The 2018 Ageing Report: Underlying Assumptions & Projection Methodologies',

⁽⁵⁾ OJ C 308 E, 20.10.2011, p. 49.

⁽⁶⁾ OJ C 363, 28.10.2020, p. 80.

⁽⁷⁾ OJ C 74 E, 13.3.2012, p. 19.

⁽⁸⁾ OJ C 76, 28.2.2018, p. 93.

⁽⁹⁾ OJ C 204, 13.6.2018, p. 76.

⁽¹⁰⁾ OJ C 331, 18.9.2018, p. 60.

⁽¹¹⁾ OJ C 356, 4.10.2018, p. 10.

⁽¹²⁾ OJ C 108, 26.3.2021, p. 965.

⁽¹³⁾ OJ L 303, 2.12.2000, p. 16.

⁽¹⁴⁾ OJ C 137 E, 27.5.2010, p. 68.

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- having regard to the Commission interinstitutional paper of 25 May 2018 entitled ‘The 2018 Ageing Report: Economic & Budgetary Projections for the 28 EU Member States (2016-2070)’,
- having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152),
- having regard to the Commission report of 17 June 2020 on the impact of demographic change (COM(2020)0241),
- having regard to the report of the World Health Organization (WHO) of 1 April 2002 entitled ‘Active Ageing: A Policy Framework’,
- having regard to the WHO report of 1 October 2007 entitled ‘Global Age-Friendly Cities: A Guide’,
- having regard to the WHO world report of 30 September 2015 on ageing and health,
- having regard to the WHO’s global strategy and action plan on ageing and health for 2016-2020 and UN’s decision to proclaim 2021-2030 as the Decade of Healthy Ageing,
- having regard to the UN Principles for Older Persons adopted by General Assembly resolution 46/91 of 16 December 1991,
- having regard to the Global AgeWatch Index 2015,
- having regard to the UN report of 2019 on world population ageing,
- having regard to the position of active ageing as one of the key elements of the Europe 2020 strategy,
- having regard to the European Skills Agenda for sustainable competitiveness, social fairness and resilience,
- having regard to the 2010 UK Equality Act, which makes it illegal to discriminate against people based on gender reassignment, sexual orientation and sex,
- 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 ⁽¹⁵⁾ (the Work-Life Balance Directive),
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the opinion of the Committee on Agriculture and Rural Development,
- having regard to the position in the form of amendments of the Committee on Women’s Rights and Gender Equality,
- having regard to the report of the Committee on Employment and Social Affairs (A9-0194/2021),

General remarks

- A. whereas Europe’s ageing population is a demographic phenomenon which involves a decrease both in fertility and mortality rates and a higher life expectancy;
- B. whereas the population of the EU is decreasing; whereas in 1960, EU residents made up 13,5 % of the global population, while in 2018 they accounted for 6,9 % and by 2070 are expected to account for around 4 % ⁽¹⁶⁾; whereas this situation is related to, among other factors, a fall in birth rates in the EU vis-à-vis other regions in the world, which leads to population ageing with an effect on the age composition and relative shares of different age groups and

⁽¹⁵⁾ OJ L 188, 12.7.2019, p. 79.

⁽¹⁶⁾ COM(2020)0241.

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contributes to the inversion of the demographic pyramid; whereas the demographic transition is a universal phenomenon and the EU's decreasing share of the world's population reflects an earlier start in this global process ⁽¹⁷⁾; whereas the active participation of older people in society should not be underestimated; whereas more than 20 % of those aged between 65 and 74 and around 15 % of those aged 75 or over participate in formal and/or informal voluntary activities ⁽¹⁸⁾;

- C. whereas the current demographic situation has a severe impact on the social, economic and territorial cohesion of the EU; whereas it is important for the EU to mainstream demographic aspects into all of its policies; whereas the working-age population (people aged between 15 and 64) is expected to decrease significantly from 333 million in 2016 to 292 million in 2070; whereas by 2100, people aged 80 and over are projected to account for 14,6 % of the population ⁽¹⁹⁾;
- D. whereas gender equality is a basic value of the EU recognised in the Treaties and in the Charter, and whereas the EU is committed to integrating it into all of its activities;
- E. whereas longevity is a remarkable collective achievement underpinned by significant progress in economic and social development and in health, which has considerably improved quality of life and contributed to a 10-year increase in the average life expectancy of men and women over the last 50 years; whereas life expectancy is expected to rise from 78,3 to 86,1 years for men and 83,7 to 90,3 years for women between 2016 and 2070; whereas the increase in average life expectancy must be viewed, in all circumstances, as a factor in the advancement of civilisation and never as a constraint; whereas data shows that in 2018, the estimated number of healthy life years was 64,2 for women and 63,7 for men ⁽²⁰⁾; whereas, however, the discrepancy between life expectancy and healthy life years is worrisome and should be urgently addressed;
- F. whereas a longer, healthier life is valuable for both individuals and societies, creating new opportunities for the participation and inclusion of older people in economic and social life; whereas social engagement at an older age contributes, in turn, to individual health and well-being; whereas there is a correlation between longevity and social status; whereas participation in a range of social activities such as volunteering, sport and hobbies, as well as regular contact with family and friends, tend to have a positive impact on the overall health of older people and prevent their isolation;
- G. whereas the natural change in the EU population has been negative since 2012, with more deaths (4,7 million) than births (4,2 million) recorded in 2019; whereas the fertility rate in the EU is falling and dropped to 1,55 in 2018; whereas this is linked to a variety of factors, including better health and increased levels of education ⁽²¹⁾, but also the general socio-economic situation, including uncertainty and income devaluation, which affects all groups but above all young people, in particular their quality of life, work-life balance and life planning; whereas demographic change could have an impact on the EU's economic and social sustainability in the medium and long term; whereas access to quality public services is a decisive factor in quality of life; whereas the economic and social impact of demographic change underlines the need to strengthen social security and healthcare systems;
- H. whereas there is research that points to the correlation between fertility rates and policies that encourage better job opportunities, decent working and living conditions, flexible working arrangements, decent family support, financial support during maternity, paternity and parental leave, quality childcare from the early years on, and a more equal distribution of care responsibilities between men and women;

⁽¹⁷⁾ UN, *Changing population age structures and sustainable development: a concise report*, 2017.

⁽¹⁸⁾ Eurostat, 'Ageing Europe — statistics on social life and opinions', data extracted in July 2020.

⁽¹⁹⁾ Eurostat, 'Population structure and ageing', data extracted in August 2020.

⁽²⁰⁾ Commission staff working document of 17 June 2020 accompanying its report on the impact of demographic change (SWD(2020) 0109), p. 7.

⁽²¹⁾ UN, *Changing population age structures and sustainable development: a concise report*, 2017, p. 11.

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- I. whereas the rates of part-time employment are higher for women (31,3 %) than for men (8,7 %) and also affect older women (49,8 % of older men compared to 64,1 % of older women); whereas in 2018, the number of usual working hours in the EU-28 averaged 30,3 hours per week for men aged between 65 and 74 and 24,1 hours per week for women of the same age, and whereas men are expected to be part of the labour force for 38,6 years, while the corresponding figure for women is 33,7 years⁽²²⁾;
- J. whereas closing the gender employment gap is conditional on the fulfilment of basic social rights and the provision of basic social services;
- K. whereas women aged between 55 and 64 have a lower employment rate than men (52,4 % for women compared to 65,4 % for men), and are the most likely providers of informal care services in the home⁽²³⁾;
- L. whereas the total number of people of working age (15-64) will fall by 20,8 million in the EU between 2005 and 2030 as the baby boomer generation retires, resulting in a greater burden on the Member States' healthcare and pension systems; whereas the total age-dependency ratio is expected to reach 57 % by 2100, almost double that of 2019 (31 %);
- M. whereas the median age in the EU-28 rose from 38,3 years in 2001 to 43,1 years in 2018⁽²⁴⁾; whereas in 2018, 19 % of EU citizens were 65 or older and whereas their needs should be taken into account in the political decision-making process at EU, national and regional levels;
- N. whereas life is accompanied by changes such as the loss of a partner, relatives or friends, the degradation of one's health and changes in one's habits, work patterns and financial situation; whereas older people are particularly exposed to the phenomena of social exclusion and isolation; whereas an increasing number of adults in the EU are experiencing social isolation (75 million people — 18 % of the population); whereas the risk of social isolation is highest among older people, while the feeling of loneliness is most significant in the 26-45 age bracket⁽²⁵⁾;
- O. whereas more than 50 % of carers under the age of 65 combine care with employment; whereas, as is often pointed out by the Commission, care responsibilities are one of the main reasons for women's lower levels of labour market participation, either because they reduce their working hours or leave paid work altogether, amounting to a loss for Europe of EUR 370 billion per year; whereas estimates show that 80 % of all care across the EU is provided by informal carers, who are mostly women (75 %), indicating the existence of a gender care gap strongly influencing the gender pension gap; whereas care provided by informal carers without any formal employment contract is particularly problematic, as it leaves them outside of the labour market and without any possibility of regularisation; whereas this type of situation leads to a double negative effect, whereby, on the one hand, these informal carers (mostly women) are low paid as a rule, lack social protection, do not pay social security contributions and as a result either do not receive any pensions at the end of their working lives, or only receive the minimum pension, and, on the other hand, this type of situation has a negative impact on the state and its relevant institutions, which are deprived of social security contributions and taxes paid by employers and employees;
- P. whereas persons with disabilities or people belonging to ethnic, racial, linguistic, sexual or other minorities of all ages have concealed or are concealing part of their identity out of fear or the threat of rejection or abuse; whereas older persons with disabilities or of different racial, ethnic or social origins, genetic features, language or sexual orientation face more discrimination, stigma and non-consensual procedures and are at greater risk of social exclusion;

⁽²²⁾ Eurostat, *Ageing Europe: Looking at the lives of older people in the EU*, 2019.

⁽²³⁾ Eurostat, *Ageing Europe: Looking at the lives of older people in the EU*, 2019.

⁽²⁴⁾ European Parliamentary Research Service, *Demographic outlook for the European Union*, March 2020, p. 3.

⁽²⁵⁾ EU Science Hub: the Commission's science and knowledge service, 'How lonely are Europeans?', 12 June 2019.

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- Q. whereas COVID-19 also has a major impact on demography; whereas many older people have died and, as some studies suggest, the coronavirus has had a considerable impact on EU population trends, such as a reduction in life expectancy and family planning;
- R. whereas the impact of gender differences in health and health inequalities related to socio-cultural factors should be duly taken into account while elaborating our ageing policies; whereas certain diseases and conditions associated with age have a differentiated impact on women and men, such as depression or cardiovascular diseases; whereas certain diseases and conditions affect more women than men, such as Alzheimer's or dementia, breast cancer, incontinence, osteoporosis and osteoarthritis; whereas the prevalence of such conditions will increase in our ageing societies;
- S. whereas demographic change does not have a uniform impact on all countries and regions, but has a bigger impact on regions that are already lagging behind, aggravating existing territorial and social inequalities; whereas rural, peripheral and outermost regions, including islands, are most affected by depopulation, with mainly young people and women leaving those areas, resulting in an increasing share of older people living there, which could increase the risk of social isolation; whereas the rural population in some regions is less likely to be at risk of poverty and social exclusion than the urban population ⁽²⁶⁾;
- T. whereas the number of older people (80 and older) in the EU will increase by 57,1 % between 2010 and 2030 ⁽²⁷⁾, with significant consequences for social security systems;
- U. whereas the COVID-19 lockdown measures and the economic recession have had a disproportionate effect on women because of the unequal sharing of care responsibilities, sectoral specialisation and increased domestic violence;
- V. whereas between 2000 and 2015, the population of those aged 60 and over in the EU grew by 68 % in cities and 25 % in rural areas;
- W. whereas according to the European Spatial Planning Observation Network, the population in European agglomerations will increase by 24,1 million by 2050, accounting for almost half of the total EU population, while the rural population will decrease by 7,9 million people;
- X. whereas older women are generally more likely than older men to face severe difficulties in accessing basic goods and services, such as health services, long-term care and decent housing, owing to a range of factors such as the gender pay gap and the pension gap, women's greater longevity or the greater proportion of older women living alone ⁽²⁸⁾;
- Y. whereas older people are more likely to experience limited access to the internet as well as lacking awareness and knowledge about existing and emerging technologies; whereas only 35 % of people aged 55-74 possess basic digital skills, compared to 82 % of those aged 16-24 ⁽²⁹⁾ and, as a consequence, older people are more vulnerable to exclusion, including digital exclusion; whereas both the social and digital exclusion of older people has been exacerbated by the lockdown and social measures taken by the Member States in response to the COVID-19 pandemic; whereas barrier-free and user-friendly technologies can help to overcome these challenges; whereas the Council addressed this problem in 2020 and issued conclusions on the human rights, participation and well-being of older persons in the era of digitalisation;

⁽²⁶⁾ European Parliamentary Research Service, Demographic outlook of the European Union, March 2020, p. 16.

⁽²⁷⁾ Eurostat baseline scenario.

⁽²⁸⁾ Eurostat, *Ageing Europe: Looking at the lives of older people in the EU*, 2019.

⁽²⁹⁾ European Commission, The Digital Economy and Society Index (DESI) 2020, p. 52.

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- Z. whereas the population fell by up to 15 % in some regions of the EU between 1998 and 2018 owing to rapid depopulation and population ageing; whereas rapid demographic change generates disproportionately high adjustment costs; whereas almost two thirds of regions that experience a rapidly shrinking population have a low GDP per capita ⁽³⁰⁾; whereas population ageing is causing a shrinking working-age population and may result in the decline of municipalities and villages throughout the EU; whereas decisions to merge municipalities and villages or to incorporate them into other municipalities or cities may also result in municipalities and villages disappearing altogether;
- AA. whereas all policies addressing demographic opportunities and challenges must take an inclusive, rights- and evidence-based, people-centred approach, and must uphold the principles of equality — particularly gender equality — and non-discrimination, and safeguard women's rights, including their sexual and reproductive and economic rights; whereas tackling demographic challenges must by no means undermine individual reproductive autonomy; whereas access to sexual and reproductive health services and commodities is essential for physical, mental and social well-being;
- AB. whereas in some Member States there are tendencies to instrumentalise demographic change in order to undermine sexual and reproductive health and rights, thus contributing to the erosion of personal freedoms; whereas all policies addressing demographic change must be rights-based, people-centred, tailor-made and evidence-based, and must uphold sexual and reproductive rights;
- AC. whereas EU policies and action on ageing and demographic change must be fully in line with the EU Gender Equality Strategy for 2020-2025; whereas there is a close correlation between demographic challenges and gender mainstreaming, which should be reflected in the relevant policy responses;
- AD. whereas time use statistics show an uneven share of care work by gender all around Europe; whereas in spite of significant national differences linked to the extension of welfare and social services and different female activity rates, women bear a disproportionate proportion of the care burden with profound implications for their labour market performance and their fertility choices;
- AE. whereas particular attention should be paid to the very old in order, where necessary, to help people who have lost their independence and prevent them from becoming isolated;
- AF. whereas the proportion of pensioners aged 65 and over at risk of poverty in the EU has gradually increased since 2013;
- AG. whereas older people contribute to society and have continued to do so during the COVID-19 pandemic, including as employees, caregivers or volunteers; whereas, for instance, many older medical professionals have come out of retirement to support efforts to contain the pandemic; whereas informal carers, most of whom are women, have stepped up their efforts to compensate for reduced education, child and long-term care services during the pandemic;
- AH. whereas an ageing population can act as a source of knowledge about local traditions, food and ways of life in rural areas, which, in turn, can be used to develop local tourism and business;
- AI. whereas the upcoming long-term vision for rural areas will outline the EU's strategy for tackling the impact of demographic change on our socio-economic fabric;

⁽³⁰⁾ SWD(2020)0109, p. 42.

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- AJ. whereas generational renewal is one of the post-2020 specific objectives of the common agricultural policy (CAP); whereas knowledge transfer and intergenerational learning are crucial to increasing cooperation and solidarity between generations, thus bridging the generation gap;

Health and care

- AK. whereas due account should always be taken of the ethical risks arising from the use of technology in health;

- AL. whereas the WHO defines healthy ageing as the process of developing and maintaining the functional ability that enables well-being in older age; whereas there is a correlation between perceived health and income; whereas in 2017 less than one third (32,4 %) of older people in the first income quintile (20 % of the population with the lowest incomes) perceived their health as good or very good, compared to 54,7 % of older people belonging to the 20 % of the population with the highest incomes ⁽³¹⁾; whereas the results of the European Health Interview Survey show that the majority of older people were found to have chronic illnesses or complaints, and only one in nine declared the absence of such problems, and whereas many disabilities emerge or become more pronounced at an older age; whereas almost half of older people in the EU (aged 65 and over) have reported difficulties with at least one personal activity or domestic activity ⁽³²⁾; whereas about a quarter of the EU population experienced long-standing limitations due to health problems in 2018 ⁽³³⁾; whereas approximately 15 % of adults aged 60 and over have a mental disorder;

- AM. whereas in most developed countries, older people are considered to be those aged 65 and over; whereas the 65+ age group is very heterogeneous, with significant differences in health, lifestyle, status, and living and social conditions; whereas generalisations should therefore be avoided; whereas focusing on the age of 65 as the upper age limit for data collection often does not correspond to the reality of older people's economic and social activities, making for incomplete and inaccurate data; whereas older people are absent from many statistics and data-gathering exercises, as it is common not to collect statistics for people over 65; whereas this is no longer adequate in the light of the growing share of the population living to an older age;

- AN. whereas although the educational gender gap is favourable to women in most European countries, women nonetheless pay a maternity labour penalty while men have paternity labour bonuses on activity rates and wages; whereas showing the difficulties women face in making maternity compatible with the development of a professional career, diminishing the available options both for maternity and the development of a professional career, is important; whereas juggling a career and maternity usually ends up with women postponing maternity age, decreasing the potential number of children, or with women remaining childless; whereas all of these factors decrease fertility rates below the replacement rate with the subsequent ageing of the population;

- AO. whereas the number of people who are dependent on the assistance of others or have health and long-term care needs increases with age; whereas the share of individuals in need of such services is higher in those aged 80 or over; whereas dependence is exacerbated by ageing, but is also affected by other elements, such as socio-economic and environmental factors as well as educational attainment, interpersonal relations and personal well-being; whereas the needs for care and support are diverse and the appropriate means to ensure autonomy and independence differ; whereas the vast majority of care for older dependent people is being provided by informal, usually unpaid female carers aged 60 or over themselves;

⁽³¹⁾ Eurostat, *Ageing Europe: Looking at the lives of older people in the EU*, 2019, p. 53.

⁽³²⁾ Eurostat, 'Disability statistics — elderly needs for help or assistance', data extracted in June 2019.

⁽³³⁾ Eurostat, 'Functional and activity limitations statistics', data extracted in December 2020.

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- AP. whereas informal and formal care systems are under pressure from demographic change, compounded by shortages of formal care workers; whereas Eurofound research shows the need to provide access to home or community care for people with minor long-term care needs, not only to support informal carers and to improve quality of life for care receivers, but also to quickly spot and respond to emerging needs;
- AQ. whereas there is no uniform definition of dependence in the EU; whereas older age does not necessarily equal dependence;
- AR. whereas some older people cannot benefit from active ageing measures and policies owing to various factors such as their place of residence, the state of their health, a lack of motivation, and the lack of habit of or opportunities for regular physical, mental, cultural or social activity and recreation; whereas older people may also face difficulties in accessing sports, culture and physical rehabilitation centres and have to contend with financial constraints or the lack or inadequacy of activities adapted to their individual psychophysical conditions; whereas an effective active ageing strategy should have a positive impact on older people, society and the economy as a whole;
- AS. whereas creating conditions for healthy ageing and self-reliance for women and men through a comprehensive approach to old age as a life stage, as well as adapting housing and local environments in a way that allows older people to live in their own home and its surroundings for as long as possible, will bring systemic and individual benefits;
- AT. whereas care and support should aim to maintain the autonomy, independence and well-being of older people; whereas the idea of ageing in place in one's community in an age-friendly environment is of key importance to urban planning and enhancing the transition from institutional care to community-based services; whereas, moreover, the possibilities for maintaining autonomy and independence depend on conditions such as age-friendly environments, accessibility and the affordability of services, including quality housing and community-based care; whereas demographic change requires suitable responses to specific health needs and for support services and facilities;
- AU. whereas non-standard forms of work have been spreading and, while providing flexibility to carry out care responsibilities, they do not always respond to working people's needs, and whereas the impossibility of organising a care agenda makes it more difficult for women to combine maternity and work;
- AV. whereas the accumulation of health risks, injuries and chronic illnesses throughout one's life increases the risk of disability; whereas older people consult general practitioners and medical specialists more often, but also report greater difficulties in accessing medical services in some Member States than the average population due to, *inter alia*, the price of medical services, long distances and long waiting lists ⁽³⁴⁾; whereas investment in the care economy is essential to ensure a decent life for all those in need of care and carers; whereas people in older age groups are more vulnerable and thus susceptible to disease and to complications and fatalities linked to different diseases, including COVID-19; whereas COVID-19 has highlighted the need for more robust health systems and more intensive care capacity; whereas in this context, access to medical treatment and the provision of personal protective equipment in long-term care facilities should be ensured as a matter of urgency;
- AW. whereas the COVID-19 pandemic has demonstrated that accessible and high-quality public services and care services are an effective response to the population's needs, including those of older people who, in a number of circumstances during the pandemic, have experienced and continue to experience age discrimination in accessing medical and care services, including obstacles to medical treatment in general; whereas the COVID-19 pandemic once more shed light on the lack of adequate housing, quality care facilities and sufficient care and support services; whereas the highest shares of COVID-19 infections and deaths in the EU relate to nursing and care homes, residential

⁽³⁴⁾ Eurostat, *Ageing Europe: Looking at the lives of older people in the EU*, 2019, p. 70.

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services for older people and persons with disabilities, and other social services ⁽³⁵⁾; whereas many older people have died during the pandemic as a result of many intensive care units being overwhelmed; whereas in some cases, one of the main criteria for the decision on the availability of intensive care treatment was the age of the patient; whereas many older people have faced obstacles in accessing medical treatment other than for COVID-19 and whereas care services in general have been reduced or halted altogether during the pandemic;

AX. whereas the ageing population of the EU brings new challenges for gender equality, as women continue to be the main providers of care (both paid and unpaid) ⁽³⁶⁾; whereas the coronavirus crisis has exacerbated this situation;

AY. whereas older people are less resistant to extreme weather events such as repeated heat waves;

The right to age with dignity

AZ. whereas guaranteeing a dignified life means securing the right to a timely retirement for workers, enabling them to enjoy a healthy and independent retirement; whereas the right to retirement must be linked to working time and not be dependent on variations in average life expectancy or any other reason used to put pressure on workers; whereas the enjoyment of retirement time should be based on an income that makes decent living conditions possible, including health protection, cultural enrichment and the acquisition of new skills, enabling pensioners to be fully included in the social environment in which they live;

BA. whereas living with dignity, particularly for older people, cannot be disconnected from the right to accessible housing, in sanitary and comfortable conditions, enabling older people to grow old with social and family protections; whereas in a number of situations involving pressure from property speculation, older people have been the first to be evicted, which has increased their social isolation and functional dependency;

BB. whereas women are at greater risk of poverty and social exclusion on account of, among other factors, the persisting problem of gender employment, the wage and pension gap, more career interruptions due to family and care responsibilities, and more part-time ⁽³⁷⁾, sometimes precarious and temporary employment ⁽³⁸⁾, notably in the case of single mothers; whereas these factors make it difficult for many women to save money for later in life and make them particularly vulnerable to old age poverty;

BC. whereas according to Eurostat, women receive lower pensions than men in all EU Member States; whereas women in the EU aged 65 and over receive a pension that is on average 30 % lower than that of men;

BD. whereas a 2019 Eurobarometer survey shows that 40 % of people in the EU feel discriminated against on the grounds of age; whereas ageism is present at different levels and manifests itself in different forms, including in individual approaches and the perception of oneself and in relations between generations; whereas ageism has been shown to reduce health and life expectancy and hinder full participation in social, cultural and civil life, and can lead to

⁽³⁵⁾ European Centre for Disease Prevention and Control et al., 'High impact of COVID-19 in long-term care facilities, suggestion for monitoring in the EU/EEA', *Eurosurveillance*, Vol 25, Issue 22, 4 June 2020.

⁽³⁶⁾ European Institute for Gender Equality, 'Ageing societies, migration and climate change bring new challenges for gender equality', 10 December 2019.

⁽³⁷⁾ In 2018, 30,5 % of women and 9,2 % of men worked part-time in the EU-27 (Eurostat, Labour Force Survey).

⁽³⁸⁾ The share of temporary contracts for people aged 15-64 has been stable in recent years. In 2018, it amounted to 12,1 % of total employment. The share among women is slightly higher (13,1 %) than for men (11,2 %) (Eurostat).

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restrictions on older people's access to services or active participation in the labour market both at national and EU level and services in the workplace, giving rise to marginalisation and social exclusion; whereas according to the most recent European Working Conditions Survey, age discrimination was the most common form of discrimination in the workplace; whereas other forms of discrimination highlighted by older people include access to financial products and services, healthcare, education, training and leisure ⁽³⁹⁾; whereas successfully combating age discrimination and age stereotypes including in the labour market is essential for active ageing, for engendering more solidarity between generations, and for making use of the experience acquired by older workers; whereas strengthening equal access to goods and services is also essential in this regard;

- BE. whereas according to the WHO, active ageing is the process of optimising opportunities for health, participation and security in order to enhance quality of life as people age, allowing people to realise their potential for well-being throughout their lives and to participate in society according to their needs, desires and capabilities, while providing them with adequate protection, security and care when they need assistance;
- BF. whereas the EU and several Member States are playing an active part in considerations regarding new international instruments to protect the rights of older persons; whereas such international deliberations should be actively supported and encouraged; whereas while Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation, it fails to address discrimination in other spheres of social life and multiple discrimination;
- BG. whereas older people sometimes fall victim to violence, abuse and other worrying acts, such as fraud and unfair business practices, deprivation of legal capacity and the means to manage their own affairs; whereas the phenomenon of abuse against older people should be better covered by data and research on its incidence and ways to prevent it; whereas efforts to produce more comprehensive data on the mistreatment of older people are necessary;
- BH. whereas the EU is funding pilot initiatives, such as EUROPeAN, MILCEA and WeDO, in the field of combating crime against older people;
- BI. whereas older people in rural or remote areas may face higher age-related risks, including poverty, poorer access to quality healthcare and services, less social support, fewer opportunities for social interaction and a lack of access to public transport services;

Employment and active ageing

- BJ. whereas according to a 2012 Eurobarometer survey, 60 % of people in the EU were against raising the statutory retirement age while 61 % were of the opinion that everyone should be able to continue working beyond the statutory retirement age; whereas depending on their financial needs, almost half of workers aged 50 or over would prefer to work fewer hours, while a significant proportion of retired people would prefer to work at least a few hours per week ⁽⁴⁰⁾; whereas working past retirement age is associated with workplace policies supporting employability and workers staying in employment longer if they wish to do so; whereas the hiring rates of older workers who are not in employment are, however, extremely low and whereas older workers are at high risk of becoming long-term unemployed; whereas the poverty and social exclusion rates for persons aged between 55 and 64 are higher than the EU average for all ages; whereas 56 % of people in the EU are worried that their income in old age will not be sufficient ⁽⁴¹⁾; whereas the likelihood of finding a new job decreases with age, partly on account of structural barriers including age discrimination ⁽⁴²⁾; whereas data shows that people who are retired but continue to work out of choice

⁽³⁹⁾ European Agency for Fundamental Rights, bulletins on the fundamental rights implications of the Coronavirus pandemic in the EU: No 3 of June 2020 focusing on older people and No 6 of 30 November 2020 focusing on social rights.

⁽⁴⁰⁾ Eurofound article of 19 May 2021 entitled 'Retirement'.

⁽⁴¹⁾ Eurofound, European Quality of Life Survey 2016, p. 79.

⁽⁴²⁾ Eurofound, European Quality of Life Survey 2016, p. 77.

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- have a higher level of life satisfaction than fully retired people on average⁽⁴³⁾; whereas the sense of purpose in life generally declines after the age of 50, but remains much stronger for individuals who continue to work after retirement or have childcare or long-term care responsibilities⁽⁴⁴⁾; whereas combating unemployment among older workers in the EU remains very important;
- BK. whereas appropriate working and employment conditions, including improved occupational health and safety, a better work-life balance, an age-appropriate working environment, lower quantitative demands and working time autonomy, may enable and encourage older people to stay in the labour market if they wish to do so;
- BL. whereas specific attention needs to be paid to the needs of workers in very physically or psychologically demanding jobs; whereas this issue can be addressed through occupational health and safety strategies, policies supporting work-life balance, access to and take-up of education and training opportunities at work or outside of it, support for intergenerational exchanges in workplaces and the option to retire progressively, which will bring both individual and societal benefits;
- BM. whereas an older EU with a smaller workforce may put pressure on public budgets and social security and healthcare systems; whereas it is estimated that the total cost of ageing⁽⁴⁵⁾ will be 26,7 % of GDP by 2070⁽⁴⁶⁾; whereas a study conducted for the Commission in 2018 on the silver economy (people aged 50 and over) estimates that the contribution of the EU silver economy to GDP will reach EUR 6,4 trillion and 88 million jobs by 2025; whereas this would be equivalent to 32 % of EU GDP and 38 % of employment in the EU⁽⁴⁷⁾;
- BN. whereas promoting a life-cycle perspective and raising awareness of the importance of age-friendly working environments among employers is essential for active ageing; whereas the fight against unemployment among young and older people remains a key challenge in many regions; whereas the EU and the Member States still need to produce an adequate response to challenges in the labour market; whereas there is a need to adapt the skills of older workers, who are particularly threatened by economic restructuring, and to pursue policies to support the labour market mobility of older people, especially in terms of re-employment;
- BO. whereas employers are often reluctant to offer adequate training to older workers; whereas lifelong learning contributes to active ageing and allows people to work and fully participate in society; whereas Parliament has adopted a resolution on the proposal for a regulation of the European Parliament and of the Council establishing 'Erasmus+';
- BP. whereas ensuring quality employment, including decent wages, occupational health and safety and a good work-life balance for workers throughout their careers, is a prerequisite for a sustainable working life and active and healthy ageing after retirement; whereas this entails not only reducing the incidence of occupational risks, but also encouraging and supporting health-promoting habits among workers and addressing risks such as psychosocial risks and musculoskeletal disorders; whereas the health and performance of older workers is not determined by their age,

⁽⁴³⁾ Eurofound, European Quality of Life Survey 2016, p. 15.

⁽⁴⁴⁾ Eurofound, European Quality of Life Survey 2016, p. 26.

⁽⁴⁵⁾ In the 2018 Ageing Report, the total cost of ageing is defined as being calculated on the basis of public spending on pensions, healthcare, long-term care, education and unemployment benefits.

⁽⁴⁶⁾ Commission interinstitutional paper of 25 May 2018 entitled 'The 2018 Ageing Report: Economic & Budgetary Projections for the 28 EU Member States (2016-2070)'.

⁽⁴⁷⁾ Commission report of 12 April 2018 on the silver economy.

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but by a series of closely related factors, such as individual lifestyle and exposure to hazards in the workplace ⁽⁴⁸⁾; whereas quality jobs as well as safe and healthy workplaces are not only important for the well-being of workers, but also for the competitiveness of companies and the sustainability of welfare systems;

- BQ. whereas the impact of demographic change in the labour market has underlined the importance of further improving business management and working methods, as well as the significant role of digital solutions such as teleworking, particularly in the context of the COVID-19 pandemic, as they offer numerous opportunities to enhance the working conditions of employees, including for those close to the age of retirement, and provide a more inclusive work environment, especially for work-life balance purposes and persons with disabilities;
- BR. whereas regions with high unemployment rates are characterised by higher ageing rates and a shrinking population;
- BS. whereas employed workers in the 55-64 age group represented 59,1 % of the labour force in the EU in 2019 ⁽⁴⁹⁾; whereas in 2016, around one third of managers of family farms were aged 65 or over, and the majority (57 %) were aged at least 55 or over; whereas only 1 in 10 farm managers were under the age of 40;

Tackling demographic challenges with the support of EU funds

- BT. whereas programmes, projects and actions that promote active ageing strategies should be reflected in all policy fields and whereas the Member States should make use of all available EU instruments, such as the European structural and investment funds, in particular the European Regional Development Fund (ERDF), the Cohesion Fund, the European Social Fund Plus (ESF+) and the Connecting Europe Facility, to tackle demographic challenges; whereas EU funds facilitate the provision of essential infrastructure;
- BU. whereas initiatives such as the Access City Award encourage the adaptation of public spaces to the needs of older people and persons with reduced mobility and have a positive effect on their independence; whereas such initiatives not only improve the quality of their lives, ensure their social inclusion and guarantee their equal enjoyment of fundamental rights, but can also have a positive economic effect;
- BV. whereas the number of single-person households has increased by 19 % since 2010; whereas in 2019, 40 % of women in the EU aged 65 or over lived alone, which is more than double the share of men living alone ⁽⁵⁰⁾; whereas in many Member States, housing for young people, single people, older people and persons with disabilities, chronic diseases and functional limitations is inadequate due to accessibility problems, low-quality standards or the high cost of living and housing; whereas dwellings should be affordable, accessible, safe and comfortable, all of which are particularly important factors, not only for older people; whereas many older people are less likely to renovate their homes if they are not owners;
- BW. whereas human rights are universal, inalienable, indivisible, interdependent and interrelated and belong to all people and to all generations, without discrimination on any grounds; whereas older people, including persons with disabilities, are valuable to society and therefore should participate in society to the fullest extent and live their lives with dignity and as independently as possible; whereas solidarity between generations should guide the recovery of the EU with a view to achieving a fairer, more inclusive and more resilient society that leaves no one behind;
- BX. whereas all Member States and the EU are parties to the UN Convention on the Rights of Persons with Disabilities and thus legally bound to guarantee individual autonomy, non-discrimination, full and effective participation in society and equal opportunities and accessibility; whereas there are over 80 million persons with disabilities in the European

⁽⁴⁸⁾ European Agency for Safety and Health at Work report of 4 October 2016 entitled 'The ageing workforce: Implications for occupational safety and health — A research review'.

⁽⁴⁹⁾ Eurostat, 'Employment rate of older workers, age group 55-64', accessed on 2 June 2021.

⁽⁵⁰⁾ COM(2020)0241, p. 10.

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Union, the majority of whom are women and girls, and whereas most disabilities are acquired with age; whereas older persons with disabilities are at higher risk of poverty and discrimination⁽⁵¹⁾; whereas policies on ageing must ensure the protection and social inclusion of persons with disabilities, as well as their access to the labour market and services; whereas mobility is key to fostering independent living and autonomy; whereas ensuring a fully accessible transport chain from door to door is critical;

BY. whereas neurodegenerative diseases, such as Alzheimer's disease and other forms of dementia, remain underdiagnosed in most European countries; whereas there is a clear indication that the current number of nine million confirmed cases of dementia will double by 2050⁽⁵²⁾; whereas dementia is the leading cause of dependency and disability among older people in the European Union and currently affects around 10 million people, and whereas its prevalence is expected to double by 2030;

BZ. whereas the CAP remains the key instrument to support the rural economy and job creation in rural areas;

CA. whereas our food security depends on successful generational renewal in agriculture;

Combating discrimination against older people

1. Stresses that valuing older people and tackling discrimination against them is only possible through social, cultural and economic inclusion policies which focus on providing fair pensions that ensure a good quality of life; stresses, therefore, the importance of public social security systems that are distributive and based on contributive solidarity between generations, providing everyone, regardless of their own contributions (which is particularly relevant, for example, for women who have spent their careers working as carers), with a decent quality of life free from poverty and social exclusion;

2. Calls on the Commission and the Member States to strengthen their efforts to combat all forms of discrimination against older people, particularly against women, especially in the areas of employment, access to financial products and services, healthcare, housing, promoting autonomy, education, training and leisure activities; calls, furthermore, on the Commission and the Member States to promote a positive perception of old age in society and the social inclusion of older people by stimulating age-friendly environments in the EU through appropriate measures, and to support the exchange of good practices at all governance levels and strengthen their support for the silver economy in the EU; calls on the Commission to follow up on the implementation report of Directive 2000/78/EC after 20 years with a view to strengthening the framework for age discrimination in employment and occupation;

3. Stresses the importance of gender equality, gender mainstreaming and the protection of minority rights with regard to tackling demographic challenges;

4. Regrets the existing gender pension gap and asks the Member States to put forward concrete measures to tackle it, including by combating the gender pay gap and increasing women's employment rate through work-life balance measures, combating precarious and informal work, and ensuring a minimum income for all;

5. Stresses that an extension of the legal retirement age does not represent an adequate tool for addressing and resolving the current economic and social crisis, as it could result in the further deterioration of the fundamental rights of older workers;

6. Stresses that in order to provide more opportunities for women in rural areas, it is essential to maintain the existing sub-programme dedicated to that end in the next multiannual financial framework; asks in particular for support to be provided to women farmers through measures to promote access to land, installation support and social security coverage;

⁽⁵¹⁾ COM(2020)0241, p. 22.

⁽⁵²⁾ Alzheimer Europe report of 17 February 2020 entitled 'Dementia in Europe Yearbook 2019: Estimating the prevalence of dementia in Europe'.

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7. Calls on the Commission and the Council to establish a Year of Intergenerational Solidarity and Active Ageing complementing and building on the aims and spirit of the European Day of Solidarity between Generations and the 2012 European Year for Active Ageing and Solidarity between Generations, in order to raise awareness about the problems older people face and promote strategies to mitigate them, as well as to eliminate stereotypes and prejudice, strengthen the links and solidarity between the generations, counteract social exclusion and address sexual health issues; stresses the importance of this initiative in not only the context of demographic change, but also the COVID-19 pandemic, which has hit vulnerable groups, including older people and their carers, particularly hard; also invites the Member States to consult with academic experts and civil society organisations when addressing demographic challenges; calls on the Commission and the Council to swiftly implement the Council conclusions on the human rights, participation and well-being of older persons in the era of digitalisation, including the creation of a 'platform for participation and volunteering after working life' and the promotion of intergenerational exchanges and ties;

8. Recalls that the gender pension gap resulting from the gender pay gap stands at 37 % and stems from accumulated inequalities throughout the course of women's working lives and from the periods of absence from the labour market that are imposed on women as a result of multiple forms of inequality and discrimination; stresses the need to urgently address this gap in the light of demographic change given that its impacts will be acutely felt by older women for a long time to come;

9. Welcomes the Commission's Green Paper of 27 January 2021 entitled 'Ageing: Fostering solidarity and responsibility between generations' (COM(2021)0050); calls on the Commission to prepare an EU action plan on demographic change and solidarity between generations, taking into account the diversity and complexity of the situation in specific age groups as well as differences in the Member States; underlines that such a plan should be socially inclusive and aimed at enabling dignified, active and healthy ageing and should be developed in line with the WHO's Decade of Healthy Ageing with the involvement of representatives of all generations; calls on the Commission and the Member States to pay particular attention to the situation of older people when implementing the Sustainable Development Goals; reiterates its call on the Member States to adopt without further delay the proposed Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, which is essential for combating discrimination on all grounds and in all spheres of social life and for fighting multiple discrimination;

10. Recalls that demographic change is a phenomenon which does not concern only older people in rural areas but in fact all generations, regardless of their place of residence; stresses therefore the importance of a life-cycle approach of related policies covering all regions, including urban areas;

11. Considers that the long-term vision for rural areas will need to place particular emphasis on programmes for the active involvement of older people in rural community life;

12. Stresses the need to better investigate and prevent violence against older people;

13. Calls on the Commission and the Member States to ratify and implement the Council of Europe Convention on preventing and combating violence against women and domestic violence;

Health and long-term care for older people

14. Highlights that older women are more affected by the high costs of long-term care as women's life expectancy is higher, while their health outcomes at the end of life are lower, increasing their need for long-term care and assistance; recalls also that women make up the vast majority of informal carers, leaving in particular older women of working age with fewer opportunities to access the labour market and to build up their own pension entitlements;

15. Calls on the Commission and the Member States to ensure a decent life for dependent persons; underlines the need to promote strategies on personalised quality support for dependent persons; stresses that the specific needs of persons with different diseases, including neurodegenerative diseases such as Alzheimer's and dementia, from diagnosis to treatment and long-term care, should be taken into account;

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16. Points out the importance of flexible forms of work in allowing women and men to reconcile work and family life, and the need for awareness-raising campaigns on the equal division of domestic work and care and nursing, better investment in care infrastructure and equal, non-transferrable and remunerated maternity and paternity leave in order to make advances in better sharing paid and unpaid work by gender;

17. Stresses the need to combat gender segmentation in the labour market, particularly for future-oriented, highly paid careers such as the science, engineering, technology and mathematics (STEM), ICT and digital sectors; stresses the importance of education in these areas throughout the life course, including for older women, in order to increase their continued participation in the labour market;

18. Calls on the Member States to ensure equal access to health and care services, including at home, as well as residential or community-based long-term care and palliative care, without discrimination on any grounds;

19. Calls on the Commission and the Member States to safeguard and advance sexual and reproductive rights and ensure universal access to sexual and reproductive health services and commodities;

20. Calls on the Commission to take an evidence- and human-rights-based approach to tackling demographic challenges in the EU, ensuring that all EU residents can fully realise their sexual and reproductive health and rights; condemns any attempt to instrumentalise demographic change in order to undermine gender equality and sexual and reproductive health and rights, and calls on the Commission and the Council to uphold Union values in this regard;

21. Underlines the paramount importance of fully protecting the right to care and support for older people, enabling their access to affordable, quality and holistic care and support services, adapted to individual needs, and promoting well-being, autonomy, independence and community inclusion, without any form of discrimination; emphasises the key role of adequately funded social protection schemes in making care affordable and truly accessible;

22. Calls on the Commission to put forward a care deal for Europe and a European carers' programme aimed at making the transition towards a care economy that entails relevant investment and legislation at EU level, taking a comprehensive approach towards all care needs and services and setting quality guidelines for care throughout the life course, including for children, older persons and persons with long-term needs, with a view to identifying and recognising the various types of informal care-giving, and guaranteeing financial support for carers, appropriate periods of leave and affordable services, among other things;

23. Calls for the adoption of the necessary measures to promote higher employment rates among women, such as affordable care and childcare, adequate periods of parental leave, and flexibility in working hours and places of work also for men; points out that, according to OECD projections, total convergence in participation rates would result in a 12,4 % increase in per capita GDP by 2030;

24. Calls on the Commission and the Member States to pursue a Health in All Policies approach, assessing the health impact of policy choices in all relevant areas;

25. Recalls that higher birth rates require more job opportunities, stable employment and housing, decent working and living conditions, flexible work arrangements, generous family support and paid parental leave for both parents, quality childcare from the early years onwards, and an equal distribution of unpaid care and domestic responsibilities between men and women; stresses that in the light of demographic changes and the projected increases in life expectancy, it is key to ensure women's full participation in the labour market without career breaks, interruptions or moves to part-time and temporary work, as this will lower women's risk of poverty in old age; urges, therefore, the Member States to swiftly and fully transpose and implement the Work-Life Balance Directive and invites them to go beyond the minimum standards laid down in the directive;

26. Calls on the Commission and the Member States to further explore user-friendly, safe and accessible assistive digital technologies, telecare and telemedicine, especially in regions affected by demographic decline and remote regions; underlines that the use of these technologies should be fully consistent with the existing data protection framework, while ethical issues pertaining to the use of technology in health should always be duly taken into account; encourages the Member States to set up day-care centres for older people close to schools and nurseries, which could foster intergenerational ties;

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27. Believes that every person should have the right to choose quality care services that are suitable for them and their family; believes that the approach to the development of care services should take into account all categories of users and their differences and the wide range of preferences for the types of care services they require; notes that care services should be developed so as to enhance the continuity of care, preventive healthcare, rehabilitation and independent living;

28. Calls for a regulatory framework that guarantees quality care services, telecare and telemedicine by providing care professionals with legal safeguards and laying down the necessary requirements for training, with the purpose of securing care and primary care for all EU citizens, whatever their age, across all geographical areas;

29. Encourages the Member States to support flexible, adequate and tailor-made care models, and stresses that active, healthy ageing, well-being and the employability of older people of working age are essential to ensuring the sustainability of social security and care systems; calls on the Member States to support the development of age-friendly environments and home, family-based and community-based care solutions, including for persons with dementia, to develop a public network of support services and medical equipment, to promote mobility, independent living, social inclusion and autonomy, and to facilitate civil society and social economy initiatives on these issues;

30. Calls on the Member States to better acknowledge the value of informal care, to improve social protection and the various forms of support for informal carers, to provide professional support, training and peer counselling for informal carers, and to introduce, in close cooperation with social partners, different forms of periodic relief for family members caring for older people, especially those needing respite care and day-care services, and support services including flexible working arrangements; encourages the Member States to put forward targeted strategies to help informal carers and recognise their contribution to care for older people, and to put forward proposals for adequate relief services; emphasises that providing informal care should be a choice and that formal care services should be promoted;

31. Encourages the Member States to develop volunteering and assistance for older people, as this has a special role to play in crisis situations, as demonstrated by the COVID-19 pandemic;

32. Calls on the Member States to combat poverty among women, especially in later life, which has a negative impact both on women's social security and the EU's GDP levels, and to ensure that workers enjoy appropriate social protection;

33. Calls on the Member States to ensure access to rehabilitation and reintegration services with a view to supporting older workers to return to the labour market after health-related career breaks if they wish to do so, since active ageing is key to health;

34. Stresses that the feminisation of poverty is the result of several factors, including gender inequalities in career progression, the fact that women are often employed on non-standard contracts, the absence of social security status for partners assisting self-employed workers, and poverty in households headed by single mothers;

35. Stresses that the COVID-19 outbreak has served as evidence of how essential it is for Member States to have robust, inclusive and crisis-proof health systems; calls on the Member States to ensure there are a sufficient number of professionals in the field of health and care services and to ensure access to geriatric medicine throughout the EU; calls on the Member States to ensure adequate working and employment conditions in medical and care occupations and to invest in education and training as a means of guaranteeing the quality of care provided; calls for the creation of incentives to take up the profession of carer for older people;

Social protection and social inclusion

36. Calls on the Member States to guarantee a decent standard of living for older people, and in that regard calls on them to share their best practices, in particular as regards the setting of minimum pensions;

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37. Calls on the Commission and the Member States to develop recommendations on reducing the risk of poverty and social exclusion in older age, focusing especially on the gender pension gap, older persons with disabilities, older migrants, older Roma, older persons belonging to ethnic, racial, linguistic or sexual minorities and other groups that are disproportionately affected by poverty and social exclusion; encourages the Social Protection Committee to dedicate more analysis to groups facing high rates of poverty and social exclusion;

Active ageing

38. Stresses that the creation and implementation of age-appropriate lifelong learning opportunities is a vital and indispensable element for enhancing social and economic sustainability and personal welfare; calls on the Member States to invest in skills and education and to develop formal, non-formal and informal educational, training and lifelong learning projects, as well as opportunities for better integration for older people, including online education, whether they are still part of the labour market or are already retired;

39. Emphasises, in this context, the need to strengthen the digital skills of older people, which can help them not only to benefit from online education, but also improves their access to healthcare and other digital services; calls for accessible and affordable digital skills programmes catered to the needs of older people; calls on the Commission to take specific actions targeting older people; calls, furthermore, on the Commission and the Member States to support upskilling and reskilling initiatives, in particular for vulnerable groups, in order to help people find a quality job and in order to meet the needs of the labour market, counter the digital gap and ensure that these persons effectively adapt and benefit from innovative management and working methods and digital solutions, such as teleworking;

40. Calls on the Member States to use the ESF+ and ERDF funds to support the creation of quality jobs, promote a better work-life balance and provide job opportunities in regions at risk of depopulation, with special attention paid to improving the labour market participation of women; stresses the importance of counselling services, lifelong learning and programmes for reskilling and upskilling workers at all ages;

41. Calls on the Member States and the European Network of Public Employment Services to develop exchanges of practices in integrating older jobseekers into the labour market;

42. Welcomes the Commission's commitment to decent wages for all workers, either through statutory minimum wages or collective bargaining;

43. Underlines that tackling demographic change should follow a rights-based approach, promoting and creating equal opportunities, dialogue and solidarity instead of competition between people of different generations;

44. Calls on the Commission and the Member States to ensure the proper implementation of the Work-Life Balance Directive and to support regional and local initiatives and projects aimed at striking a better balance between work and private life for men and women;

45. Welcomes the Commission's proposal to launch a programme for 'digital volunteers' ⁽⁵³⁾ to enable young qualified people and experienced senior citizens to share their digital skills with traditional businesses; encourages the Member States to develop volunteering and mentoring to transfer knowledge between generations, in order to counteract social exclusion and allow the sharing of skills and experience, encourage the upgrading of the skills of younger and older workers and preserve traditional crafts as part of Europe's heritage;

46. Calls on the Commission and the Member States to bridge the digital divide and further explore the possibilities for social inclusion and integration into the labour market of older people of working age, particularly those who are housebound, by using the internet, other information technologies and artificial intelligence for cultural, entertainment, education, work, communication and medical purposes, including telecare and telemedicine in a safe manner, and ensuring

⁽⁵³⁾ Commission communication of 10 March 2020 on an SME Strategy for a sustainable and digital Europe (COM(2020)0103).

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the highest level of protection of personal data, while acknowledging the importance of direct personal contact and a dignified and human-centric approach; calls in particular for strategies to improve digital skills, connectivity and access to devices in long-term care settings;

47. Notes that improving the connectivity and accessibility of services in rural and remote areas is crucial to addressing the depopulation of these regions and the social and digital exclusion of the older population living there; calls, therefore, on the Member States to recognise the significance of rural and remote areas in all their diversity, and to develop their potential through stimulating investments in the local economy, fostering entrepreneurship and improving their infrastructure;

48. Calls on the Commission to support the Member States in fighting poverty, which particularly affects single mothers and has been further increased by the crisis, leading to greater social exclusion;

49. Underlines the essential impact constantly evolving digital technologies have on people's daily lives, and thus stresses the need for high-speed internet and vital and up-to-date technological equipment in schools, hospitals and all other relevant public services facilities, including effective e-governance; considers the possibilities created by lifelong learning, in combination with digitalisation, essential to provide the ageing population in rural and remote areas with various opportunities, including supplementary income; calls, therefore, on the Commission and the Member States to support educational and training programmes that help the ageing population to develop skills and gain knowledge in areas such as e-commerce, online marketing and ICT; calls on the Member States to ensure that all households have access to high-speed internet and digital equipment and to advance the acquisition of digital skills, especially for vulnerable groups;

50. Considers that the EU's green and digital transition should harness the full potential of ageing rural communities; recalls, in this regard, the importance of ensuring access to broadband internet and basic services in rural areas, the uptake of e-skills and new approaches to sustainable development, such as the concept of smart villages and sustainable food system transformation;

51. Highlights that as a result of the evolution, digitalisation and specialisation of agriculture, both people within the sector and those in the process of entering into it require an appropriate level of digital, technical and economic training, and calls for the promotion of exchange schemes, discussions, online training courses and e-learning;

52. Calls on the Member States to take into account the specific situation of older workers in the labour market through measures such as individualised training and optimised working hours;

53. Calls on the Commission to support the Member States in the increasing use of the structural funds for investment in public childcare and care for older and dependent people;

54. Calls on the Member States to support the functioning and development of older people's organisations and other forms of social participation;

55. Calls on the Commission and the Social Protection Committee to delve deeper into non-standard labour market trajectories in the next Pension Adequacy Report, fully analysing the gender gap in pensions in all its dimensions and in all the three pillars of pension systems; calls further on the Commission to assess the adequacy of minimum pensions, which are particularly relevant to avoiding old-age poverty;

56. Underlines that the emerging silver economy could turn into one of the main economic drivers, particularly in rural areas, and could provide opportunities for the health and long-term care sectors to offer high-quality care in a more efficient way; calls on the Commission and the Member States to take into account the potential of the silver economy in EU and national strategies and to promote it more vigorously, including in tourism and cultural exchanges geared towards older people;

57. Recalls that the outermost regions are especially predisposed to depopulation and require a special set of measures to mitigate the negative demographic changes they often face; calls on the Member States to proactively use the available structural and investment funds in order to address the challenges these regions encounter;

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58. Calls on the Commission and the Member States to involve organisations representing and safeguarding the interests of older people when making decisions which affect them;

59. Stresses that teleworking can offer numerous opportunities to remote areas, with it being one of the best ways to utilise digital technologies in order to maintain the population of rural and remote areas and at the same time benefit local communities and their economies; calls on the Commission to put forward an EU teleworking agenda with a view to developing a legislative framework laying down clear minimum standards and conditions for remote work across the EU;

60. Calls on the Commission and the Member States to mainstream the rights of older persons with disabilities into all disability- and ageing-related policies and programmes, ensuring full compliance with the UN Convention on the Rights of Persons with Disabilities;

Special policies and research

61. Calls on the Member States to use EU funds and private investments combined with national and local investments to provide affordable, adequate, safe and accessible housing and to adapt buildings to the needs of older, vulnerable and disadvantaged people; stresses that buildings should have accessibility features; stresses that safe housing is housing where the possibility of dangers has been reduced and where responding to danger is made easier; recalls that accessible housing should go hand in hand with adequate infrastructure;

62. Underlines the indispensable role regional and local authorities have in addressing the ever-deepening demographic issues in rural and remote areas in a meaningful and sustainable way;

63. Calls on the Commission and the Member States to promote best practices for an efficient ageing policy;

64. Calls on the Member States to promote initiatives to strengthen intergenerational bonds and to support older people who, for health or financial reasons, have to leave their homes to find affordable housing that meets their needs;

65. Calls on the Member States to take the gender dimension into account when reforming pension systems and adapting the retirement age, considering the differences between women and men in work patterns and the higher risk of discrimination against older women in the labour market;

66. Calls on the Member States to prevent and redress violence against older women as part of their national responses to COVID-19, including helplines and support services, paying particular attention to residential care settings;

67. Asks the Commission and the Member States to create effective programmes for combating violence against women that incorporate the age dimension in order to prevent the physical, sexual, psychological and economic abuse that can be inflicted on older people, most of whom are women; proposes that statistical surveys be carried out on the increase in violence against older people with the aim of shedding light on this serious problem — which older people are normally incapable of reporting, since they may accept the ill-treatment they suffer as part and parcel of being old and dependent — and with a view to combating abuse against older people more effectively and with greater commitment on the part of society as a whole;

68. Emphasises that sheltered and supported housing can be conducive to the deinstitutionalisation of care; calls on the Member States to explore the possibilities to promote sheltered, supported and intergenerational housing, as well as housing adaptations based on quality criteria;

69. Encourages the Member States to carry out information and education campaigns and actions dedicated to older people on road safety, showing the impact of physiological changes and the deterioration of psychomotor skills on the ability to move around on the road, thus improving safety for all road users;

70. Encourages the Member States to increase spending from the ESF+, the ERDF and the Just Transition Fund for the training and retraining of older workers, ensuring equal access to public services, with particular emphasis being placed on encouraging companies to employ older workers and adapting public infrastructure, including transport, and public spaces to the needs of older people; invites the Member States to promote investments in public services in rural areas with the aid

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of structural funds, which would attract the younger generation and increase the well-being of older people living in these areas; calls for greater use of European Agricultural Fund for Rural Development funds to counteract the isolation and social exclusion of older people in rural and disadvantaged areas, with a special focus on areas at risk of depopulation; invites the Member States to take advantage of the possibilities offered by Next Generation EU in that respect;

71. Underlines the importance of adequate, reliable and comparable data as a basis of policies and measures for tackling demographic challenges; calls on the Commission to revise the EU statistical framework by increasing the upper age limit for the collection of data, ensuring the inclusion of persons living in institutions and providing disaggregated data by gender and age, with full respect for privacy and fundamental rights standards; calls on the Commission and the Member States to collect more data and to step up their support for the development of research into healthy ageing and old-age related diseases and the living conditions of older people;

72. Welcomes the European Pillar of Social Rights action plan and calls for the swift and effective implementation of the principles outlined in the pillar; calls on the Commission, with a view to improving and strengthening the representation of older people in the EU law-making process and mirroring the existing EU Youth Parliament, to consider EU Rights, Equality and Citizenship Programme funding for such an initiative;

73. Calls on the Commission and the Member States to focus their actions on increasing the healthy life years of older people; underlines, in this respect, the importance of programmes for lifelong health promotion and education, disease prevention and regular examination and to undertake new initiatives such as better disease prevention policies and more effective healthcare programmes to stimulate the process of healthy ageing; calls on the Commission and the Member States to actively engage in the WHO Decade of Healthy Ageing by drawing up healthy ageing plans in the EU that cover access to health and care services, as well as strategies for health promotion and prevention; calls on the Commission to set up an ambitious research agenda on physical and mental health as part of the Horizon Europe programme; encourages the Member States to consider using the funds provided by the multiannual financial framework and Next Generation EU for this purpose;

74. Calls on the Member States to encourage intergenerational exchange by, among other endeavours, promoting voluntary work by younger people for older people, and to foster and finance intergenerational centres, as these can be crucial for fighting age discrimination and ensuring the social inclusion of older people; encourages the Member States to set up community care centres and volunteering and lifelong learning opportunities targeting older people close to schools and nurseries, and to work to foster intergenerational ties by encouraging exchanges between these services; urges the Member States and the Commission to promote programmes, projects and actions that further the social, cultural and political participation of older people;

75. Calls on the Commission and the Member States to promote and support an inclusive labour market and societies that allow for equal participation and draw on the skills and talents of all; calls on the Member States to develop employability and career management strategies to prepare for an ageing workforce and more volatile labour markets in the light of the frequent and profound transformations in labour markets; underlines that such strategies should include the promotion of education, training and lifelong learning for persons of all ages, healthy workplaces that provide reasonable accommodation for employees with health difficulties or disabilities, a better work-life balance, and the promotion of intergenerational exchanges in the workplace; calls, moreover, for the EU Platform of Diversity Charters to place greater focus on the promotion of age and (dis)ability diversity in workplaces; calls on the Commission to emphasise psychosocial and physical, age-related risks for both women and men in the new strategic framework for health and safety in the workplace; underlines that occupational health and safety is crucial;

76. Calls on the Commission and the Member States to facilitate access to work, for those who wish to, for people aged 60 and over, in particular women, as this would increase their lifetime incomes, and to introduce part-time, low-risk professional activities for older people when they are still healthy and able to take on responsibilities; stresses the

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importance of creating paid employment opportunities for people who have already reached the statutory retirement age and wish to remain or get active, not only with a view to generating additional income, but also as a means to tackle social exclusion; encourages, moreover, incentives for volunteering and mentoring in order to boost knowledge transfer between generations; underlines that such measures and activities must not be at the expense of young jobseekers or the long-term unemployed;

77. Calls on the Commission to adopt an EU strategy on carers; stresses that investment in care services is essential as it will not only increase women's employment rates, providing job opportunities in the formal economy for previously informal carers and promoting a work-life balance for women, but also improve the living conditions of older people through investment in long-term care facilities, measures to improve mental health and combat isolation, and measures to prevent and combat violence against older women, as well as investing in people's health and education, to ensure that they stay active and in good health as they grow older; calls on the Member States to adopt a set of indicators for the access to and sustainability of care systems for older people, as well as a common quality framework for older people's care services; stresses the importance of ensuring that care for older people remains a national competence;

78. Calls on the Member States to devote greater attention to older people, who are particularly vulnerable to viral infections, including COVID-19; calls on the Commission and the Member States to combat the isolation, neglect and social exclusion experienced by older people during the COVID-19 pandemic by promoting awareness-raising campaigns, conducting research, facilitating exchanges of views, and combining EU structural and investment funds; calls on the Member States, furthermore, to ensure the application of patient rights in cross-border healthcare as well as the availability of and access to safe and affordable medicines; stresses that the COVID-19 pandemic has demonstrated the need for more solidarity from the EU; calls on the Commission to devise and adopt an EU charter for the rights of older people on the basis of Article 25 of the Charter;

79. Recognises the prominent role that cohesion policy and the CAP could play in promoting and boosting the employability and inclusion of women in rural and remote areas faced with demographic issues; calls on the Member States to make better use of the relevant funds to that end;

80. Calls on the Member States to use REACT-EU funds to tackle demographic change⁽⁵⁴⁾;

81. Highlights that new technologies and innovative methods could prove to be useful to reduce the costs of services of general interest, while retaining the standard of living and quality of services in remote and sparsely populated areas; encourages the Member States and the relevant regional and local authorities to invest in unconventional and innovative measures designed to provide essential services for the population and create a suitable environment to attract people to return and reverse depopulation;

82. Calls on the Member States to enhance their exchange of best practices on the creation of suitable demographic policies and initiatives to harness the possibilities of and address the challenges posed by the EU's ageing population;

83. Recalls the specific nature of family farming, which blends agricultural activity and family life, with older farmers remaining active beyond the age of retirement;

84. Recognises the potential of older people, including farmers, to become the driving force of a vibrant silver economy in rural areas based on social innovation, inclusive rural communities and a healthier living environment; calls on the Commission to carefully study this potential when building its long-term vision for rural areas and active ageing;

85. Calls on public institutions to promote the creation of a special protection system that takes account of the specific nature of unemployment affecting agricultural workers, owing to the very temporary nature of agricultural seasonal work; points out that this could provide greater security for those who choose to work in agriculture;

⁽⁵⁴⁾ COM(2020)0241, p. 20.

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86. Points out that an ageing workforce and the lack of generational renewal constitute a more serious issue in agriculture than in other sectors; believes that creating new vocations to enable generational renewal, by ensuring the attractiveness and profitability of professions in the agriculture sector, is key to reversing this trend;

87. Acknowledges that only 11 % of all farm holdings in the European Union are run by farmers under the age of 40 ⁽⁵⁵⁾; calls on the Member States to remove all barriers preventing young farmers from entering the agricultural sector, including the difficulty of gaining access to land; calls, furthermore, on the Member States to promote new ways of collaboration between the generations such as partnerships, share-farming, long-term leasing and other arrangements which could address the lack of land and encourage young people to become farmers;

88. Reiterates that some of the obstacles to generational renewal in agriculture are linked to access to land and farm transfer from one generation to the next; recalls that older farmers faced with the risk of low pensions, loss of income (including CAP payments) and social exclusion in rural areas post-retirement tend to remain active and keep their farms longer; underlines, in this context, the need for tailored policy instruments to guarantee smooth farm transitions and active ageing for older farmers in rural communities;

89. Notes that in many Member States national pension systems do not provide retired farmers with sufficient income; regrets the fact that the extension of agricultural activity beyond the legal retirement age, which slows down generational renewal, is often the only way to deal with this situation; stresses that support under the CAP is not intended to replace a pension system;

90. Notes the growing need for highly qualified young professionals in agriculture, especially in the regions, and draws attention to the need to take all measures to encourage young people to study agricultural professions, as well as to facilitate the transfer of knowledge from older people to the younger generation;

91. Believes that farm partnerships between older and younger generations are key to deepening intergenerational solidarity, knowledge transfer and mutual learning, which is particularly important for the uptake of new technologies and digital skills in farming;

92. Considers that family workers still represent the vast majority of agricultural labour in Europe, but notes that this type of labour has been steadily declining for years and is expected to decline further in the near future; stresses that the unstoppable rural exodus from certain parts of the EU will lead to rural areas facing economic, social and environmental problems that need more ambitious and coordinated policies;

93. Stresses the importance of supporting rural areas in their diversity, encouraging investments in projects that support local economies, including better transport accessibility and digital connectivity; considers it important to recall that maintaining agricultural employment has direct implications for keeping rural economies alive; believes in addition that the challenge faced by all farmers in understanding the role of, and engaging with, modern technology and innovation in agriculture should not be underestimated; stresses therefore the importance of lifelong vocational training, advisory services and knowledge exchange, both within and outside the framework of the CAP;

94. Considers that access to farming for women should be facilitated through appropriate public services, enabling them to work in agriculture to a greater extent;

95. Notes that an ageing population, particularly in agricultural and rural areas, is an unavoidable trend that must be taken into account when designing economic and social policies; considers that the issue of an ageing population requires a multidimensional approach, and stresses the importance of promoting wider complementarity and synergy between policy areas and support instruments; recalls that adequate resources and services are essential to provide older people with an age-friendly environment;

⁽⁵⁵⁾ Eurostat, 'Farmers and the agricultural labour force — statistics', data extracted in November 2018.

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96. Emphasises that inequalities in access to land, direct payments and support, both between and within EU countries, are among the issues that need to be addressed in order to halt regional decline, and to encourage older people past retirement age to leave farming and young people to start farming;

97. Calls on the Member States to take into account the proportion of older people (over the age of 65) in rural regions when devising their strategic plans, and to consider introducing measures that cover or target older inhabitants in rural areas, for example through a more flexible approach to the conditions applicable to real and active participation by that age group in the economic life of the region concerned;

98. Points out that, in the light of the situation arising from the COVID-19 pandemic, it is necessary to commit to a living and dynamic countryside, eliminating red tape and investing in infrastructure and quality services in rural areas in order to curb the ageing process in agriculture and promote the role of women as heads of holdings;

99. Notes that an effective mobility system is one of the prerequisites for regional economic development, territorial cohesion and the development of regional potential; points out that it is therefore necessary to provide the requisite funding for the development and maintenance of transport links, which could encourage the older generation to stay in agriculture for longer and attract young people from regional centres to work in the countryside;

100. Highlights the role and importance of the CAP in encouraging generational renewal in the agricultural sector; calls on the Member States to favour actions to increase the numbers of young farmers in their strategic plans and to promote consistency with other instruments available at national and EU level;

101. Highlights the central role played by community-led local development initiatives in restoring and keeping living and thriving local rural economies, and the need to keep a sufficient level of funding for the LEADER programme; calls on the Member States to make full use of LEADER's capacities;

102. Notes the importance of the services provided by non-governmental organisations (NGOs), especially for older people; calls for the strengthening of funding for the activities of NGOs in the regions;

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

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P9_TA(2021)0348

The creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget

European Parliament resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget (2021/2071(INI))

(2022/C 99/14)

The European Parliament,

- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹⁾ ('the Regulation'),
 - having regard to Articles 2 and 7 of the Treaty on European Union (TEU),
 - having regard to its resolution of 10 June 2021 on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020/2092 ⁽²⁾,
 - having regard to its resolution of 17 December 2020 on the Multiannual Financial Framework 2021-2027, the Interinstitutional Agreement, the EU Recovery Instrument and the Rule of Law Regulation ⁽³⁾,
 - having regard to its resolution of 25 March 2021 on the application of Regulation (EU, Euratom) 2020/2092, the rule-of-law conditionality mechanism ⁽⁴⁾,
 - having regard to the Commission communication of 30 September 2020 on the 2020 Rule of Law Report — The rule of law situation in the European Union (COM(2020)0580),
 - having regard to the Commission's reasoned proposal for a Council decision of 20 December 2017 on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law, issued in accordance with Article 7(1) TEU (COM(2017)0835),
 - 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 ⁽⁵⁾ (the Financial Regulation),
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Budgets and the Committee on Budgetary Control under Rule 58 of the Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the letter of the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Budgets and the Committee on Budgetary Control (A9-0226/2021),
- A. whereas the conditionality mechanism set out by the Regulation was part of the overall political agreement on the multiannual financial framework (MFF) for 2021-2027, the Next Generation EU recovery plan and the Own Resources Decision ⁽⁶⁾, and should not be delayed in its application, in particular with regard to the application of the aforementioned instruments;

⁽¹⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽²⁾ Texts adopted, P9_TA(2021)0287.

⁽³⁾ Texts adopted, P9_TA(2020)0360.

⁽⁴⁾ Texts adopted, P9_TA(2021)0103.

⁽⁵⁾ OJ L 193, 30.7.2018, p. 1.

⁽⁶⁾ Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom (OJ L 424, 15.12.2020, p. 1).

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- B. whereas the volume of the 2021-2027 MFF and Next Generation EU represents an unprecedented budget for the EU in historical terms which aims to support the EU's economic and social recovery following the consequences of the COVID-19 pandemic and therefore requires, more than ever, the timely and proper application of the principles of sound financial management, as well as the protection of the EU's financial interests;
- C. whereas according to the Regulation, respect for the rule of law is an essential precondition for compliance with the principles of sound financial management;
- D. whereas the Regulation entered into force on 1 January 2021 and has been binding in its entirety and directly applicable in all Member States since that date on all payments made since the entry into force of the Regulation;
- E. whereas the Commission decided to abide by the non-binding European Council conclusions of 10 and 11 December 2020 and declared that it would develop guidelines for the application of the Regulation;
- F. whereas in its resolution of 25 March 2021 on the application of the Regulation, Parliament requested that the Commission adopt the guidelines no later than 1 June 2021 and after having consulted Parliament;
- G. whereas the topic 'Values and rights, rule of law, security' will be discussed at the Conference on the Future of Europe, allowing for a thorough reflection on the Union's tools to monitor, prevent and tackle violations of EU values including the rule of law;
1. Regrets the fact that the Commission decided to develop guidelines for the application of the Regulation; reiterates once again its view that the text of the Regulation is clear and does not require any additional interpretation in order to be applied, and that the co-legislators have not delegated to the Commission any powers to this effect; takes note of the draft text of the guidelines that the Commission has shared with Parliament and the Member States;
2. Highlights that guidelines are not legally binding; expresses its disappointment that the Commission is deviating from its usual practice of drafting guidelines for the application of a legal act only in cases where the actual implementation of the act over a certain period of time shows the need for guidance; underlines that the process of developing guidelines must in no event cause further delay to the application of the Regulation;
3. Recalls that the guidelines cannot alter, expand or narrow the text of the Regulation; emphasises that in order to add any value, the guidelines must clarify how the legislative provisions of the Regulation will be applied in practice and therefore outline in a timely manner the procedure, definitions and methodology that the Commission will apply;
4. Deeply regrets the fact that the Commission failed to meet the deadline set by Parliament to fulfil its obligations under the Regulation by 1 June 2021, including as regards the development of the guidelines; welcomes the fact that on 23 June 2021, the President of Parliament called on the Commission to take action, on the basis of Article 265 of the Treaty on the Functioning of the European Union (TFEU), in order to fulfil its obligations and ensure the full and immediate application of the Regulation;
5. Believes that the Commission has not used the time since the entry into force of the Regulation efficiently; urges the Commission to avoid any further delay in the application of the Regulation and to investigate swiftly and thoroughly any potential breaches of the principles of the rule of law in the Member States that affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way; reiterates that the situation in some Member States already warrants immediate action under Article 6(1) of the Regulation by means of a written notification to those Member States and informing Parliament thereof;
6. Recalls that the Commission's political guidelines for 2019-2024 stated that 'there can be no compromise when it comes to defending our core values' and that the full Union toolbox would be guaranteed to be used at EU level; recalls that the Commission 'shall be completely independent' and its members 'shall neither seek nor take instructions from any Government' in accordance with Article 17(3) TEU and Article 245 TFEU; recalls, furthermore, that in accordance with Article 17(8) TEU, the Commission 'shall be responsible to the European Parliament';

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7. Requests that the Commission report to Parliament regularly and proactively at least twice a year on new and ongoing cases under investigation, starting with the first cases as soon as possible;

8. Commits to closely scrutinising the implementation of the Regulation whenever concerns arise regarding potential breaches of the principles of the rule of law in the Member States that fall within its scope; endeavours to organise regular sessions to monitor the implementation of the Regulation in the lead committees under the guidance of the rapporteurs; calls on the Commission to respond to the scrutiny of the lead committees in a timely manner by providing thorough information;

Breaches of the principles of the rule of law

9. Underlines that the Regulation applies both to individual breaches of the principles of the rule of law and to 'systemic' breaches that are widespread or are a result of recurrent practices or omissions by public authorities, or general measures adopted by such authorities;

10. Calls on the Commission to clarify in the guidelines that breaches of the rule of law in a Member State which result from decisions or events that took place prior to 1 January 2021 still fall within the scope of the Regulation as long as their effect is still ongoing;

11. Draws particular attention to the list of indicative breaches of the principles of the rule of law laid down in Article 3 of the Regulation; urges the Commission to investigate potential occurrences of the breaches included in that list in the Member States, while pointing out that other practices or omissions by public authorities may also be relevant; notes that the Commission's 2020 rule of law report already contains indications of breaches in several Member States that may be relevant for triggering the Regulation;

12. Points out that the types of conduct by Member State entities relevant to the application of the conditionality regime laid down in Article 4 of the Regulation does not exclude the potential relevance of other situations or conduct by authorities that are relevant to the sound financial management of the Union budget or the protection of the financial interests of the Union;

13. Stresses the importance of cooperation between the EU institutions, the Member States, the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO); recalls that ineffective or untimely cooperation with the EPPO and OLAF may provide grounds for action under the Regulation; stresses that in the case of the EPPO, effective and timely cooperation entails not only the obligation for national authorities to actively assist and support the EPPO's criminal investigations and prosecutions, but also for the national government to ensure that its European and Delegated Prosecutors are appointed in a timely and impartial manner; is also of the opinion that the systematic lack of follow-up to OLAF recommendations may constitute an omission pursuant to the Regulation;

14. Recalls that the identification of breaches of the principles of the rule of law requires an objective, impartial, fair and thorough qualitative assessment by the Commission, which should take into account relevant information from available sources and recognised institutions, including judgments of the Court of Justice of the European Union and relevant national and international courts such as the European Court of Human Rights, reports of the Court of Auditors, the Commission's annual rule of law report and EU Justice Scoreboard, the reports of OLAF and the EPPO as relevant, and conclusions and recommendations of relevant international organisations and networks, including Council of Europe bodies such as the Council of Europe Group of States against Corruption (GRECO) and the Venice Commission, in particular its rule of law checklist, and the European networks of supreme courts and councils for the judiciary; calls on the Commission to provide information on how it will collect, analyse and evaluate this information when building cases;

15. Considers, in particular, that the Commission's annual rule of law report, as an objective, impartial, fair and qualitative assessment of breaches of the principles of rule of law, is a crucial source of information for the Commission's assessment under the Regulation; calls on the Commission to include in its annual rule of law report a section dedicated to cases where breaches of the rule of law in a Member State could affect or seriously risk affecting the sound financial

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management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way and to clarify in the guidelines how the annual report will be used systematically for the Commission's assessment under the Regulation;

16. Calls on the Commission to set out a clear, precise and user-friendly system for the submission of complaints and to set deadlines for the Commission's responses to complaints; highlights that civil society, including independent NGOs and citizens, and fact-based investigative journalism and media, are at the forefront of identifying potential breaches of the rule of law at local and national level, and should therefore be involved in reporting them; recalls the need to apply the Regulation in a manner that ensures the protection of persons reporting on breaches of Union law, in line with the principles set out in Directive (EU) 2019/1937 ⁽⁷⁾;

17. Recalls that measures under the Regulation are taken where breaches of the principles of the rule of law in a Member State affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way; underlines that this implies a comprehensive, proactive, risk-based approach on the part of the Commission to safeguard Union spending even before actual payments are made;

18. Recalls that the scope of the Regulation covers the activities of all government entities, including Member State organisations established as a public law body or as a body governed by private law entrusted with a public service mission, as laid down in the Financial Regulation; points out that any changes in the type of governance of an entity that is entrusted with a public service mission in a Member State cannot exempt that entity from the duty to comply with the Regulation;

Protecting the Union budget

19. Emphasises the clear link between respect for the rule of law and the efficient implementation of the Union budget in accordance with the principles of sound financial management: economy, efficiency and effectiveness, as laid down in the Financial Regulation; recalls that according to Article 5 of the Regulation, 'the Commission shall verify whether applicable law has been complied with and, where necessary, take all appropriate measures to protect the Union budget';

20. Recalls that the Regulation provides a clear definition of the rule of law, which must be understood having regard to other Union values and principles, including fundamental rights and non-discrimination; is of the opinion that persistent violations of democracy and fundamental rights, including state-sponsored discrimination against minorities and attacks against media freedom and freedom of association and assembly, have an impact on the projects Member States decide to fund with Union funds, and may therefore have a sufficiently direct effect on the protection of the financial interests of the Union; calls on the Commission to take this into account in its guidelines;

21. Recalls that measures under the Regulation are necessary in particular, but not only, in cases where other procedures set out in the Financial Regulation, the Common Provisions Regulation and other sector-specific legislation would not allow the Union budget to be protected more effectively; stresses that this does not mean that the Regulation is to be considered as a 'last resort', but rather that the Commission can use a wide range of procedures to protect the Union's financial interests, including the Regulation, to be chosen on a case-by-case basis and used in parallel if needed, depending on their efficiency and effectiveness; calls on the Commission to lay down the modus operandi and the procedural and technical standards it will use to choose the instruments to apply;

22. Points out that the Regulation covers all Union funds and applies to 'systemic' breaches as well as to cases of serious risk to the sound financial management of the Union budget or the protection of the financial interests of the Union, which may be difficult to address by other Union procedures that only apply to specific spending programmes and relate to effects on the budget that have already occurred; underlines that the Regulation is the only EU legislation linking respect for the rule of law to the EU budget; considers, therefore, that its unique provisions should be fully applied to ensure complementary protection for the rule of law in addition to EU finances;

⁽⁷⁾ 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).

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23. Underlines that 'systemic' breaches, for instance those affecting the functioning of the justice system, the independence of judges and of the judiciary or the neutrality of public authorities, or the proper functioning of entities with a mandate to prevent and fight corruption, fraud, tax evasion and conflicts of interest, or violating the principle of non-regression⁽⁸⁾, have in general a sufficiently direct impact on the proper management, spending and monitoring of Union funds; calls on the Commission to clarify the criteria for determining measures in the case of systemic breaches;

Adoption of measures

24. Recalls that Articles 6 and 7 of the Regulation set out all steps and a precise timeline for the adoption and lifting of measures under the Regulation; underlines that the procedure for adopting and lifting measures respects the principles of objectivity, non-discrimination and equal treatment of Member States and is to be conducted using a non-partisan and evidence-based approach;

25. Notes that Article 6(4) of the Regulation provides for the possibility for the Commission to request additional information for its assessment both before and after sending the written notification; stresses that such requests before the written notification should remain exceptional and one-off in nature, so as not to jeopardise the precise timeline for the adoption of measures provided for in the Regulation;

26. Recalls that the Council is bound to act upon any proposal of the Commission to adopt appropriate measures under the Regulation within a period of one month, which may be extended by a maximum of two additional months in exceptional circumstances; considers that the Commission should ensure that these time limits are fully respected for a timely decision; calls on the Commission to provide information on how it will ensure a harmonised approach and consistent application of the budget conditionality across all its Directorates-General;

27. Believes that transparency is essential to foster the confidence of Member States and citizens in the conditionality mechanism; highlights that the assessment of individual and systemic breaches of the principles of the rule of law requires an impartial, fair and objective treatment of Member States, including non-partisan and evidence-based investigations; points out that each step of the procedure set out in the Regulation should therefore be taken in a fully transparent way; calls on the Commission to draw up the transparency rules and principles that it will apply when triggering the conditionality mechanism;

28. Recalls that measures taken under the Regulation should be proportionate, in the light of the actual or potential impact on the sound financial management of the Union budget or the financial interests of the Union, taking into account the nature, duration, gravity and scope of the breaches of the principles of the rule of law; considers that, in general, the seriousness of that impact will reflect the seriousness of the breaches;

Protection of final recipients and beneficiaries

29. Recalls that under the Regulation, it is essential to properly safeguard the legitimate interest of final recipients and beneficiaries;

30. Recalls that, unless the decision adopting the measures states otherwise, the imposition of appropriate measures under the Regulation does not affect the obligations of Member States towards legitimate final recipients or beneficiaries, including the obligation to make payments;

31. Emphasises that in cases such as serious corruption, nepotism, systemic fraud, illegitimate ties with political parties and conflicts of interest, and in particular in cases detected by the Early Detection and Exclusion System (EDES) laid down in the Financial Regulation or under investigation by OLAF or the EPPO, the Commission should carefully evaluate on a case-by-case basis whether payments to final recipients and beneficiaries should be continued or not;

32. Calls on the Commission to implement Article 5(4) of the Regulation and swiftly set up a website or internet portal with information and guidance for the benefit of final recipients or beneficiaries and with adequate tools for them to inform the Commission about any breach of the legal obligation to continue making payments after measures pursuant to this Regulation are adopted, such as a simple, easy-to-use and structured complaint form; calls on the Commission to explain how it will implement an efficient and effective compliant mechanism for applicants, recipients and beneficiaries;

⁽⁸⁾ Judgment of the Court of Justice of 20 April 2021, *Repubblika v Il-Prim Ministru*, C-896/19, ECLI:EU:C:2021:311, paragraphs 59-64.

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33. Stresses that, in shared management, measures under the Regulation cannot be considered to affect the availability of funding for payments of legitimate claims to beneficiaries; recalls also that Member States concerned by those measures must regularly report to the Commission on compliance with their obligations towards final recipients or beneficiaries;

34. Calls on the Commission to analyse all information at its disposal, including via digital tracking tools, and to do its utmost to ensure that any amount legitimately due from government entities or Member States is in fact paid to final recipients or beneficiaries, which may entail making financial corrections by reducing Union support to programmes in line with applicable sector-specific and financial rules;

35. Requests that the Commission include Parliament's suggestions in the final version of the guidelines;

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

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P9_TA(2021)0349

EU global human rights sanctions regime (EU Magnitsky Act)

European Parliament resolution of 8 July 2021 on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) (2021/2563(RSP))

(2022/C 99/15)

The European Parliament,

- having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders ⁽¹⁾,
- having regard to its resolution of 14 March 2019 on a European human rights violations sanctions regime ⁽²⁾,
- having regard to its previous resolutions calling for an EU-wide mechanism for imposing targeted sanctions against individuals involved in grave human rights violations, including its resolution of 4 September 2008 on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights ⁽³⁾, its resolution of 11 March 2014 on the eradication of torture in the world ⁽⁴⁾ and its resolution of 20 January 2021 on the implementation of the Common Foreign and Security Policy — annual report 2020 ⁽⁵⁾,
- having regard to its resolution of 20 January 2021 on human rights and democracy in the world and the European Union's policy on the matter — annual report 2019 ⁽⁶⁾,
- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries ⁽⁷⁾ and its resolution of 5 July 2016 on the fight against trafficking in human beings in the EU's external relations ⁽⁸⁾,
- having regard to its resolutions on breaches of human rights, democracy and the rule of law (known as urgency resolutions) in accordance with Rule 144 of its Rules of Procedure,
- having regard to Title V, Chapter 2 of the Treaty on European Union (TEU), regarding the adoption of sanctions under the Common Foreign and Security Policy (CFSP),
- having regard to Article 21 TEU on the principles of international actions of the Union, including respect for the principles of the United Nations Charter and international law,
- having regard to Article 31(2) TEU on specific provisions on the CSFP,
- having regard to Article 215 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of sanctions against both third countries and individuals, groups and non-state entities,
- having regard to Declaration 25 of the Lisbon Treaty on the need to ensure due process rights of individuals or entities concerned by EU restrictive measures or EU measures in combating terrorism,
- having regard to the joint proposal by the Commission and the VP/HR of 19 October 2020 concerning restrictive measures against serious human rights violations and abuses (JOIN(2020)0020),

⁽¹⁾ OJ C 239 E, 20.8.2013, p. 11.

⁽²⁾ OJ C 23, 21.1.2021, p. 108.

⁽³⁾ OJ C 295 E, 4.12.2009, p. 49.

⁽⁴⁾ OJ C 378, 9.11.2017, p. 52.

⁽⁵⁾ Texts adopted, P9_TA(2021)0012.

⁽⁶⁾ Texts adopted, P9_TA(2021)0014.

⁽⁷⁾ OJ C 337, 20.9.2018, p. 82.

⁽⁸⁾ OJ C 101, 16.3.2018, p. 47.

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- having regard to Council Decision (CFSP) 2020/1999⁽⁹⁾ and Council Regulation (EU) 2020/1998⁽¹⁰⁾ of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses,
 - having regard to Council Implementing Regulation (EU) 2021/371 of 2 March 2021⁽¹¹⁾ and Council Implementing Regulation (EU) 2021/478 of 22 March 2021⁽¹²⁾ implementing Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses,
 - having regard to Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law⁽¹³⁾,
 - having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')⁽¹⁴⁾,
 - having regard to the Council conclusions of 18 November 2020 on the EU Action Plan on Human Rights and Democracy 2020-2024,
 - having regard to the EU Strategic Framework on Human Rights and Democracy of 2012,
 - having regard to the Commission guidance note of 17 December 2020 on the implementation of certain provisions of Council Regulation (EU) 2020/1998 (C(2020)9432),
 - having regard to the Universal Declaration of Human Rights and other UN human rights treaties and instruments,
 - having regard to the United Nations Convention against Corruption and the political declaration of the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation of 2-4 June 2021,
 - having regard to the European Convention on Human Rights and the protocols thereto,
 - having regard to its study of 26 April 2018 entitled 'Targeted sanctions against individuals on grounds of grave human rights violations — impact, trends and prospects at EU level',
 - having regard to the decision of the Criminal Chamber of the Spanish Supreme Court of 26 November 2020 regarding Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela⁽¹⁵⁾,
 - having regard to the questions to the Commission and to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) (O-000047/2021 — B9-0028/2021 and O-000048/2021 — B9-0029/2021),
 - 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 Foreign Affairs,
- A. whereas Article 21 TEU stipulates that the actions of the Union shall be guided by democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;
- B. whereas under Article 215 TFEU the EU adopts sanctions, either as the EU's own measures (i.e. autonomous sanctions) and/or in order to implement United Nations Security Council resolutions, in cases where non-EU countries, natural or legal persons, groups or non-state entities do not respect international law or human rights, or pursue policies or actions that do not abide by the rule of law or democratic principles;

⁽⁹⁾ OJ L 410 I, 7.12.2020, p. 13.

⁽¹⁰⁾ OJ L 410 I, 7.12.2020, p. 1.

⁽¹¹⁾ OJ L 71 I, 2.3.2021, p. 1.

⁽¹²⁾ OJ L 99 I, 22.3.2021, p. 1.

⁽¹³⁾ OJ L 198, 28.7.2017, p. 29.

⁽¹⁴⁾ OJ L 283, 31.10.2017, p. 1.

⁽¹⁵⁾ OJ L 295, 14.11.2017, p. 60.

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- C. whereas the Commission communication of 19 January 2021 entitled the ‘European economic and financial system: fostering openness, strength and resilience’ (COM(2021)0032) outlines measures for improving the effectiveness of EU sanctions, ensuring that these are not circumvented or undermined and establishing a sanctions information exchange repository, as well as a roadmap to move from the detection of systemic non-compliance with EU sanctions to infringement procedures before the Court of Justice of the European Union;
- D. whereas the Dutch Government initiated a discussion among EU Member States in November 2018 on a targeted human rights sanctions regime at EU level; whereas the Council finally adopted the relevant decision and a regulation establishing an EU Global Human Rights Sanctions Regime on 7 December 2020;
- E. whereas the European Parliament systematically condemns cases of human rights violations;
- F. whereas very often the resolutions adopted by the European Parliament call for the EU institutions to adopt sanctions, including individual sanctions, against persons suspected of committing crimes against humanity or serious human rights violations;
- G. whereas corruption can have a devastating impact on the state of human rights and often undermines the functioning and legitimacy of institutions and the rule of law; whereas Parliament has called for abuses and acts of systemic corruption related to grave human rights violations to be also considered within the EU Global Human Rights Sanctions Regime;
- H. whereas the United States, Canada, and the United Kingdom have adopted similar sanction regimes; whereas cooperation among like-minded countries that share the values of fundamental rights, democracy, and rule of law will make the application of targeted sanctions more coordinated and thereby more effective; whereas the UK government launched a Global Anti-Corruption Sanctions Regime on 26 April 2021;
1. Welcomes the adoption of the EU Global Human Rights Sanctions Regime (EU GHRSR) as an essential addition to the EU’s human rights and foreign policy toolbox, which strengthens the EU’s role as a global human rights actor by allowing it to take restrictive measures against legal and natural persons involved in serious human rights violations everywhere in the world; stresses that the new regime must form part of a broader, coherent and clearly defined strategy that takes account of the EU’s foreign policy objectives; underlines that the strategy should also seek to identify specific benchmarks that are connected to the objectives, and detail how sanctions can help meet those benchmarks; regrets, however, that the Council has decided to apply unanimity instead of qualified majority voting when adopting the new regime, and reiterates its call for the introduction of qualified majority voting for the adoption of sanctions under the scope of the EU GHRSR;
2. Welcomes the definition of the regime’s scope with a list of specific serious human rights abuses, including those related to sexual and gender-based violence, and calls on the Commission to come forward with a legislative proposal to amend the current EU GHRSR legislation by extending its scope to include acts of corruption; urges the European External Action Service (EEAS) and the Member States to employ flexibility in adapting it to emerging challenges and threats to human rights or abuse of state or emergency powers, including those related to COVID-19 restrictions or violence against human rights defenders; highlights that the EU’s sanctions are targeted at persons violating human rights and are not intended to impact the enjoyment of human rights by the population;
3. Welcomes the announcement that the Commission will conduct in 2021 a review of practices that circumvent and undermine sanctions, as well as a review of the existing reporting obligations for Member States on the implementation and enforcement of sanctions; calls on the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to take into account the results of this review in order to propose additional legislative changes and implementation guidelines accordingly;

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4. Underlines the importance of ensuring that the regime also targets economic and financial enablers of human rights abusers and to the same extent; in case acts of corruption are not included in the revision of the existing regime, calls for the EU and its Member States to draw on the UK legislative proposal for Global Anti-Corruption Sanctions Regulations or the US Global Magnitsky Act or the Canadian Justice for Victims of Corrupt Foreign Officials Act, or other similar regimes, and adopt an EU anti-corruption sanctions regime in order to complement the EU GHRSR;

5. Welcomes the United States' 2016 Global Magnitsky Act and the leading role this Act has played in inspiring other international actors, including the EU, in its efforts to safeguard human rights;

6. Welcomes the first implementing decisions under the regime, which prove the EU's commitment to make good use of the new ambitious instrument; encourages the Council to make full use of this instrument in order to strengthen its impact;

7. Is convinced of the effectiveness of the new regime, including its deterrent effects; firmly believes that the highest possible standards in terms of judicial review and proper scrutiny of its implementation are integral to ensure the legitimacy of the regime; emphasises the need for a regular review of listings, clearly defined and transparent criteria and methodology for the listing and de-listing of sanctioned individuals or entities, and appropriate legal procedures through which a listing can be challenged in order to guarantee a thorough judicial review and redress rights;

8. Condemns any countersanctions imposed on the EU, its institutions or members of parliament, bodies or citizens solely for promoting and protecting respect for human rights, democracy and the rule of law through the EU GHRSR; recalls that retaliatory measures are aimed at deterring the EU from pursuing its global actions to protect human rights in line with its Treaty obligations; underlines the need for a swift, robust and coordinated EU response to retaliatory sanctions by third countries and the need to ensure that bilateral agreements with such countries do not undermine the EU GHRSR or the EU's credibility in foreign policy in general;

9. Stresses the need for all EU Member States to interpret the application and enforcement of sanctions in the same consistent and swift manner; urges the Commission, in its role as guardian of the Treaties, to ensure that national penalties for breaching EU sanctions are effective, proportionate and dissuasive; considers that a failure to take appropriate measures in situations marked by persistent human rights violations would undermine the EU's human rights strategy, sanctions policy and credibility; believes that a centralised oversight mechanism on implementation and compliance is necessary to ensure stronger sanctions enforcement; welcomes the announcement that the Commission proposes to establish a sanctions information repository and to draw up a roadmap (including criteria and a timetable) for moving from the detection of systematic non-compliance with EU sanctions to infringement procedures before the Court of Justice of the European Union;

10. Stresses that the Member States must ensure that authorities, companies and other actors registered on their territories are in full compliance with the Council decisions on restrictive measures; urges the Member States and the Commission to increase cooperation and information sharing, and calls for a strengthened European oversight and enforcement mechanism; calls on the Council to regularly update the companies on the sanction lists, as the companies listed tend to use legal loopholes and find other creative solutions in order to avoid being under sanctions;

11. Is convinced that breaches of restrictive measures, and of asset freezes in particular, constitute an illegal activity affecting the Union's financial interests; calls for an assessment of the appropriateness of revising Directive (EU) 2017/1371 and Council Regulation (EU) 2017/1939 in order to task the European Public Prosecutor's Office with the responsibility of investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences in breach of restrictive measures adopted under the EU GHRSR;

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12. Regrets that the European Parliament has no institutional role in the process; calls for parliamentary oversight of the EU GHRSR and an enhanced role for the European Parliament in proposing cases of serious human rights violations, in order to increase the legitimacy of the EU GHRSR, and calls for the establishment of a dedicated Parliamentary Working Group to scrutinise the implementation of the sanctions regime; calls for systematic and institutionalised information sharing with, and reporting to, Parliament, and the Member States, by the EEAS and the Commission;

13. Insists on a transparent and inclusive process to facilitate input by civil society actors, including the setting up of an EU-level advisory committee and regular meetings with civil society organisations, human rights defenders and investigative journalists, with a view to monitoring the state of play of the regime and improving its implementation; calls on the EEAS to issue guidance on how to participate in the process and underlines the need for confidentiality and a witness protection mechanism to be put in place for those who provide information, such as human rights defenders and organisations;

14. Stresses that targeted sanctions must aim at achieving effective and lasting results; calls on the Commission, the EEAS and the Member States to dedicate adequate resources and expertise to enforcing and regularly monitoring the impact of the EU GHRSR, and to monitor listings and de-listings closely; insists on the need to devote more attention and resources to public communication about the listings, both in the EU and in the countries concerned, including through the translation of relevant documentation in the local language of the targeted individuals or entities;

15. Recalls the need for a unified and coherent strategy to implement the EU sanction regimes, and calls on the Commission and the EEAS to ensure coherence between the EU GHRSR and the EU's external policies, in particular with its human rights and democracy support policies, as well as the common foreign and security policy (CFSP) and common security and defence policy (CSDP); calls furthermore for consistency between the EU sanction regimes and international criminal law, international humanitarian law and the EU policies related to the rule of law and fundamental freedoms;

16. Reiterates the importance of the EU GHRSR being consistent with and complementing the EU's country-specific and horizontal restrictive measures, sectoral measures and arms embargos and the existing international frameworks on sanctions, notably in relation to the UN Security Council;

17. Calls for the EU to establish with the US a transatlantic alliance to defend democracy globally and to propose a democracy defence toolkit, which would include joint actions on sanctions and anti-money laundering policies, and to ensure that its sanctions policy is linked to the EU and international investigations and many other international justice instruments, such as international tribunals and the initiative on an EU justice hub;

18. Is convinced of the advantages of cooperating and coordinating with partners and like-minded countries in implementing the EU GHRSR; encourages the Commission and the Member States to draw from the close cooperation and strategic relationship between the EU and the US, built on common history and a shared set of democratic values, when establishing sanctions and calls for regular discussions on targeted sanctions, notably within the context of the Transatlantic Legislators' Dialogue; calls on the Commission and the EEAS to cooperate with external judicial institutions such as the International Criminal Court, the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights and other *ad hoc* tribunals, UN-assisted tribunals and other bodies, including the Office of the United Nations High Commissioner for Human Rights and international supervisory and monitoring bodies, the Organization for Security and Co-operation in Europe, NATO, and the Council of Europe, with the aim of gaining evidence for imposing sanctions under the EU GHRSR and deterring serious human rights violations; calls for the EU to promote the ratification of the Rome Statute of the International Criminal Court by every country in the world;

19. Reiterates that criminal prosecution of the perpetrators of gross human rights violations and atrocity crimes through domestic or international jurisdictions should remain the primary objective of all efforts undertaken by the EU and its Member States to combat impunity; reiterates the importance of the principle of universal jurisdiction in this regard and welcomes the recent judicial proceedings under this principle in a number of Member States;

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20. Underlines the importance of EU candidate countries and potential candidate countries aligning with the EU GHRSR, in line with their broader alignment with the EU's CFSP;
 21. Instructs its President to forward this resolution to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.
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P9_TA(2021)0350

Annual Report on the functioning of the Schengen area

European Parliament resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area (2019/2196(INI))

(2022/C 99/16)

The European Parliament,

- having regard to Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), establishing an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 21(1) TFEU and Article 45 of the Charter of Fundamental Rights of the European Union (the ‘Charter’), ensuring citizens’ right to move and reside freely within the territory of the Member States,
- having regard to Article 18 TFEU and Article 21(2) of the Charter, prohibiting any discrimination on grounds of nationality,
- having regard to Articles 18 and 19 of the Charter on the right to asylum, and to protection in the event of removal, expulsion or extradition,
- having regard to the continuously evolving Schengen *acquis* developed since the signature of the Schengen Agreement on 14 June 1985, which currently comprises numerous EU legal acts in the areas of internal and external border management, visa policy, return policy, police cooperation and data protection, as well as legal acts establishing and governing two Union agencies (the European Border and Coast Guard Agency (Frontex) and the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)), a financial programme (the instrument for financial support for external borders and visa) and four large-scale IT systems (the Schengen Information System, the Visa Information System, the European Travel Information and Authorisation System (ETIAS) and the Entry/Exit System (EES)), including interoperability among them,
- having regard to the legislation adopted since the last annual report on the functioning of the Schengen area aimed at strengthening it in view of persistent challenges, more specifically Regulations (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals ⁽¹⁾, Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 ⁽²⁾ and Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Directive 2010/261/EU ⁽³⁾, Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA ⁽⁴⁾, Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 ⁽⁵⁾, Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU)

⁽¹⁾ OJ L 312, 7.12.2018, p. 1.

⁽²⁾ OJ L 312, 7.12.2018, p. 14.

⁽³⁾ OJ L 312, 7.12.2018, p. 56.

⁽⁴⁾ OJ L 135, 22.5.2019, p. 27.

⁽⁵⁾ OJ L 135, 22.5.2019, p. 85.

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No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 ⁽⁶⁾, Regulation (EU) 2018/1241 of the European Parliament and of the Council of 12 September 2018 amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS) ⁽⁷⁾, Regulation (EU) 2020/493 of the European Parliament and of the Council of 30 March 2020 on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA ⁽⁸⁾, Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 ⁽⁹⁾ ('EBCG Regulation') and Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) ⁽¹⁰⁾,

- having regard to the ongoing legislative work on the revision of the Schengen Borders Code as regards the rules applicable to the temporary reintroduction of border control at internal borders, on reforming the Visa Information System, on the completion of the ETIAS legislative framework, on the recast of the Return Directive, on the instrument for financial support for border management and visa 2021-2027, and the new proposal for a Regulation introducing a screening of third country nationals at the external borders (COM(2020)0612),
- having regard to the various European Council conclusions, Council recommendations and Commission communications, guidelines and roadmaps aimed at addressing the situation at internal and external Schengen borders in response to COVID-19, such as the Commission communication of 16 March 2020 entitled 'COVID-19: Guidelines for border management measures to protect health and ensure the availability of goods and essential services' ⁽¹¹⁾, and the Commission communication of 30 March 2020 entitled 'COVID-19: Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy' (C(2020)2050), and its subsequent prolongations, such as that of 8 April 2020 (COM(2020)0148), the Joint European Roadmap towards lifting COVID-19 containment measures presented by the President of the Commission and the President of the European Council, and Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic ⁽¹²⁾,
- having regard to the Commission communication of 22 October 2019 on the verification of the full application of the Schengen *acquis* by Croatia (COM(2019)0497),
- having regard to the Commission communication of 23 September 2020 on a New Pact on Migration and Asylum (COM(2020)0609),
- having regard to its resolution of 30 May 2018 on the annual report on the functioning of the Schengen area ⁽¹³⁾,
- having regard to the report from the Commission to the Council and the European Parliament of 25 November 2020 on the Functioning of the Schengen Evaluation and Monitoring Mechanism pursuant to Article 22 of Council Regulation (EU) No 1053/2013 (COM(2020)0779),
- having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak ⁽¹⁴⁾,
- having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders ⁽¹⁵⁾,

⁽⁶⁾ OJ L 236, 19.9.2018, p. 1.

⁽⁷⁾ OJ L 236, 19.9.2018, p. 72.

⁽⁸⁾ OJ L 107, 6.4.2020, p. 1.

⁽⁹⁾ OJ L 295, 14.11.2019, p. 1.

⁽¹⁰⁾ OJ L 188, 12.7.2019, p. 25.

⁽¹¹⁾ OJ C 86 I, 16.3.2020, p. 1.

⁽¹²⁾ OJ L 337, 14.10.2020, p. 3.

⁽¹³⁾ OJ C 76, 9.3.2020, p. 106.

⁽¹⁴⁾ Texts adopted, P9_TA(2020)0175.

⁽¹⁵⁾ OJ C 388, 13.11.2020, p. 18.

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- having regard to the European Union Agency for Fundamental Rights (FRA) report of 8 December 2020 entitled ‘Migration: fundamental rights issues at land borders’,
 - having regard to its resolution of 17 December 2020 on the implementation of the Return Directive ⁽¹⁶⁾,
 - 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 ⁽¹⁷⁾,
 - having regard to the establishment of and ongoing work by the Committee on Civil Liberties, Justice and Home Affairs’ Working Group on Frontex Scrutiny,
 - having regard to the preparatory work for this resolution undertaken by the Committee on Civil Liberties, Justice and Home Affairs’ Working Group on Schengen Scrutiny,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0183/2021),
- A. whereas the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, which for over 25 years has allowed for free movement of people within the Schengen area without controls at internal borders; whereas this has been made possible through a variety of compensatory measures, such as the strengthening of the exchange of information through the establishment of the Schengen Information System (SIS) and the creation of an evaluation mechanism to verify the implementation of the Schengen *acquis* by the Member States and to promote mutual trust in the functioning of the Schengen area; whereas mutual trust also demands solidarity, security, judicial and police cooperation in criminal matters, joint protection of EU external borders, a common understanding and a common policy on visas and data protection;
- B. whereas a fully functioning Schengen area and its future enlargement to include the Schengen candidate countries remain key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and a prerequisite for safeguarding the principle of freedom of movement; whereas the future of Schengen must be without fragmentation;
- C. whereas the abolition of internal border controls is one essential, practical element of what citizens identify as the European idea and is crucial for the functioning of the internal market; whereas the Schengen area is under threat, not least given the ever-increasing use of internal border controls by Member States, in particular in recent years;
- D. whereas as a response to the COVID-19 pandemic, most Member States, including Schengen-associated States, have reintroduced internal border controls or have closed their borders, either partially or totally, or to certain types of travellers, including EU citizens and their family members and non-EU nationals residing on their territory or that of another Member State; whereas, especially at the beginning of the pandemic, the absence of any effective coordination on the reintroduction and lifting of internal border controls between Member States and with the Commission challenged the very concept of Schengen cooperation;
- E. whereas Member States have reintroduced internal border controls a total of 268 times since 2015, which represents a significant increase compared with the period between 2006 and 2014 when internal border controls were reintroduced merely 35 times ⁽¹⁸⁾;

⁽¹⁶⁾ Texts adopted, P9_TA(2020)0362.

⁽¹⁷⁾ Texts adopted, P9_TA(2020)0307.

⁽¹⁸⁾ State of play as of 19 May 2021, https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/schengen-area_en

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- F. whereas the European Parliament has repeatedly expressed concerns about the necessity and proportionality of many of these internal border controls;
- G. whereas mutual trust and close cooperation among Member States are essential elements of the foundation on which the Schengen area is built;
- H. whereas important EU legislative instruments have been adopted in recent years with the objective of improving the effectiveness and efficiency of border checks at external borders, and contributing to a high level of security within the area of freedom, security and justice; whereas these instruments include a new architecture for EU information systems and their interoperability;
- I. whereas allegations of violence against migrants, including those seeking international protection, and pushbacks at the EU's external borders continue to be reported; whereas the European Parliament, OLAF, Frontex and the European Ombudsman have launched an inquiry into these allegations; whereas the Union does not yet have an effective mechanism for monitoring fundamental rights at its external borders;
- J. whereas serious deficiencies were identified in the 2017 Schengen evaluation of the United Kingdom on the application of the Schengen *acquis* in the field of the Schengen Information System;
- K. whereas the first evaluation cycle of the Schengen Evaluation Mechanism has shown the need for better and swifter implementation of recommendations stemming from the evaluations, and the need for appropriate reform, in particular as regards how the mechanism assesses compliance with fundamental rights;
- L. whereas Frontex's annual vulnerability assessments examine Member States' capacities to face threats and challenges at the external borders and recommend specific remedial actions to mitigate vulnerabilities, and therefore complement the evaluations under the Schengen evaluation mechanism;
- M. whereas the full application of the Schengen *acquis* with respect to the abolition of internal border controls as regards Bulgaria and Romania has not yet been achieved, despite Parliament's call for this in its resolution of 8 June 2011;
- N. whereas the Commission stated in its communication on the verification of the full application of the Schengen *acquis* of 22 October 2019 that Croatia had taken the measures needed to ensure the necessary conditions for the full application of the Schengen rules;

Functioning of the Schengen area

1. Considers that the very concept of Schengen cooperation, that of ensuring the absence of controls at internal borders and guaranteeing freedom of movement, has been further challenged by the COVID-19 pandemic; reiterates, in this context, its concern about the current situation with regard to internal border controls in some Member States, and to that end recalls, while fully supporting the public health measures put in place to limit the spread of COVID-19, that any such measures to combat the pandemic and restrict fundamental rights and freedoms should always respect both the spirit and the letter of the law;
2. Recalls that under current EU law, internal border controls may be reintroduced provided that they are necessary, proportionate, temporary in nature and a measure of last resort; reiterates, in that regard, its view that many of the prolongations of internal border controls since 2015 are not sufficiently substantiated and are not in line with the rules pertaining to their extension, necessity or proportionality, and are therefore unlawful;
3. Acknowledges that the Commission has tried to coordinate a common European response; deplores, nevertheless, the fact that internal border controls continue to be introduced by the Member States, often in an uncoordinated manner, before sufficient consideration has been given to the common European interest in maintaining Schengen as an area without internal border controls; reiterates that the controls introduced have had a negative impact on the free movement of goods, capital, services and people in the Union; underlines in this context the particularly difficult situation of cross-border workers;

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4. Recalls that despite having identified significant shortcomings in the implementation of the Schengen *acquis*, the Commission has been slow or outright reluctant to initiate infringement proceedings; reiterates its call on the Commission to exercise appropriate scrutiny over the application of the Schengen *acquis*, to assess whether the principles of necessity and proportionality have been respected and to use infringement proceedings where necessary; underlines the urgent need to enhance mutual trust and cooperation among the Schengen states and to ensure appropriate governance for the Schengen area;
5. Reiterates the need for Member States to respect the law as enshrined in the Treaties and the Charter, and to implement border measures in a lawful and non-discriminatory manner; considers a regular political and public debate on the functioning of the Schengen area to be of critical importance;
6. Notes that no progress has been made so far during this legislative term on the revision of the Schengen Borders Code (SBC), for which interinstitutional negotiations remain blocked by the Council; welcomes the Commission's announcement that it will present new proposals for Schengen governance; expresses its disappointment that the Commission continues to neglect its reporting obligation to Parliament by not submitting the annual report on the functioning of the area without internal border controls (Article 33 of the SBC) and the annual comprehensive report in accordance with Article 20 of the Schengen Evaluation Mechanism (SEMM), thereby hampering scrutiny and constructive political debate;
7. Further to its numerous requests for the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania, urges the Council to honour its commitment and take an immediate decision on the abolition of checks at internal land, sea and air borders and thus allow those Member States to rightfully join the area of free movement without internal border controls; is prepared, when consulted by the Council in accordance with Article 4 of the Act of Accession, to express its opinion on the full application of the provisions of the Schengen *acquis* in Croatia; considers that solidarity and responsibility are for all, and that the future of the Schengen area must be without fragmentation;
8. Considers it essential for EU visa policy to be efficient, user-friendly and secure, and welcomes, in that regard, the Commission's intention to digitise the visa procedure by 2025; considers that the integration of non-EU nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, and therefore calls for consideration to be given to harmonising the minimum rules for issuing long-term visas and residence permits;
9. Reiterates its call on the Member States to ensure proper implementation of the Return Directive ⁽¹⁹⁾ in all its aspects and calls on the Commission to monitor its implementation;
10. Encourages the Member States to strengthen the exchange of information and to further develop mutual cross-border police cooperation, for example through the increased use of joint investigation teams;
11. Welcomes the fact that a number of actions requested in the previous annual report ⁽²⁰⁾ have in the meantime been implemented (revision of the legislative framework of the Schengen Information System and reform of Eurosur); notes, however, that most recommendations formulated continue to remain valid;
12. Points out that effectively functioning external borders are essential for the viability of the Schengen area; notes with concern that the Schengen evaluation reports and the vulnerability assessments continue to point to deficiencies and vulnerabilities in the protection and management of external borders; calls on the Member States to implement the recommendations addressed to them by the Council and Frontex, aimed at remedying the deficiencies and vulnerabilities, in particular those relating to respect for fundamental rights in border management activities; stresses the importance of the legislative measures recently adopted;
13. Is concerned about the impact of the existing travel restrictions on the rights of refugees and people seeking international protection; calls on the Commission and the Member States to ensure that the adoption of such measures is fully consistent with the requirements enshrined in Articles 3 and 4 of the SBC and in the Charter;

⁽¹⁹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁽²⁰⁾ OJ C 76, 9.3.2020, p. 106.

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14. Expresses its deep concern about the repeated allegations concerning Frontex's involvement in pushbacks and the reported potential violations of fundamental rights in the context of the Agency's activities, and considers that internal reporting mechanisms, as well as parliamentary and public scrutiny over Frontex's activities, must be reinforced and effectively implemented; emphasises that Article 46 of the EBCG Regulation instructs the Executive Director of Frontex to suspend, terminate or not launch activities if the conditions to conduct those activities, including compliance with fundamental rights, are violated;

15. Expresses, in that regard, its full support for the setting up and ongoing work of the Committee on Civil Liberties, Justice and Home Affairs' Working Group on Frontex Scrutiny, the aim of which is to assess all aspects of the functioning of Frontex's activities and organisation, its reinforced role and resources for integrated border management, and the correct application of the EU *acquis*, including respect for fundamental rights;

16. Expresses its deep concern at the high number of deaths in the Mediterranean; recalls that rendering assistance to any person in distress at sea is a legal obligation under both EU and international law, and that search and rescue is an integral component of European integrated border management under the EBCG Regulation; calls on Frontex to significantly enhance the information available on its operational activities at sea, including through regular and adequate reporting to Parliament, such as in relation to its cooperation with the Maritime Rescue Coordination Centre in Tripoli and the Libyan Coast Guard;

17. Is deeply concerned by the persistent and serious reports about violence and pushbacks at the external borders, including from one Member State to another and then to a non-EU country; reiterates that Member States have an obligation to prevent unauthorised border crossings and recalls that this obligation is without prejudice to the rights of persons seeking international protection; calls on the Commission and the Member States to promote and carry out effective, independent and prompt investigations into any allegations of pushbacks and ill-treatment at the borders and to ensure that deficiencies are immediately remedied;

18. Notes the lack of adequate monitoring mechanisms to ensure respect for fundamental rights and the rule of law in the management of external borders, and considers that the European Union Agency for Fundamental Rights (FRA) must be given an enhanced operational role in that respect, including through the Schengen Evaluation and Monitoring Mechanism; calls on the Member States to ensure that their national monitoring bodies are effectively established and able to fulfil their role, with sufficient resources, an appropriate mandate and a high degree of independence; encourages Member States to invest continuously in the professional conduct of border authorities, including training in the area of asylum and refugee law, in coordination with Frontex, FRA, the UNHCR and relevant non-governmental organisations;

19. Deeply regrets the fact that there have been delays in the implementation of the fundamental rights provisions of the new EBCG Regulation, such as the recruitment of 40 fundamental rights monitors by 5 December 2020 as stipulated in the Regulation; welcomes the publication of vacancy notices and calls for the ongoing recruitment to be carried out as a matter of urgency; stresses that all monitors recruited must be able to perform their duties in accordance with Article 110 of the EBCG Regulation, and must therefore be recruited at an appropriate administrative level to fulfil their duties; calls, furthermore, for the independence of the Agency's complaints mechanism to be increased through involvement of experts from FRA and national human rights institutions;

Schengen evaluation and monitoring mechanism (SEMM)

20. Expresses its view that the SEMM has brought significant improvements to governance of the Schengen area and has contributed to ensuring its functioning by enhancing mutual trust and collective responsibility; emphasises, however, the *sui generis* nature of the evaluation mechanism in EU law and recalls that the Commission remains ultimately responsible for ensuring the application of the Treaties and the measures adopted by the institutions pursuant thereto;

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21. Welcomes the Commission's intention to review the SEMM; recalls the discussions on its legal basis during the negotiations on the Schengen Governance Package in 2012 and insists on being involved in the reform of the mechanism on an equal footing with the Council, preferably through the use of the ordinary legislative procedure, or using the same method as for the adoption of Council Regulation (EU) No 1053/2013 ⁽²¹⁾ establishing the SEMM;

22. Stresses the importance of introducing clear deadlines for all steps of the procedure in any reform, including the implementation of recommendations by Member States, the assessment of Commission proposals by the Scheval expert group and the presentation of action plans; reiterates also the importance of increasing flexibility in the multi-annual and annual planning and reinforcing the Commission's role, notably in the event of a no-opinion by Member States and the need for genuinely unannounced visits; takes the view that fundamental rights must be evaluated consistently during Schengen evaluations; considers, finally, that Parliament's scrutiny role and improving the transparency of the process should be key elements of the reform;

23. Calls on the Commission to allocate sufficient resources to ensure a comprehensive evaluation of the Schengen system, including by increasing the number of on-site visits to Member States; points out that, despite the Commission adopting 198 evaluation reports in the period 2015-2019, only 45 Schengen evaluations have been closed; calls on the Member States to step up the implementation of evaluation findings and Council recommendations; notes that the first Schengen evaluation cycle took five years; is of the view that the process of evaluation and adoption of recommendations, which takes on average 32 weeks, should be accelerated, and calls, in particular, on the Council to speed up the adoption of the recommendations issued by the Commission;

24. Calls on the Council to hold regular discussions at ministerial level on the proper functioning of the Schengen area, including discussions in situations where the evaluation reports have shown serious shortcomings, thus assuming the political role given to it by the Schengen evaluation process; calls, furthermore, on the Commission and the Council to prevent anything compromising the purpose of this mechanism, namely to determine whether all the preconditions for lifting internal border controls with a candidate country have been met and to ensure compliance with the Schengen *acquis* on the part of those Member States in which it is fully established;

25. Considers that the future Schengen evaluation mechanism must include an evaluation of the operational activities of the European Border and Coast Guard Agency, given its increasing role in external border management and return operations; considers further that the mechanism should reinforce its synergies with the vulnerability assessments of the European Border and Coast Guard; reiterates that duplications must be avoided and that the Schengen evaluators should have access to the results of the vulnerability assessments;

26. Recalls that, among others, fundamental rights constitute an overarching component in the implementation of integrated border management; recalls, in addition, that the Schengen *acquis* must be implemented in compliance with the Charter; underlines, therefore, that Schengen evaluations must also examine whether fundamental rights are respected at the external borders, including the prohibition of refoulement, the right to respect for human dignity, the principle of non-discrimination and the right to seek international protection; considers that the future mechanism should provide for FRA experts to be formal members of the team responsible for on-site visits for any evaluation of external border management and return; considers that all relevant JHA agencies should be able to participate;

27. Considers that serious deficiencies, when discovered, require a much faster follow-up aimed at remedying them without delay; believes that a definition of 'serious deficiency' and an accelerated procedure in the case of such deficiencies should be included in the revised mechanism; considers that the current non-binding best practices catalogues should be given a formal status under EU law in the form of handbooks, in order to improve transparency and allow for the evaluations to be benchmarked against objective criteria;

⁽²¹⁾ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

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28. Expresses its disappointment that the Commission has yet to present the annual report provided for in Article 20 of Regulation (EU) No 1053/2013, despite numerous calls from Parliament and the Council to do so;

29. Stresses that, in order to promote good governance and transparency, the Union institutions should conduct their work as openly as possible; considers that the Commission should make publicly available on its website information on the evaluation processes in each Member State and on Member States' fulfilment of the Council's recommendations; considers, furthermore, that the Commission should provide an appropriate platform for secure and encrypted access to the classified information of the Schengen evaluation documents for the actors with access rights, in particular for the Members of the European Parliament in order to facilitate their exercise of democratic control and scrutiny;

30. Notes that the Commission visited Croatia again in November 2020 with regard to the external border and reconfirmed that the necessary conditions for the application of the Schengen *acquis* had been met; calls on Croatia to continue to implement the ongoing actions and remedy any deficiencies identified, especially as regards training of staff, staffing levels and land border surveillance capacity; insists on a thorough assessment of compliance with fundamental rights following the repeated reports by NGOs and the media of abuse, violence and pushbacks by border officials; welcomes the establishment of an independent mechanism for the monitoring of the actions of police officers towards irregular migrants and applicants for international protection; calls on the Commission to continue to assess in all Member States the compliance of border management operations with fundamental rights requirements and to take the necessary measures in the event of human rights violations;

31. Highlights the recurrent deficiencies and areas for improvement in the Schengen system identified by the Commission: incomplete or non-compliant transposition, implementation and application of pertinent Schengen *acquis*; insufficient number of staff and inadequate qualifications and/or training; diverging and inconsistent national practices due to incoherent implementation of the Schengen *acquis*; fragmented administrative structures with insufficient coordination and integration of the different authorities; and practical, technological and regulatory barriers to cooperation within the Schengen area; recalls that these problems constitute fundamental obstacles to the proper functioning of Schengen and urges the Member States to finally give them appropriate attention;

Use of large-scale information systems in the field of justice and home affairs

32. Notes the progress made in the development of the new large-scale IT systems and interoperability among them; calls on the Member States, the Commission and the agencies involved to uphold the envisaged timetable for implementation, which provides for implementation of the new IT systems, completion of the reforms of the existing systems and interoperability of those systems by the end of 2023; notes, furthermore, the need for a stable legal framework for the implementation of those systems; recalls that use of those systems will also affect the right to privacy and the right to protection of data of the persons whose information will be stored in these systems, and stresses the need to follow through on the safeguards laid down in the legal acts establishing these systems throughout implementation;

33. Recalls the crucial role of eu-LISA in setting up the new IT systems; stresses, furthermore, the importance of the national components in the overall architecture of these systems and urges Member States to allocate the appropriate financial and human resources for timely implementation;

34. Welcomes the political agreement reached on the reform of the Visa Information System (VIS), in particular the establishment of a clear and legally binding deadline for the start of operations;

35. Highlights the substantial increase in the activity of the Supplementary Information Request at the National Entries (SIRENE) Bureaux and reiterates its call on the Member States to reinforce the means at the disposal of the SIRENE Bureaux, ensuring adequate financial and human resources to carry out their functions;

36. Acknowledges the studies carried out by the Joint Research Centre for the use of fingerprints, palm prints, facial images and DNA in the Schengen Information System;

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37. Considers that the Commission and the Council have seriously neglected their obligations following the detection of serious deficiencies in the use of the Schengen Information System by the UK, identified in the 2017 evaluation; recalls the request of the Working Group on Schengen Scrutiny to immediately disconnect the UK, as expressed in the letters to the Commission and to the Council Presidency of 15 June 2020; notes that the United Kingdom, as a non-EU country, no longer has access to the Schengen Information System; calls for the close monitoring of the continued security cooperation between the EU and the UK during the six-month period for data transfers agreed under the EU-UK Trade and Cooperation Agreement;

Multiannual strategic policy cycle for European integrated border management

38. Welcomes the presentation of the strategic risk analysis for European integrated border management presented by Frontex as the first step of the new policy cycle;

Future of Schengen

39. Notes that the various crises of recent years, such as the current pandemic, and the largely uncoordinated and sometimes unilateral actions taken by the Member States have eroded mutual trust among Member States and have put Schengen at risk; is convinced that efforts to find holistic solutions must be stepped up accordingly and that these measures should be properly harmonised; welcomes, in this context, the Commission's intention to adopt a strategy on the future of Schengen, and further welcomes the establishment of a Schengen Forum, which should also allow for high-level political debates on the state and future of Schengen with Parliament and the Council;

40. Considers that the Schengen Borders Code, in particular as regards rules on internal border controls, is no longer fit for purpose and requires urgent and meaningful reform in order to strengthen mutual trust and solidarity, and to safeguard the integrity and full restoration of the Schengen area; notes, in that regard, that clearer rules on public health emergencies are needed; stresses that, while the reintroduction of internal border controls remains a decision for individual Member States, it should only ever be a measure of last resort, for a limited period of time, and to the extent that controls are necessary and proportionate to the identified serious threat, paying particular attention to the impact on the right to freedom of movement and the principle of non-discrimination, and to the effects that such controls might have on border regions, while maintaining a distinction between different legal bases; considers that on each occasion that border controls are prolonged by a Member State, additional safeguards and oversight measures should apply and that, in all circumstances, such measures should be lifted as soon as the underlying grounds for them cease to exist;

41. Considers that a structured and transparent consultation mechanism in the event of crisis situations should be established, so as to determine mitigating, or alternative, measures to checks at the internal borders and uniform rules binding and applicable at the external borders;

42. Calls on Parliament's administration to establish a dedicated Schengen Governance Support Unit in order for Parliament to be able to properly exercise its democratic control and scrutiny functions in relation to the Schengen *acquis*;

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43. Instructs its President to forward this resolution to the Council and the Commission, the national parliaments of the Member States and the European Border and Coast Guard Agency.

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A new ERA for Research and Innovation**European Parliament resolution of 8 July 2021 on a new ERA for Research and Innovation (2021/2524(RSP))**

(2022/C 99/17)

The European Parliament,

- having regard to the question to the Commission on a new ERA for Research and Innovation (O-000031/2021 — B9-0026/2021),
 - having regard to the Commission communication of 30 September 2020 on a new ERA for Research and Innovation (COM(2020)0628),
 - having regard to the European Council conclusions of 1 December 2020,
 - having regard to the European Research Area (ERA) Progress Report for the period 2016-2018,
 - having regard to the European Innovation Scoreboard of 23 June 2020,
 - having regard to the judgment of 6 October 2020 of the Court of Justice of the European Union (CJEU) in case C-66/18 ⁽¹⁾,
 - having regard to the Commission recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers ⁽²⁾,
 - 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 Industry, Research and Energy,
- A. whereas the completion of the ERA by achieving the free movement of researchers and free circulation of scientific knowledge and technology is a key priority for the European Union;
- B. whereas the ERA envisaged overcoming the fragmentation of national efforts in research and innovation (R&I) through reducing the disparities between regulatory and administrative frameworks;
- C. whereas the ERA has provided important mechanisms for ensuring the free movement of researchers and the exchange of knowledge technologies and innovation; whereas, furthermore, the ERA is an established, well-known framework that stimulates cross-border joint R&I actions between Member States' researchers and 'ERA hubs';
- D. whereas research must be based on the fundamental principles of research integrity, and the European Code of Conduct for Research Integrity developed by the European Federation of Academies of Sciences and Humanities (ALLEA) should be considered as a reference for the research community; whereas independence and objectivity are key elements of building and maintaining trust in science;
- E. whereas accelerating R&I in the European Union and improving collaboration between private and public R&I in the Member States with a view to early market deployment and societal uptake of new technology solutions and the improvement of existing ones is vital to reaching our climate targets, achieving the digital transition and for the recovery of the European economy; whereas creating high-quality employment provides economic opportunities for the EU; whereas investing in fundamental research means investing in the future, and whereas funding such research should not be intrinsically linked to economic profitability; whereas major scientific breakthroughs have come from publicly funded research;

⁽¹⁾ Judgment of 6 October 2020, *European Commission v Hungary*, C-66/18, EU:C:2020:792.

⁽²⁾ OJ L 75, 22.3.2005, p. 67.

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- F. whereas, as a general rule, R&I should respect the principle of technology neutrality; whereas it is important to stress, however, that technological choices have to respect the policy framework in place;
- G. whereas R&I is essential to enabling Europe's recovery, to supporting and accelerating the digital and green transitions in a socially responsible manner, to enhancing the Union's sustainability and competitiveness, and to strengthening its resilience;
- H. whereas the COVID-19 crisis has adversely affected many young researchers who have experienced deteriorating working conditions and reduced access to laboratories and other essential facilities and, as a result, have fewer opportunities to complete their projects and obtain the qualifications required for career advancement;
- I. whereas women occupy only 24 % of top positions in the higher education sector in the European Union; whereas they are still under-represented among doctoral students in several science, technology, engineering and mathematics (STEM) subjects, including ICT and engineering, but also in the fields of manufacturing and construction;
- J. whereas a more synergetic approach to other EU funding programmes and EU policies could capitalise, in particular, on R&I capacities built up over the past decade in less performing countries; whereas this would require pooling resources to support activities promoting human capital development and the introduction of innovative technologies and new business models, as well as to support infrastructure maintenance and development; whereas a targeted combination of structural fund investments under the smart specialisation priorities with excellent R&I initiatives supported by the Framework Programme could significantly improve the performance of certain regions and strengthen the ERA as a whole; whereas in this context, it is also important to stress the need to optimise and better coordinate the use of research infrastructures at EU level;
- K. whereas the Commission's inclusive approach of aligning the ERA with the European Education Area and European industrial policy in order to foster synergies between these interdependent policies should lead to synergies rather than greater complexity in the ERA, the European Education Area or industrial policy;
- L. whereas the ERA should contribute to the EU's multiple strategies and international commitments, such as the SME and Digital Strategies, the European Green Deal and the UN Sustainable Development Goals;
- M. whereas openness to the world and international collaboration are imperative for successful EU R&I policies; whereas countries associated with the Framework Programme are an integral part of the ERA and are already contributing to its goals; whereas the European Neighbourhood deserves particular attention; whereas all of its countries in the East and South should benefit from scientific exchanges and cooperation with EU Member States;
- N. whereas the ERA cannot be completed without guaranteed academic freedom within the Union and without the provisions of the Charter of Fundamental Rights of the European Union relating to academic freedom, the freedom to found higher education institutions and the freedom to conduct a business being upheld; whereas according to the CJEU, academic freedom not only comprises an individual dimension in so far as it is associated with freedom of expression and, specifically in the field of research, the freedoms of communication, of research and of dissemination of results, but also an institutional and organisational dimension reflected in the autonomy of academic institutions;

Objectives

1. Welcomes the Commission communication on a new ERA for Research and Innovation setting out the strategic objectives and actions to be implemented in close cooperation with the Member States, in order to prioritise investments and reforms in R&I, to reach the 3 % of GDP goal, to improve access to excellence for researchers across the EU and enable research results to reach the scientific community, society and the real economy, while ensuring that publicly funded R&I genuinely contributes to societal well-being;

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2. Calls on the Member States to adopt a Pact for Research and Innovation in Europe that includes the following commitments to be achieved by 2030: to increase public spending on R&I from the current average level of 0,81 % of GDP to 1,25 % in a manner coordinated across the EU; to increase national public R&D funding of joint programmes and European partnerships from its current level of just below 1 % to 5 %; and to jointly agree on the priority areas for ERA action (horizontal as well as thematic);
3. Underlines the strong link between R&I and entrepreneurship, which creates opportunities for setting up new unicorns, start-ups and SMEs; recalls the importance of creating a digital ecosystem which would contribute to technological innovation and the scaling-up of SMEs mainly through 'ERA Innovation Hubs';
4. Acknowledges the pivotal role of universities and academic institutions in creating vibrant R&I ecosystems; highlights the central role of students as the next generation of innovators in these ecosystems;
5. Insists that in the context of the ERA, the terms 'research' and 'innovation' are not limited to technological innovation, but embedded as cross-cutting topics of broad relevance to all aspects of the social sciences and the humanities and fully integrated into each of the general objectives;
6. Believes that the review of the ERA should include a horizontal approach for strengthening cooperation between research institutions, including universities; calls for increased budgetary support for university alliances, as well as the establishment of an enabling framework that allows alliances to develop in a flexible manner; believes, furthermore, that university cooperation should not be limited to alliances alone, but that more funding schemes should also be available for universities to cooperate outside the alliances;
7. Underlines the importance of creating synergies between higher education, research institutions and civil society organisations, as genuine partners in the context of R&I, as well as industrial alliances, thereby fully leveraging the dual role of universities; reiterates, in this context, the necessity of creating favourable conditions and opportunities for researchers by using high-quality research infrastructure; calls on the Commission to ensure the inclusive design of these partnerships based on transparency, a balanced representation of the stakeholders and continuous openness, and to offer sufficient opportunities for such divergent stakeholders to take part;
8. Underlines that any calls for funding must be transparent and announced well in advance; stresses further that the joint industrial technology roadmaps should take better account of 'bottom-up' input and inclusive participation, and not take industry alone as the primary source of input, but also accept input from the most recent state-of-the-art R&I, as well as from consumer organisations and social partners;
9. Calls on the Member States to translate the 'new ERA' into concrete policies and funding actions aimed at contributing to the 'green' and 'digital' twin transitions, the implementation of an ambitious European Green Deal and industrial strategy, a resilient recovery and unmet medical needs; stresses the importance of adequate links within and between innovation and industrial ecosystems and their actors, including academia, industry, the public sector at various levels, the general public and civil society across the EU to ensure that research results are applied faster in the economy and society; underlines, in this context, the vital role of SMEs in addressing innovation and technology development and the potential of traditional SMEs that still needs to be unlocked; emphasises the role of the 'ERA hubs' as a tool to ensure the availability of high-quality science in all EU cities and regions, and also for boosting regions where there are opportunities for sustainable growth;
10. Is concerned that the process of improving the quality of R&I systems is slowing down and is showing uneven progress across the Union ⁽³⁾;
11. Underlines the important role played by R&I during the COVID-19 pandemic in coming up with multi-sectoral and transdisciplinary solutions to overcome the crisis; in this regard, welcomes the ERAvsCorona action plan as an example of a rapidly defined and well-targeted action undertaken together with Member States;

⁽³⁾ See the ERA Progress Report 2018.

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12. Underlines that the COVID-19 pandemic has not only demonstrated the importance of R&I cooperation, but also of open science practices and infrastructures to rapidly deliver solutions to the most demanding societal needs; stresses that the ERA has a key role to play in advancing open science and the sharing of research results, data and infrastructure, as well as in making sure that all scientific publications resulting from publicly funded research should, by default, be published in open access journals, while research results and data should be made available according to the FAIR (findable, accessible, interoperable, reusable) principles;

13. Highlights that the COVID-19 pandemic has increased the demand for better connectivity and has therefore accelerated the digital transition; regrets, however, that technology sharing and intellectual property rights were insufficiently taken into account;

14. Calls for a balance to be struck between fundamental research and more applied research leading to concrete innovation across the ERA, and underlines that both are crucially important;

15. Highlights that fundamental research refers to the activities of scientists who are investigating questions for the sake of building knowledge, independently of economic profitability or short-term applicability;

16. Points out that the new ERA needs to fully embrace the green and digital twin transitions and contribute to accelerating the R&I effort in this context by, inter alia, better aligning and reinforcing R&I investments through exploiting synergies with the Recovery and Resilience Facility (RRF), as well as improving collaboration between private and public R&I not only within, but also between the Member States, in order to accelerate the societal uptake and early market deployment of innovative technologies and solutions which are vital to reaching the EU's climate targets, as well as tapping into the major economic opportunities provided by the twin transitions;

Funding and synergies

17. Stresses that in view of the fact that Europe is facing pressing societal, ecological and economic challenges, aggravated by the COVID-19 crisis, it is high time to retool the ERA in order to deliver on Europe's recovery and build a new socially, economically and environmentally resilient model for the EU; is therefore concerned about the slow pace of alignment between national policies and the policies agreed with the Member States at EU level;

18. Invites the Member States to increase the national budgets devoted to R&I; welcomes in this respect the reconfirmation by the Council of the 3 % of GDP investment objective in the Council conclusions of 1 December 2020; regrets the fact that in these conclusions, the Council did not commit to the proposed investment objective of 1,25 % of GDP for public funding of R&I;

19. Recalls the importance of R&I's contribution to achieving the goals set out in the Paris Agreement and the objectives of the European Green Deal; encourages an overall increase in the national budgets devoted to R&I in clean energy technologies, thereby fostering national objectives and funding targets that indicate concrete and relevant pathways to 2030 and 2050;

20. Insists on the importance of creating and utilising to the full synergies between European funding instruments, especially between Horizon Europe, Erasmus+, the Cohesion Policy Funds, NextGenerationEU, the Single Market Programme, InvestEU, LIFE +, the Just Transition Fund and the EU external action instruments, the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), EU4Health and the Digital Europe Programme, and asks the Commission to provide clear, simple and practical guidance and streamlined tools to Member States on how best to implement these synergies in the national and regional contexts; in this context, stresses the importance of the Recovery and Resilience Facility (RRF) that will support smart, sustainable and inclusive growth, including R&I infrastructures, and will greatly contribute to the implementation of the 'new ERA';

21. Is of the opinion that the recovery plans and the NextGenerationEU represent an opportunity to reinforce the knowledge triangle and to strengthen skills, education and research; stresses the need for more structured links with the initiatives to reinforce the European Education Area and the European Innovation Area; welcomes the Council's plan to include the strengthening of the ERA in the national recovery plans;

22. Underlines the importance of cooperation, from the design phase of projects between academia, research institutions and industry onwards, in order to promote science, as well as innovative technologies and solutions aimed at sharing resources and complementary advantages, and to complete technological innovation projects together in order to

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create market-ready products, services or processes and increase well-being; encourages, in the context of the 'new ERA', mutual exchanges and increased collaboration between different actors with the objective of enhancing the educational experience, speeding up the knowledge transfer process, raising awareness and providing solutions to overcome social, environmental and economic challenges;

23. Highlights the potential of a multidisciplinary and multi-stakeholder approach to ecosystems, combining Europe's creative and cultural strengths and assets; notes the synergy benefits created by uniting different sectors and scientific disciplines, including art, design and the creative fields, and social science and the humanities;

24. Recognises the role that the private sector plays in improving our R&I capacities, in scaling up new innovations and in boosting Europe's competitiveness and sustainability; underlines that a significant societal impact can be created, inter alia, by the uptake of the latest research knowledge in start-ups, established businesses and industry; highlights the need to strengthen strategic long-term cooperation between academia and business in order to advance public interest objectives and to integrate the knowledge triangle to bring about better societal outcomes; stresses that industry and SMEs can have a major role in contributing to long-term investments and to bridge the 'valley of death', and invites the Commission to look into how to better exploit synergies between public and private R&I investments, also in relation to training, skills and the development of research activity;

25. Reiterates, in the context of the 'new ERA', the importance of applying the existing intellectual property framework and supporting the forthcoming Unitary Patent and all necessary flexibilities, in order to strike a balance between the enforcement of effective intellectual property rights and the push for innovation; highlights the potential role of the forthcoming Unitary Patent in streamlining procedures and reducing administrative burdens for European innovators;

Reducing the gap

26. Believes that one of the keys to the success of significantly increased public spending on R&I lies in integrating the different European, national and private funding streams, including the convergence of funding through Horizon Europe, the RRF, the EU Cohesion Funds and national R&D funding;

27. Calls for an ambitious Horizon Europe 'Widening participation and strengthening the ERA' package that supports collaborations between Member States in order to achieve balanced access to excellence;

28. Calls on the Member States, as soon as possible, while taking into account the recovery from the pandemic, to support the 'new ERA' with national reforms and resources complementing the EU funding instruments through the implementation of new tools, namely the part on 'Widening participation and strengthening the European Research Area' under Horizon Europe that will help narrow the R&I performance gap and reduce inequalities between different countries and regions; in this regard, highlights the need to address investments and reforms in R&I; welcomes the creation of the 'ERA Forum for Transition' and the prospective Pact for R&I; notes that success of the pact will depend on broad support for it within the sector and therefore calls for the inclusion of Parliament and stakeholders in the process of developing the pact;

29. Acknowledges the significant role of regional governments in promoting R&I policies, as well as the importance of regional R&I ecosystems; calls on the Commission and the Member States to embrace a multi-level form of governance that includes regional and local governments in order to enhance regional ecosystems and 'ERA hubs';

30. Underlines the need to ensure synergies between the 'ERA Hubs' and other R&I-related hubs such as the European Institute of Innovation and Technology (EIT) Innovation Hubs, the Digital Innovation Hubs and networks, such as the AI Digital Innovation Hubs, among others, and the European Enterprise Network;

31. Encourages initiatives aimed at further enhancing investment in skills, research and innovation in the Member States that, according to the European Innovation Scoreboard, are still considered modest and moderate innovators; welcomes the initiatives already in place to bridge the gap which these Member States face, including the EIT Regional Innovation Scheme;

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32. Stresses that the ERA should prioritise access to excellence, the mobility of researchers and the free flow of knowledge, promote inclusiveness and spread opportunities throughout the whole territory of Europe, strengthening links and synergies between different R&I communities, thereby contributing to the full use of Europe's R&I potential; highlights that by prioritising excellence, the ERA can play a central role in reducing disparities within the Union and help bridge the research gap that still exists;

33. Stresses that societal needs and interests should be at the centre of R&I and that the engagement of citizens, local communities and civil society should therefore be at the core of the new ERA in order to facilitate societal uptake and thereby achieve greater societal impact and increased trust in science; calls, therefore, for enhanced science communication and awareness-raising campaigns, as well as the close involvement of civil society and end users from the beginning of the R&I processes, including representative organisations of groups at higher risk of exclusion such as persons with disabilities and other under-represented groups in society, in order to address critical issues related to their exclusion in the R&I, as well as to make sure that the subsequently developed technologies and innovations indeed serve society and not the other way around;

34. Welcomes the Commission's plans to improve access to institutions of excellence and infrastructures for researchers from across the EU; underlines, however, the need for more targeted support aimed at helping to close the R&I gap in the Union;

35. Underlines the importance of reducing fragmentation in access to research data and recognises the importance of the European Open Science Cloud (EOSC) in the context of the 'new ERA' aimed at bringing together institutional, national and European stakeholders, initiatives and data infrastructures in order to develop an inclusive open science ecosystem in the EU; asks that participation in open science and data sharing initiatives be promoted by improving European data sharing infrastructures and fostering the use of data standards;

Careers

36. Stresses the importance of empowering women and girls to enter STEM careers and asks the Member States and the Commission to draw up measures to improve the conditions for women to pursue research careers and reduce the leaky pipeline effect; calls for the attractiveness of employment opportunities for young researchers and under-represented groups to be improved, also in the light of the crucial contribution of women to scientific and R&D activities, while decreasing the gender pay gap in the sector; encourages the Member States and research organisations, including universities, to support flexible working conditions and arrangements for both women and men in R&I, including support for the equal sharing of care responsibilities, and to review the assessment of researchers' performance in order to eliminate gender bias; insists, furthermore, on a better integration of the gender dimension in the R&I content and on improved collection of disaggregated data and results;

37. Expresses its appreciation for the ERA4You initiative of targeted mobility measures aimed at supporting researchers in Member States with a low R&I performance to learn and develop excellence and to foster the mobility of researchers between industry and academia;

38. Takes note of the launch of the ERA Forum for Transition to support Member States in the coordination and prioritisation of national R&I funding and reforms;

39. Notes that talent circulation and R&I opportunities vary greatly between Member States; believes that the Commission and the Member States should strive for talent circulation as a balanced circular movement of researchers, thereby tackling the problem of the 'brain drain'; considers that achieving such a balance requires action at European level through policy measures and instruments;

40. Highlights the importance of incentive schemes encouraging the mobility of researchers (ERASMUS+, Marie Skłodowska-Curie actions, European Research Council); recalls, in this context, the study on support measures for researchers to return to the Union and to their country of origin within the Union, provided for in Horizon Europe, which can be a useful tool to demonstrate the need for measures to promote the return of researchers;

41. Calls on the Commission to develop further instruments and measures to attain this aim, such as through the ERA Hubs and ERA4You, the Widening Actions and support instruments, in order to design and implement reforms in the national R&I systems, such as the Horizon Policy Support Facility;

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42. Welcomes the initiative to develop a toolbox to support research careers; regrets the fact that the Commission only envisages adopting it by 2024 and asks for its early adoption in order to enhance mobility, develop competences and skills, provide targeted training courses and improve employability;

43. Calls for the Commission to identify and break down the persistent barriers faced by researchers when they consider moving to other European countries and regions, including non-research-related barriers, such as social security, pensions and human resources policies involving recognition and reward systems, as well as childcare facilities and work-life balance; to this end, calls on the Commission and national agencies to work together and improve the collection and comparability of information on researchers' recruitment and mobility, and career development patterns;

44. Supports the Commission's plan to build on the pan-European pension fund for researchers (RESAVER) and develop an overarching researchers' careers framework to further promote cross-border and cross-sector mobility, to enhance comparability and transparency in relation to career opportunities and to better attract highly skilled talent from third countries;

45. Is convinced that researchers are one of the most important resources of research systems, innovation and sustainable growth and that they must be provided with adequate conditions to perform their work; also believes that employers and funders should ensure that the working conditions for researchers provide the flexibility and the autonomy deemed essential for successful research performance, allow both women and men researchers to combine family and work, and improve access to infrastructures, computing power and opportunities; calls for the systematic acknowledgement of the opportunities offered by virtual researcher mobility;

46. Emphasises the essential role of skills; is of the opinion that 'putting knowledge first' represents one of the crucial pillars of the new ERA; underlines the role of universities in promoting lifelong learning, skilling and re-skilling in order to enhance opportunities for all workers and meet the skills needs of the labour market arising from the green and digital transitions and in contributing to a swift recovery from the COVID-19 crisis;

47. Calls on the Commission to work together with the Member States to identify policies and procedures that could support the better management of research careers, reduce precariousness, promote inclusion and diversity, and ultimately increase the quality of the science produced;

Research-enabling conditions

48. Is of the opinion that the Union should be equipped with world-class infrastructures and equipment in order to perform R&I activities, support industries and SMEs, and unlock the innovation potential to deliver on European policy objectives;

49. Recognises the importance of the European Strategy Forum on Research Infrastructures roadmap for the development of R&I infrastructures which represent a key pillar of the ERA, and underlines the importance of developing new pan-European infrastructures;

50. Calls on the relevant institutions to support young researchers by providing adequate conditions and opportunities and to adopt urgent measures, such as extending the duration of grants and projects, adjusting deadlines and improving access to facilities;

51. Asks for new and existing talent to be promoted and for the provision of a focal point for exchange and interaction for researchers at all stages of their careers, across all areas of Artificial Intelligence, given that it has become a major driver of innovation, future growth and competitiveness and is crucial in addressing the major challenges faced by society, such as climate change, energy and mobility, food and natural resources, health and inclusive societies; highlights the importance of fostering the development of 'ERA Hubs' around the EU, which increase access to these tools and contribute to the reduction of the skills gap in that field;

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52. Highlights that it is crucial to quickly develop an EOSC based on the FAIR principles; is concerned at the slow progress towards this objective; urges the Commission to accelerate the scaling up of the EOSC into a trusted R&I data space; recalls the importance of connecting all initiatives related to data sharing, such as those related to the creation of European Data Spaces for health, energy, manufacturing, mobility, agriculture, finance, skills and public administrations;

Principles

53. Underlines that the ERA cannot be completed without guaranteed academic freedom within the Union; welcomes the principle of academic freedom as a fundamental pillar in the new ERA;

54. Calls on the Commission to ensure that the ERA promotes respect for academic freedom in all European countries in order to guarantee scientific excellence, and in line with Article 13 of the Charter of Fundamental Rights of the European Union;

55. Highlights the need to respect ethical practices and fundamental ethical principles, as well as ethical standards, as documented in the different national, sectoral or institutional Codes of Ethics; recalls the importance of applying the principles laid down in Article 19 of the Horizon Europe Framework Programme on ethics to EU research programmes;

56. Stresses the need to engage citizens to contribute to the development of new knowledge and innovation for our society; calls on the Commission to enhance the dialogue with civil society, raise awareness and favour active participation in all stages of scientific inquiry, thereby enabling citizens to co-design solutions, contribute to ideas and create constructive attitudes towards science and its mission; invites the relevant institutions to pay special attention to the opportunities to engage young people and students;

Global dimension

57. Stresses that international cooperation is an important component allowing the ERA to enhance knowledge sharing and skills, and to improve R&I capacities;

58. Underlines that reforming the ERA and updating the EU's and Member States' strategic approach to international collaboration beyond the ERA need to go hand in hand; calls, therefore, for an update of the Commission's 2012 communication on international collaboration in R&I, which should include a fresh approach to collaborating with low- and middle-income countries;

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59. 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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P9_TA(2021)0355

The case of Ahmadreza Djalali in Iran**European Parliament resolution of 8 July 2021 on the case of Ahmadreza Djalali in Iran (2021/2785(RSP))**

(2022/C 99/18)

The European Parliament,

- having regard to its previous resolutions, in particular those of 17 December 2020 on Iran, in particular the case of 2012 Sakharov Prize Laureate Nasrin Sotoudeh ⁽¹⁾, of 19 September 2019 on Iran, notably the situation of women's rights defenders and imprisoned EU dual nationals ⁽²⁾, of 13 December 2018 on Iran, notably the case of Nasrin Sotoudeh ⁽³⁾ and of 31 May 2018 on the situation of imprisoned EU-Iranian dual nationals in Iran ⁽⁴⁾,
 - having regard to the statements on Iran of 18 March 2021 issued by the Office of the UN High Commissioner for Human Rights requesting the immediate release of Dr Ahmadreza Djalali and of 25 November 2020 calling on Iran to halt his execution, as well as the opinion of its Working Group on Arbitrary Detention of 24 November 2017 concerning Ahmadreza Djalali (Islamic Republic of Iran),
 - having regard to the statement of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran of 26 October 2020 urging accountability for violent protest crackdowns, and his report of 21 July 2020 on the situation of human rights in the Islamic Republic of Iran,
 - having regard to the Fifth EU-Iran High-Level Dialogue of 9 December 2020,
 - having regard to the EU guidelines on the death penalty, on torture and other cruel treatment, on freedom of expression online and offline and on human rights defenders,
 - having regard to the International Covenant on Civil and Political Rights of 1966, to which Iran is a party, and the safeguards against torture and arbitrary detention laid down in the Iranian Constitution,
 - having regard to Iran's presidential election of 18 June 2021,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas Swedish-Iranian national Dr Ahmadreza Djalali, who specialises in emergency medicine and is a scholar at Belgium's Vrije Universiteit Brussel and Italy's Università del Piemonte Orientale, was arrested on 24 April 2016 by the Iranian security forces; whereas he was sentenced to death on spurious espionage charges in October 2017 following a grossly unfair trial based on a confession extracted under torture; whereas the sentence was upheld by Iran's Supreme Court on 17 June 2018; whereas in a letter he wrote in Evin prison in Tehran, he stated that he had been imprisoned during a trip to Iran for refusing to spy on European institutions; whereas he was informed by the prosecutor's office on 24 November 2020 that his execution was imminent and was then transferred to solitary confinement for over 100 days until April 2021, after which he was transferred to one of the general wings; whereas he has been denied visits and phone calls with his family in Sweden; whereas his death sentence has not been commuted since his transfer to a general wing; whereas he has only had intermittent access to his lawyer in the past seven months and had no access prior to that;

⁽¹⁾ Texts adopted, P9_TA(2020)0376.

⁽²⁾ OJ C 171, 6.5.2021, p. 17.

⁽³⁾ OJ C 388, 13.11.2020, p. 127.

⁽⁴⁾ OJ C 76, 9.3.2020, p. 139.

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- B. whereas in November 2017, the UN Working Group on Arbitrary Detention concluded that the deprivation of liberty of Dr Ahmadreza Djalali — in violation of Articles 3, 5, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and Articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights — is arbitrary and called for his release;
- C. whereas the state of Dr Ahmadreza Djalali's health has become critical following months of prolonged solitary confinement; whereas he has been denied medical care from outside the prison since 2016 and has been forced to remain in a room with bright lights continuously switched on; whereas his physical and psychological condition has severely deteriorated since, with symptoms including sleep deprivation, dramatic weight loss and difficulty in speaking;
- D. whereas Iran has been actively imprisoning foreign nationals in order to blackmail foreign governments; whereas at least a dozen EU nationals are being arbitrarily detained in Iran; whereas French-Iranian academic Fariba Adelkhah, a research director at Sciences Po in Paris, has been arbitrarily detained since June 2019, first at Evin prison and then under house arrest since October 2020; whereas French photographer Benjamin Brière has been arbitrarily detained since 26 May 2020 at Mashhad prison and whereas espionage charges were brought against him on 30 May 2021; whereas German-Iranian national Nahid Taghavi has been arbitrarily detained since October 2020 at Evin prison under dubious national security charges; whereas Iran does not recognise dual nationality, thereby limiting the access foreign embassies have to their dual nationals;
- E. whereas Iran is also arbitrarily detaining its own citizens in dire conditions; whereas courts often deny defendants the right to a fair trial and restrict legal counselling and visits from consular authorities and UN and humanitarian organisations; whereas sentences are often based on unsubstantiated allegations; whereas Iran's judiciary system and judges are far from independent and do not meet international standards; whereas the Iranian authorities have not investigated allegations of torture and other serious violations of detainees' rights; whereas judicial harassment is being used to silence human rights defenders;
- F. whereas Iran has the world's highest number of executions per inhabitant;
- G. whereas the EU and its Member States have continuously engaged in diplomatic talks to improve relations with Iran, leading to the adoption of the Joint Comprehensive Plan of Action on 18 October 2015; whereas the EU remains committed to improving relations under certain conditions; whereas respect for human rights is an essential component for the further development of these relations;
1. Calls on Iran, under its newly elected President Ebrahim Raisi, to halt the imminent execution of Swedish-Iranian academic Dr Ahmadreza Djalali, to pardon and release him immediately and unconditionally, and to allow him to return to his family in Sweden; firmly condemns his torture, arbitrary detention and death sentence on unsubstantiated charges as documented in the 2017 opinion of the Office of the UN High Commissioner for Human Rights's Working Group on Arbitrary Detention; urges Iran, pending the above, to immediately grant him regular contact with his family and lawyer, to guarantee his safety and provide him with urgent and adequate medical care; calls on Iran to stop threatening his family in Sweden and Iran;
2. Deplores Iran's established policy of arbitrary detention of EU, UK and other nationals to extract political confessions;
3. Urges Iran to immediately drop all charges against Dr Ahmadreza Djalali, as well as all arbitrarily detained EU nationals, including German nationals Nahid Taghavi and Jamshid Sharmahd, French nationals Benjamin Brière and Fariba Adelkhah, the latter of whom remains under a travel ban, and Austrian nationals Kamran Ghaderi and Massud Mossaheb, as well as UK nationals Morad Tahbaz, Anoosheh Ashoori, Mehran Raoof and Nazanin Zaghari-Ratcliffe, the latter of whom remains under house arrest;

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4. Deeply regrets the fact that since Parliament's resolution of 17 December 2020, no EU Member State has managed to visit arbitrarily detained EU nationals, including Dr Ahmadreza Djalali; reiterates its urgent call on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the EU Member States to do their utmost to prevent Dr Ahmadreza Djalali's execution;
 5. Calls on the Council to consider further targeted sanctions, including freezing the assets of the Iranian regime officials and entities involved in the arbitrary detention and sentencing to death of EU nationals, including, in the event of Dr Ahmadreza Djalali's continued detention, either using the current EU human rights sanctions regime against Iran or the EU's global human rights sanctions regime (EU Magnitsky Act);
 6. Welcomes the addition, following their role in the killing of at least 303 protesters in 2019, of eight Iranian individuals and three Iranian entities to the EU sanctions regime on 12 April 2021, which put them under asset freezes and travel bans; notes that it is the first time the EU has taken such a decision since 2013;
 7. Reiterates its strong opposition to the death penalty in all circumstances and stresses that no moral, legal or religious justification may be used; calls on Iran to introduce an immediate moratorium on the use of the death penalty as a step towards abolition;
 8. Calls on Iran to also release political prisoners, including human rights defenders, as they have been arbitrarily detained solely for exercising their fundamental rights to the freedoms of expression, belief, association, publication, peaceful assembly and media freedom; calls on Iran to properly investigate the officials responsible for serious human rights violations, including the use of excessive and lethal force on protesters; denounces the systematic use of prolonged solitary confinement in violation of Iran's international obligations;
 9. Urges the Council to raise human rights violations in its bilateral relations with Iran, in line with the statement jointly issued by the VP/HR and the Iranian Foreign Minister in April 2016; calls on the European External Action Service to continue to raise human rights matters in the context of the EU-Iran High-Level Dialogue; calls on the EU and its Member States to strengthen their protection of and support for human rights defenders, particularly women, including through emergency grants under the European Instrument for Democracy and Human Rights;
 10. Strongly condemns the steadily deteriorating human rights situation in Iran, including and especially for persons belonging to ethnic and religious minorities, due to systemic political, economic, social and cultural discrimination; deplores the alarming escalation in the use of the death penalty against protesters, dissidents and members of minority groups;
 11. Calls on Iran to allow visits by and fully cooperate with all special procedures of the UN Human Rights Council, including the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
 12. 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 UN Secretary-General, the Supreme Leader and the President of the Islamic Republic of Iran and the Members of Iran's Majles.
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P9_TA(2021)0356

Hong Kong, notably the case of Apple Daily

European Parliament resolution of 8 July 2021 on Hong Kong, notably the case of Apple Daily (2021/2786(RSP))

(2022/C 99/19)

The European Parliament,

- having regard to all its previous resolutions on Hong Kong, in particular those of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong ⁽¹⁾, of 19 June 2020 on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy ⁽²⁾, of 18 July 2019 on the situation in Hong Kong ⁽³⁾ and of 24 November 2016 on the case of Gui Minhai, jailed publisher in China ⁽⁴⁾,
- having regard to its previous resolutions on China, in particular those of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs ⁽⁵⁾, of 12 September 2018 on the state of EU-China relations ⁽⁶⁾ and of 16 December 2015 on EU-China relations ⁽⁷⁾,
- having regard to its recommendation of 13 December 2017 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on Hong Kong, 20 years after handover ⁽⁸⁾,
- having regard to the joint statement by Members of the European Parliament David McAllister and Reinhard Bütikofer on the new national security law in Hong Kong of 1 July 2020,
- having regard to the European Parliament Conference of Presidents' press statement of 6 July 2020,
- having regard to the statements by the Spokesperson of the European External Action Service (EEAS) of 23 June 2021 on the closure of Apple Daily's Hong Kong operations and of 17 April 2021 on the sentencing of pro-democracy activists in Hong Kong, to the statement of 9 June 2021 by the VP/HR on the changes to Hong Kong's electoral system, to the declarations by the VP/HR on behalf of the EU of 11 March 2021 on Hong Kong's electoral system and of 7 January 2021 on the mass arrest of people involved in the July 2020 pro-democracy primary elections in Hong Kong, and to all other statements and declarations on the situation in Hong Kong,
- having regard to the declaration of 2 May 2021 by the VP/HR on behalf of the EU on the occasion of World Press Freedom Day,
- having regard to the EU's annual report on political and economic developments in 2020 of 12 March 2021,
- having regard to the 13th annual Structured Dialogue, which took place in Hong Kong on 28 November 2019,
- having regard to the Council conclusions on Hong Kong of 28 July 2020,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966, and the concerns raised by the UN Human Rights Committee in its List of Issues for Hong Kong of 26 August 2020,

⁽¹⁾ Texts adopted, P9_TA(2021)0027.

⁽²⁾ Texts adopted, P9_TA(2020)0174.

⁽³⁾ OJ C 165, 4.5.2021, p. 2.

⁽⁴⁾ OJ C 224, 27.6.2018, p. 78.

⁽⁵⁾ Texts adopted, P9_TA(2021)0255.

⁽⁶⁾ OJ C 433, 23.12.2019, p. 103.

⁽⁷⁾ OJ C 399, 24.11.2017, p. 92.

⁽⁸⁾ OJ C 369, 11.10.2018, p. 156.

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- having regard to the statement of 24 June 2021 by the UN High Commissioner for Human Rights, Michelle Bachelet, that Hong Kong's new national security law was leading journalists to 'self-censor' to avoid clashing with 'vaguely formulated offences', and to her statement of 21 June 2021 at the 47th session of the Human Rights Council,
 - having regard to the UN experts' call of 26 June 2020 for decisive measures to protect fundamental freedoms in China,
 - having regard to the adoption of the National Security Law in Hong Kong by the Standing Committee of China's National People's Congress on 30 June 2020,
 - having regard to the G7 Summit communiqué of 13 June 2021 and to the G7 statement of 12 March 2021 on electoral changes in Hong Kong,
 - having regard to the Basic Law of the Hong Kong Special Administrative Region (HKSAR) adopted on 4 April 1990, which entered into force on 1 July 1997,
 - having regard to the Joint Declaration of the Government of the United Kingdom and the Government of the People's Republic of China on the Question of Hong Kong of 19 December 1984, also known as the Sino-British Joint Declaration,
 - having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 12 March 2019 entitled 'EU-China — A strategic outlook' (JOIN(2019)0005),
 - having regard to the EU's 'One China' policy and to the 'one country, two systems' principle,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the promotion of and respect for human rights, democracy and the rule of law should remain at the centre of the long-standing relationship between the EU and China, in line with the EU's commitment to upholding these values in its external action and China's expressed interest in adhering to them in its own development and international cooperation;
- B. whereas on 17 June 2021, 500 Hong Kong armed police raided the offices of the largest pro-opposition newspaper, Apple Daily, forcing journalists to leave the newsroom, and sifted through reporters' computers, phones and journalistic material, in the first case in which authorities have cited media articles as potentially violating the Hong Kong National Security Law (NSL); whereas five of the paper's senior executives and editors were arrested, including Editor-in-Chief Ryan Law, Chief Executive Cheung Kim-hung, Chief Operating Officer Royston Chow, Associate Publisher Chan Puiman and Director of Apple Daily Digital Cheung Chi-wai;
- C. whereas, according to a Hong Kong police spokesperson, the newspaper executives and editors were arrested for their role in the publication of more than 30 articles calling on foreign countries to impose sanctions in relation to the NSL; whereas such calls were considered by the Hong Kong authorities as collusion with foreign countries endangering national security;
- D. whereas on 23 June 2021, police also arrested Apple Daily's China Beat editorial writer Yeung Ching-kee (also known as Li Ping) and also charged him with 'conspiracy to collude with foreign forces', and former senior editorial writer at Apple Daily Fung Wai-kwong (also known as Lo Fung) was arrested on 27 June 2021 for the same offence;
- E. whereas, following the freeze of all its assets (around EUR 2 million) by the Hong Kong authorities on the basis of the NSL, Apple Daily was forced to definitively close on 24 June 2021 after 26 years; whereas more than 800 Apple Daily staff have lost their job and are unlikely to be re-employed in Hong Kong;

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- F. whereas the founder of Apple Daily, Jimmy Lai, is serving 20 months in jail for his involvement in the 2019 protest movement and faces additional charges under the NSL that carry a possible life sentence; whereas Apple Daily had always been an open and critical voice vis-à-vis the mainland and Hong Kong's leadership and was the only Chinese-language newspaper in Hong Kong that was free from the Chinese Government's control;
- G. whereas the NSL allowed one single official, namely the Hong Kong Secretary for Security, to freeze all the assets of Apple Daily, without a formal charge or a fair trial, simply based on claims of violations of the NSL; whereas such a procedure could be applied to any publicly traded entity or to any company simply doing business in Hong Kong;
- H. whereas 30 June 2021 marked the first anniversary of the entry into force of the NSL; whereas the authorities had announced that the law would only target an 'extreme minority' threatening public security; whereas, however, over the course of one year, the law was applied to completely dismantle Hong Kong's free society on almost all fronts, based on an array of such vaguely defined charges as 'subversion', 'secession' and 'collusion with foreign forces', completely transforming Hong Kong's political and legal landscape and stifling freedom of the press and free expression of opinions; whereas national security was used to justify censorship, harassment, arrests and prosecutions systematically targeting political and elected representatives, activists, students and journalists in the pro-democracy camp; whereas it is estimated that 128 people have been arrested under the NSL and 64 people formally charged, of whom 47 are currently in pre-trial detention; whereas the NSL completely violates the 'one country, two systems' principle; whereas the erosion of press freedoms is also counter to Hong Kong's aspiration as an international business hub;
- I. whereas, since its entry into force, the NSL has been used to intimidate, attack and even harass journalists and the media, who had already started to quit their jobs as a result; whereas at least 10 journalists and defenders of press freedoms are now facing potential life sentences; whereas the forced closure of Apple Daily, based on charges that its activities constitute a threat to national security, amounts to the definitive end of media freedom and freedom of expression in Hong Kong;
- J. whereas on 27 June 2021 another independent media outlet, Stand News, announced the deletion of all opinion articles from its website and six directors resigned; whereas the Hong Kong Journalists Association has warned against further arrests of journalists and reported that the authorities have drawn up a list of individuals to be arrested under the NSL;
- K. whereas at least two foreign judges have resigned from their position citing the NSL as the main reason; whereas in June this year pro-Beijing law-makers successfully intervened, for the first time, in the appointment of a senior judge to the Hong Kong Court of Final Appeal, in what appears to be a first concrete step in attempting to undermine the independence of the judiciary;
- L. whereas the Hong Kong authorities have introduced a National Security Law whistleblower hotline; whereas education material and curricula in primary and secondary schools, including international schools attended by expatriate children, are now being vetted based on NSL principles;
- M. whereas 10 prominent pro-democracy figures, namely Martin Lee, Albert Ho, Jimmy Lai, Margaret Ng, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Au Nok-hin, Leung Yiu-chung and Yeung Sum, were sentenced on 16 April 2021 in Hong Kong, in two separate cases, for their peaceful involvement in protests; whereas their sentences range from prison sentences ranging between 8 and 18 months, and suspended prison sentences from 8 to 12 months in five of the cases; whereas these latest decisions follow the sentencing of Joshua Wong and Sze-yiu Koo on 13 April 2021; whereas the lengthy imprisonment of some of the individuals for non-violent acts when exercising protected civic rights is a further sign of the continued shrinking of democratic space and erosion of fundamental freedoms in Hong Kong;

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- N. whereas the NSL is de jure and de facto in clear violation of the 1984 Sino-British Joint Declaration and the 1990 Basic Law of the HKSAR, which guarantees the autonomy and the independence of the executive, legislature and judiciary, as well as basic rights and freedoms such as freedom of speech, assembly, association and of the press for 50 years after the handover of sovereignty; whereas the NSL also prevents Hong Kong from abiding by its international human rights obligations, including the ICCPR; whereas both the Joint Declaration and the Basic Law enshrine the ‘one country, two systems’ principle’ as agreed between China and the United Kingdom;
- O. whereas the EU and the European Parliament have always strongly supported the ‘one country, two systems’ principle and the preservation of Hong Kong’s high degree of autonomy in line with the Basic Law and international commitments, and whereas the EU has a strong stake in the continued stability and prosperity of Hong Kong under this principle; whereas in the current circumstances these principles are being inevitably and irreversibly undermined and nullified;
- P. whereas the EU continues to have deep concerns regarding the People’s Republic of China’s (PRC) NSL for Hong Kong; whereas this is a sensitive issue, with far-reaching consequences for Hong Kong and its people, for EU and foreign citizens, for EU and international civil society organisations, as well as for business confidence in Hong Kong; whereas the entry into force of the NSL would increase the risks for EU citizens;
- Q. whereas according to the Human Rights Watch annual report, China is in the midst of its darkest period for human rights since the Tiananmen Square massacre;
- R. whereas the journalists at Macao’s public broadcaster have been ordered to promote ‘patriotism, respect and love’ for China, and at least six journalists have resigned after the introduction of new editorial rules, showing that concerns over the NSL also affects other regions; whereas the Macao Basic Law also protects freedom of press and is in place until 2049;
- S. whereas a joint statement delivered by Canada on behalf of 44 states — the highest number of signatories so far — including 23 EU Member States, was adopted at the ongoing session of the UN Human Rights Council;
1. Condemns in the strongest terms the forced closure of the Apple Daily newspaper, the continued freezing of its assets and the arrests of its journalists as yet another step by the PRC in dismantling free society in Hong Kong and setting the definitive end of media freedom and freedom of expression there;
 2. Is alarmed by the rapid deterioration of the human rights situation in Hong Kong and more specifically the open attacks against freedom of speech and freedom of the press, as the PRC continues to undertake an unprecedented crackdown on fundamental freedoms, which has unfolded into a human rights emergency, and stresses the need for the EU to take urgent and resolute action;
 3. Expresses its strongest solidarity with all Hong Kong journalists who, despite the entry into force of the NSL, have continued to strenuously defend media freedom and independent journalism and to keep reporting on the dramatic evolution of events in Hong Kong; calls on the Hong Kong authorities to end all legal harassment and all intimidation directed at journalists and to strive for the protection and the safety of journalists against all forms of violence, pressure, discrimination, unfair legal proceedings and all attempts aimed at preventing them from accomplishing their mission or of weakening their ability to do so in accordance with international norms, especially with Articles 19 and 21 of the ICCPR on the right to freedom of expression and the right to freedom of peaceful assembly;
 4. Urges the Hong Kong authorities to immediately and unconditionally release and drop all charges against all journalists, as well as all peaceful protesters, activists and political representatives, who have simply exercised their right to freedom of expression and other human rights and who have been arrested on charges pursuant to the NSL; calls for a stop to politically motivated prosecutions and other legal procedures against peaceful protesters with a view to silencing critical voices and deterring people from participating in the public sphere;

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5. Reiterates its grave concern about the entry into force of the NSL on 30 June 2020, which is in breach of the PRC's commitments and obligations under international law, namely the Sino-British Joint Declaration, and is a comprehensive assault on the city's high degree of autonomy, rule of law and fundamental freedoms; recognises that the law has been used numerous times as grounds for disqualifying and imprisoning electoral candidates and politicians, arresting students over social media posts and banning common protest slogans; stresses that the NSL prevents a relationship of trust between China and the EU, undermines future cooperation and leads to a further erosion of Beijing's credibility on the international stage;
6. Condemns any attempts at muzzling pro-democracy activists, including the blocking of pro-democracy websites, on grounds of the NSL; reiterates that the freedom of expression and of information is a fundamental right enshrined in Hong Kong's domestic and international law;
7. Expresses grave concern over the reported practices of secret detention, torture and ill-treatment, and forced confessions by the Hong Kong Police Force and in Hong Kong jails, including concerns over individuals currently awaiting trial who are being held in solitary confinement for long periods of time;
8. Condemns the emerging restrictions on the independence of the judiciary and the increasing politicisation of courts; stresses the urgent need to prevent, as the next step, the dismantling of Hong Kong's independent judiciary and calls on the EEAS to prepare a detailed public report on the rule of law and the independence of the judiciary in addition to the Hong Kong annual report;
9. Expresses concern at the recently adopted changes to Hong Kong's electoral law, which introduce a 'patriot-only' principle and set up a vetting committee to screen all election candidates, which will weed out any last remaining dissenting voices and totally runs counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;
10. Urges the Chinese authorities to repeal the NSL, which damages Hong Kong's international status, and urges the Hong Kong authorities to fully restore respect for the rule of law, human rights, democratic principles and the high degree of autonomy under the 'one country, two systems' principle, as enshrined in the Hong Kong Basic Law and in line with its domestic and international obligations;
11. Calls on the Commission and the Member States to address the NSL as a top priority on the agenda of all EU-China meetings, including in diplomatic consultations in preparation for those meetings; recalls the importance of the EU continuing to raise the issue of human rights violations in China, in particular the case of minorities in Xinjiang and Tibet, at every political and human rights dialogue with Chinese authorities and in line with the EU's commitment to project a strong, clear and unified voice in its approach to China; recalls that China has signed up to a wide range of international human rights treaties and conventions and therefore highlights the importance of pursuing dialogue with China to ensure that China lives up to its commitment to abide by the international human rights framework;
12. Deeply regrets the failure to adopt Council conclusions on Hong Kong at the April EU Foreign Affairs Council; strongly supports the VP/HR in submitting draft conclusions at the earliest opportunity, and urges the Member States to address the impasse and adopt new measures including targeted sanctions under the EU global human rights sanctions regime, including the implementation of travel bans and asset freezes, against individuals and entities in Hong Kong and China for the serious violations of human rights and international law in Hong Kong, including Carrie Lam, Teresa Yeuk-wah Cheng, Xia Baolong, Zhang Xiaoming, Luo Huining, Zheng Yanxiong, Chris Tang Ping-keung, Stephen Lo Wai-chung, and John Lee Ka-chiu, as well as PRC institutions, which have a crucial role in adopting measures and complicit actions undermining Hong Kong's high degree of autonomy and freedoms;
13. Reiterates its position on the EU-China Comprehensive Agreement on Investment, expressed in its resolution of 21 May 2021, including the urgent need to adopt additional targeted measures under the EU global human rights sanctions regime, as necessary, in order to continue addressing the repression in Xinjiang and Hong Kong and aimed at China putting an end to all the violations;

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14. Calls on the EEAS and the Council to continue assessing and making progress on the package of measures adopted in July 2020 and to set a clear timeline for their implementation; calls on the EEAS to continue its assessment of, and to prepare concrete responses to, the possible extraterritorial effects of the NSL, in particular Article 38 thereof, which provides that the law is applicable also to those who are not permanent residents of Hong Kong; welcomes the decision by EU Member States and other international partners to suspend extradition treaties with Hong Kong; reiterates its demand that the 10 remaining Member States' extradition treaties with China be suspended;

15. Recalls and reiterates its condemnation of the complicity of EU-based banks in freezing the assets and bank accounts belonging to former pro-democracy law-makers; calls on the EEAS to evaluate the level of compliance, involvement and collaboration of EU-based companies with the Hong Kong authorities in enforcing the NSL, and calls on the Member States to reach out to EU-based banks to release assets belonging to Hong Kong pro-democracy activists;

16. Calls on the Commission to assess the long-term commercial impact for EU firms operating in Hong Kong in light of the implementation of Hong Kong's NSL, with reference to the changing rule of law and free flow of information and capital in the city; calls on the Commission and the EEAS to continue applying and working on appropriate export control mechanisms to deny China and Hong Kong access to technologies used to violate human rights, and to consider rules to prevent European investment in companies that are complicit in gross human rights violations in China and Hong Kong, including the option of an entity list;

17. Strongly welcomes the steps taken by the UK, Australia and Canada to open schemes to offer Hong Kong citizens the opportunity to live and work in their respective countries; reiterates its urgent call on the Member States to coordinate the implementation of a 'lifeboat scheme' for pro-democracy activists and political leaders in Hong Kong following this escalating deterioration of human rights and fundamental freedoms, and to issue emergency travel documents for journalists in Hong Kong who are at risk of arrest under the NSL;

18. Urges all EU and European diplomatic personnel to do everything they can to provide protection and support to peaceful activists and political leaders in Hong Kong, including also attending trials, requesting prison visits and consistently and resolutely reaching out to local authorities, in full application of the EU Guidelines on human rights defenders and other relevant EU policies, including the new EU Action Plan on Human Rights and Democracy; expects the EEAS and the Council to devise concrete measures to increase support to Hong Kong civil society and media, such as extending the scope of the European Endowment for Democracy to projects located in South-East Asia, and including active engagement with the Hong Kong diaspora;

19. Calls for the EU and the Member States to ensure that the silenced people of Hong Kong are given a voice once more by assisting with the archiving, publicising and documenting of human rights violations, and to counteract the PRC by making books that are banned in Hong Kong widely available online; expresses its support for efforts by international television channels, such as Deutsche Welle and France 24, to regularly report about developments in Hong Kong;

20. Calls on the Commission, the Council and the Member States to decline invitations for government representatives and diplomats to attend the Beijing 2022 Winter Olympics unless the Chinese Government demonstrates a verifiable improvement in the human rights situation in Hong Kong, the Xinjiang Uyghur Region, Tibet, Inner Mongolia and elsewhere in China;

21. Urges the Commission and the Member States to increase the number of academic and training opportunities within the Erasmus programme for students and young graduates from Hong Kong; calls on the EEAS and the Commission to develop and coordinate measures to protect the academic freedom of Hong Kong students and scientists at European universities from pressure from the Chinese authorities;

22. Reiterates its call for the EU and all its Member States to work in a united and resolute fashion towards the holding of a special session or urgent debate on China at the UN Human Rights Council and the launching of an independent UN investigation on China; highlights the growing international support for the launching of an independent inquiry;

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23. Calls for the EU and its Member States to encourage the UN Secretary-General to consider all mechanisms at his disposal to ensure independent monitoring and reporting on the situation in China, including the appointment of a UN Special Envoy; calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong, and to put Hong Kong on the agenda of other international organisations on a regular basis;
 24. Encourages UN members to hold regular public events to raise awareness about the Chinese Government's grave human rights violations, including crimes against humanity, and other violations of international law, including at least one Arria-formula meeting of the UN Security Council; would welcome it if the EU institutions and the Member States were to consider commemorating 1 July as 'Stand with Hong Kong Day' in order to raise the European public's awareness of the situation in Hong Kong each year; reiterates its call for the EU and the Member States to consider filing a case before the International Court of Justice asserting that China's decision to impose the NSL on Hong Kong and its application violate the Sino-British Joint Declaration and the ICCPR;
 25. Deplores the decision by the Hong Kong police to ban the annual 4 June Tiananmen Square vigil and the annual 1 July march while granting special permission for the waiving of COVID-19 restrictions to allow Hong Kong officials to celebrate the centenary of the Chinese Communist Party;
 26. Calls on the VP/HR to cooperate closely with like-minded countries and partners to halt the erosion of Hong Kong's freedoms; welcomes the newly established bilateral EU-US dialogue on China, and insists that stronger coordination on human rights, including with a focus on the situation in Hong Kong, should be a key objective;
 27. Observes that the PRC's policy of abandoning the 'one country, two systems' approach has greatly alienated the people of Taiwan, and emphasises its willingness to cooperate with international partners in order to help secure democracy in Taiwan;
 28. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of the People's Republic of China, and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.
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P9_TA(2021)0357

The death penalty in Saudi Arabia, notably the cases of Mustafa Hashem al-Darwish and Abdullah al-Howaiti**European Parliament resolution of 8 July 2021 on the death penalty in Saudi Arabia, notably the cases of Mustafa Hashem al-Darwish and Abdullah al-Howaiti (2021/2787(RSP))**

(2022/C 99/20)

The European Parliament,

- having regard to its previous resolutions on Saudi Arabia, in particular those of 25 October 2018 on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul ⁽¹⁾, of 14 February 2019 on women's rights defenders in Saudi Arabia ⁽²⁾, of 8 October 2020 on the situation of Ethiopian migrants in detention centres in Saudi Arabia ⁽³⁾, of 11 February 2021 on the humanitarian and political situation in Yemen ⁽⁴⁾,
- having regard to the statement made by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Josep Borrell on 10 December 2020 at the Foreign Affairs Council that 'human rights are in the DNA of the European Union',
- having regard to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966 (ICCPR),
- having regard to the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR),
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT),
- having regard to the Universal Periodic Review (UPR) of Saudi Arabia of November 2018,
- having regard to the UN Convention on the Rights of the Child (CRC),
- having regard to the UN Standard Minimum Rules for the Treatment of Prisoners ('Mandela Rules'),
- having regard to EU Guidelines on the Death Penalty,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the EU Global Human Rights Sanctions Regime,
- having regard to the Arab Charter on Human Rights,
- having regard to the Statement of the UN Special Rapporteurs on the commutation of death sentences of 3 March 2021,
- having regard to the report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, of June 2021, stating that Saudi Arabia is responsible for the 'premeditated execution' of the Saudi journalist Jamal Khashoggi (the Callamard Report),

⁽¹⁾ OJ C 345, 16.10.2020, p. 67.

⁽²⁾ OJ C 449, 23.12.2020, p. 133.

⁽³⁾ Texts adopted, P9_TA(2020)0260.

⁽⁴⁾ Texts adopted, P9_TA(2021)0053.

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- having regard to the report of the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, analysing the killing of human rights defenders in Saudi Arabia presented during the UN Human Rights Council 46th session in March 2021,
 - having regard to the Report of the Office of the Director of National Intelligence assessing the Saudi government's role in the killing of Jamal Khashoggi published in February 2021,
 - having regard to the fact that Loujain al-Hathloul was awarded the Vaclav Havel Human Rights Award 2020 by the Parliamentary Assembly of the Council of Europe,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the Kingdom of Saudi Arabia committed to abolishing the death penalty for all child offenders without exception by 2016 through new legislation, and has confirmed this commitment in diplomatic statements; whereas these statements were made by the Saudi Ministry of Foreign Affairs in September 2016 at the UN Committee on the Rights of the Child, as well as in August 2018, when it declared that 'if the crime committed by the juvenile is punishable by death, the sentence shall be reduced to a term of not more than 10 years detention in the institution';
- B. whereas Saudi Arabia's 2018 Juvenile Law, promulgated by Royal Decree on 31 July 2018, states in Article 15 that 'if the crime committed by the juvenile is punishable by death, the sentence shall be reduced to a term of not more than 10 years detention in the institution'; whereas Saudi Arabia's 2018 Universal Periodic Review at the UN Human Rights Council subsequently noted that the country had made 'remarkable progress in promoting respect for, protection of and fidelity to the rights of the child';
- C. whereas on 15 June 2021, Mustafa Hashem al-Darwish, a young Saudi man from the Shi'a minority, was executed for offences that rights groups say he may have committed as a minor, despite the kingdom's recent announcement that it had abolished the death penalty for minors; whereas he was subjected to a prolonged period of pre-trial detention, torture, and a grossly unfair trial; whereas al-Darwish's charges do not specify the exact date his alleged crimes took place, which means there is a probability that he was a minor at the time of the alleged crimes, and therefore that his sentence should be revised under new national laws on the use of the death penalty against those under 18;
- D. whereas Abdullah al-Howaiti was tried in a mass trial of six individuals in an armed robbery case; whereas the Criminal Court in Tabuk (northern Saudi Arabia) sentenced Abdullah al-Howaiti to death on 27 October 2019 despite the fact that his DNA sample was taken after his arrest, invalidating his identification as possible suspect; whereas al-Howaiti was arrested in May 2017, when he was 14 years old; whereas according to court documents, he was detained in solitary confinement for four months and subjected to torture during his interrogation without the presence of his parents or lawyer; whereas he was detained in the Tabuk Criminal Investigations Unit during this time, instead of in a juvenile detention centre; whereas Abdullah al-Howaiti, who was 14 at the time of his alleged crimes, still remains in detention and on death row; whereas the Supreme Court has been reviewing his case since June 2021;
- E. whereas on 23 April 2019 Saudi authorities executed six child offenders, including Saeed al-Safi, Salman al-Quraish, Abdul Aziz al-Sahawi, Abdul Karim al-Hawaj, Abdullah al-Asrih and Mujtaba al-Sweikat; whereas at least nine other child offenders are currently at risk of execution;
- F. whereas there are still currently at least 40 detainees in Saudi Arabia at risk of execution; whereas this number includes several cases of alleged crimes committed as minors and peaceful critics such as Islamic scholars Salman al-Odah and Hassan al-Maliki, for whom the public prosecutor continues to demand the death sentence;
- G. whereas Saudi Arabia has for many years been among the countries carrying out the highest number of executions in the world; whereas since January 2015 there have been more than 800 executions, a large number of these for non-violent drug offences, while others were for offences described by the authorities as terrorism-related but which were peaceful;

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- H. whereas Saudi Arabia carried out a total of 32 executions in the first half of 2021, more than the number for the whole of 2020, and has executed at least eight child offenders since first committing to abolishing the death penalty for child offenders;
- I. whereas following a Saudi Royal Order of 2020, death sentences should be commuted for individuals who have committed crimes when they were minors; whereas the decree contains various loopholes leaving several ways for minors to still be executed, such as by excluding death sentences passed as *hudud* (offences with predetermined sentences) or *qisas* (offences with retribution-based sentences) and cases brought under the Counter-Terrorism Law;
- J. whereas Saudi Arabia has commuted the death sentences imposed on Mr Ali al-Nimr, Mr Dawood al-Marhoon and Mr Abdullah al-Zaher for crimes which experts previously considered to be criminalisation of the exercise of fundamental rights, including freedom of assembly and expression, and which they allegedly committed as minors; whereas they have been re-sentenced to 10 years' imprisonment, inclusive of time served; whereas UN experts have called for their release;
- K. whereas despite the announcement of Saudi Arabia's Human Rights Commission on the moratorium on death penalties for drug-related offences in January 2021, no change in the law has yet been published, and the death penalty remains at the discretion of judges and the authorities;
- L. whereas abolition of the death penalty worldwide is one of the main objectives of the EU's human rights policy;
- M. whereas over the last few months, several human rights activists have been sentenced to harsh prison terms in trials marred by lack of due process and by credible torture allegations; whereas Abdurahman al-Sadhan has been sentenced to 20 years in prison and a 20-year travel ban for activities related to tweets criticising the government; whereas his trial seriously violated international fair trial guarantees;
- N. whereas in March 2021 Mohammed al-Otaibi, founder of the Union for Human Rights, who advocated for the abolition of the death penalty and strengthening women's role in society had his prison sentence increased from 14 to 17 years for his peaceful human rights activism;
- O. whereas numerous women arrested during the 2018 crackdown on women's rights defenders were sentenced to long prison terms solely for their human rights activism; whereas Saudi authorities have recently released women's rights defenders from prison, among them Loujain al-Hathloul's, Nouf Abdulaziz, Samar Badawi and Nassima al-Sada; whereas their sentences were only suspended, and Saudi authorities have imposed travel bans on the human rights defenders released;
- P. whereas the 2017 Law on Combating Crimes of Terrorism and its Financing defines terrorism in vague terms and does not require the use of violence in order for an action to be categorised as a terrorist act;
- Q. whereas abuses are committed by Saudi authorities through the use of electronic surveillance technology, according to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions; whereas new controls on cyber-surveillance technology were introduced in the upgraded EU dual-use export control regulation of 2021 ⁽⁵⁾;
- R. whereas the Kingdom of Saudi Arabia has one of the lowest levels of ratification of core international human rights treaties, and has not acceded to central human rights treaties at the normative core of the right to life, such as the International Covenant on Civil and Political Rights (ICCPR);
- S. whereas torture and degrading treatment in prisons are widespread practices in Saudi Arabia, and are used both during interrogation to extract confessions and as a form of punishment during detention; whereas allegations of torture are rarely investigated;

⁽⁵⁾ OJ L 206, 11.6.2021, p. 1.

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1. Strongly condemns the Kingdom of Saudi Arabia's ongoing execution of child offenders despite its claims that it has abolished such executions, including the recent execution of Mustafa Hashem al-Darwish for crimes that may have occurred while he was a minor following his conviction in an unfair trial involving a confession obtained from him under torture, as well as the fact that there are currently at least 40 detainees in Saudi Arabia at risk of execution, including at least nine for alleged crimes committed as minors, and peaceful critics of the government;
2. Calls on Saudi Arabia to confirm that Abdullah al-Howaiti, Mohammed al-Faraj and all other child offenders currently on death row will not be executed, that 'confessions' extracted under torture will be excluded from their cases, and that all child offenders will be granted a fair trial without the imposition of the death penalty; calls for Abdullah al-Howaiti's allegations of having been subjected to torture to be investigated, and for all perpetrators to be brought to justice;
3. Urges Saudi Arabia to genuinely abolish the death penalty for child offenders, in accordance with its obligations under the Convention on the Rights of the Child, regardless of the type of offence, including *ta'zir* (offences with discretionary sentences), *hudud* and *qisas*, under which at least four child defendants are at risk of death sentences; calls on Saudi Arabia to publish its 2020 Royal Decree in order to provide full and retroactive protection to child offenders, as stated by Saudi authorities, and to bring its Juvenile Law into line with international standards;
4. Reiterates its condemnation of the use of the death penalty in any case and under any circumstances; calls on Saudi Arabia to implement a moratorium on executions pending their abolition, and to proceed to an independent review of all cases in its criminal justice system involving the death penalty for childhood crimes, or based on confessions extracted under torture, or where there was not a fair trial, and to publish the review's findings; calls for an international and national dialogue on the remaining obstacles to abolishing the death penalty for all child offenders, paving the way for the complete abolition of the death penalty in Saudi Arabia;
5. Welcomes the recent decision of the authorities to commute the death sentences handed down to Mr Ali al-Nimr, Mr Dawood al-Marhoon and Mr Abdullah al-Zaher for crimes allegedly committed when they were minors as a necessary step towards Saudi Arabia's compliance with its national and international human rights obligations, particularly under the Convention on the Rights of the Child; calls for their release in line with the demands of UN human rights experts, since these experts previously considered their crimes to be criminalisation of the exercise of fundamental rights, including the freedoms of assembly and expression;
6. Calls on the Saudi authorities to review the cases of all prisoners currently under a death sentence with the aim of commuting their sentences or offering a new and fair trial where the death penalty will not be imposed;
7. Urges the EU delegation and the diplomatic missions of EU Member States in Saudi Arabia to urgently request to visit child offenders detained on death row;
8. Urges the Council to suspend all EU exports of mass surveillance technology and other dual-use items to Saudi Arabia that can be used to facilitate internal repression and silence civil society; stresses the special responsibility of IT security companies as well as of national intelligence services working in the EU and their moral and legal obligation to avoid being in a situation where their current or former staff assist Saudi Arabia in repressing its own population by indirectly or directly working for Saudi authorities to suppress internal dissent and freedom of speech;
9. Urges the Saudi Government to abide by its commitments under the Convention Against Torture (CAT), which it has ratified, and strongly encourages the Kingdom of Saudi Arabia to ratify the Optional Protocol to the Convention Against Torture and the Second Optional Protocol to the ICCPR aiming to abolish the death penalty;
10. Strongly condemns the pattern of harsh prison sentences handed down to human rights defenders, peaceful critics and activists, and reiterates its solidarity with the important work of human rights defenders and the need to protect freedom of speech and expression;

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11. Demands the immediate and unconditional release of all human rights defenders, women's rights defenders, peaceful critics, and activists, including Abdurahman al-Sadhan, Mohammed al-Otaibi, Khaled Al-Omair, Mohammed al-Rabiah, Israa al-Ghomgham, Mousa al-Hashim, Ahmed al-Matrood, Khaled al-Ghanim, Ali al-Ouwaisher, Mujtaba al-Muzain, Waleed Abu al-Khair, Abdulaziz al-Shubaili, Issa al-Nukhaifi and Natheer al-Majed;
12. Calls for the full freedom of human rights defenders temporarily released but still facing restrictions, such as Loujain al-Hathloul, including by removing travel bans on them and their families, removing work bans, curtailing online surveillance, and restoring their full rights as citizens;
13. Recalls that Sakharov laureate Raif Badawi has now been in prison for nine years; calls on the EU, the Member States and the international community to increase pressure on the Saudi Government and work towards his immediate release;
14. Stresses that the exercise of the rights to freedom of expression and peaceful association and assembly are protected under international human rights law; urges the Saudi authorities to remove the restrictions imposed on human rights defenders, which prohibit them from speaking out on social media and to the international media;
15. Expresses concern over the practice of secret hearings; insists that in order to ensure that proper and fair trial procedures are being followed, diplomatic missions, including observers from the EU Delegation to Saudi Arabia or the EU institutions, and international NGOs should be allowed to attend hearings and to visit Saudi prisons;
16. Calls on the Government of Saudi Arabia to fully cooperate with UN bodies and to extend a standing invitation to the visit of all UN Human Rights Council Special Procedures and to cooperate in a proactive manner, notably with the UN Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment;
17. Is gravely concerned by the vague definition of terrorism in the country's Counter-Terrorism Law; condemns the use of the Specialised Criminal Court, a court designed to deal with terrorism matters, as a tool to punish human rights defenders;
18. Urges the Saudi Government to ratify the International Covenant on Civil and Political Rights;
19. Reiterates the importance of tools such as the EU-Saudi Human Rights Dialogue to propel further discussion, and urges its activation without delay; urges the European External Action Service (EEAS) and all EU Delegations attending the Dialogue to engage with civil society prior to the Dialogue so as to ensure up-to-date information and knowledge of specific cases to be raised; encourages the use of benchmarks to mark the progress of the discussions;
20. Denounces the fact that the Saudi political system remains profoundly undemocratic and continues severely repressing most dissenting voices despite the announcement of ambitious human rights-related reforms; highlights that the murder of journalist Jamal Khashoggi on the premises of the Saudi consulate in Istanbul on 2 October 2018 remains a chilling message for all critical voices in Saudi Arabia, including many currently held in detention for their peaceful activism; strongly supports the application of the Global Human Rights Sanctions Mechanism against those responsible for grave human rights violations in Saudi Arabia, including the murder of the journalist Jamal Khashoggi; calls on the international community to thoroughly follow up on the Callamard Report which implicated Saudi Crown Prince Mohammad Bin Salman;
21. Calls on the Member States and the President of the Council as well as the VP/HR and the EEAS to raise human rights concerns, particularly the death penalty, during all formal and informal meetings with their Saudi counterparts; regrets the EU's timid approach to public diplomacy on human rights vis-à-vis Saudi Arabia; asks the European diplomatic services in Riyadh and elsewhere in Saudi Arabia, therefore, to systematically use the mechanisms provided for in the EU Guidelines on Human Rights Defenders, including public statements, diplomatic démarches, monitoring of trials and prison visits;
22. Calls for the EU to support any UN Human Rights Council action to hold the authorities of the Kingdom of Saudi Arabia accountable for human rights abuses; calls for the EU to propose the appointment of a Special Rapporteur on Human Rights in Saudi Arabia at the UN Human Rights Council;

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23. Calls on the EU delegation and Member States' representations in the country to strengthen their support for civil society in their engagement with the Saudi authorities, and to use all available instruments to increase their support for human rights defenders' work, to facilitate the issuing of emergency visas where appropriate, and provide temporary shelter in the EU Member States;

24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the UN Secretary-General, the UN High Commissioner for Human Rights, the Commission on the Status of Women, the UN Human Rights Council, H.M. King Salman bin Abdulaziz al-Saud and Crown Prince Mohammad bin Salman al-Saud, the Government of the Kingdom of Saudi Arabia, and the Secretary-General of the Centre for National Dialogue of the Kingdom of Saudi Arabia.

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P9_TA(2021)0358

Review of the macroeconomic legislative framework**European Parliament resolution of 8 July 2021 on the review of the macroeconomic legislative framework for a better impact on Europe's real economy and improved transparency of decision-making and democratic accountability (2020/2075(INI))**

(2022/C 99/21)

The European Parliament,

- having regard to the Treaty establishing the European Economic Community, signed in Rome in 1957,
- having regard to Article 2 of the Treaty on European Union,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 121, 122, 126 and 136 thereof and Protocol No 12 thereto,
- having regard to its resolution of 20 October 2010 on the financial, economic and social crisis: recommendations concerning measures and initiatives to be taken (mid-term report) ⁽¹⁾ and of its resolution of 6 July 2011 on the financial, economic and social crisis: recommendations concerning the measures and initiatives to be taken ⁽²⁾,
- having regard to Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States ⁽³⁾,
- having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽⁴⁾,
- having regard to Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area ⁽⁵⁾,
- having regard to Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽⁶⁾,
- having regard to Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances ⁽⁷⁾,
- having regard to Council Regulation (EU) No 1177/2011 of 8 November 2011 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽⁸⁾,
- having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability ⁽⁹⁾,

⁽¹⁾ OJ C 70 E, 8.3.2012, p. 19.

⁽²⁾ OJ C 33 E, 5.2.2013, p. 140.

⁽³⁾ OJ L 306, 23.11.2011, p. 41.

⁽⁴⁾ OJ L 306, 23.11.2011, p. 1.

⁽⁵⁾ OJ L 306, 23.11.2011, p. 8.

⁽⁶⁾ OJ L 306, 23.11.2011, p. 12.

⁽⁷⁾ OJ L 306, 23.11.2011, p. 25.

⁽⁸⁾ OJ L 306, 23.11.2011, p. 33.

⁽⁹⁾ OJ L 140, 27.5.2013, p. 1.

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- having regard to Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area ⁽¹⁰⁾,
- having regard to its resolution of 24 June 2015 on the review of the economic governance framework: stocktaking and challenges ⁽¹¹⁾,
- having regard to Commission communication of 10 February 2015 entitled ‘Making the best use of the flexibility within the existing rules of the Stability and Growth Pact (COM(2015)0012/2),
- having regard to the Four Presidents’ Report of 5 December 2012 entitled ‘Towards a Genuine Economic and Monetary Union’, to the Five Presidents’ Report of 22 June 2015 on completing Europe’s Economic and Monetary Union, to the Commission white paper of 1 March 2017 on the future of Europe, and to the Commission reflection paper of 31 May 2017 on the deepening of the Economic and Monetary Union,
- having regard to the European Court of Auditors Special Report No 03/2018 entitled ‘Audit of the Macroeconomic Imbalance Procedure (MIP)’,
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽¹²⁾,
- having regard to the Commission communication of 5 February 2020 entitled ‘Economic governance review’ (COM(2020)0055),
- having regard to the Commission communication of 13 March 2020 entitled ‘Coordinated economic response to the COVID-19 outbreak’ (COM(2020)0112),
- having regard to the Commission communication of 20 March 2020 on the activation of the general escape clause of the Stability and Growth Pact (COM(2020)0123),
- having regard to the Commission communication of 27 May 2020 entitled ‘Europe’s moment: Repair and Prepare for the Next Generation’ (COM(2020)0456),
- having regard to the Commission communication of 27 May 2020 on the EU budget powering the recovery plan for Europe (COM(2020)0442),
- having regard to the Commission proposal of 28 May 2020 for a Council regulation establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 pandemic (COM(2020)0441),
- having regard to 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, and amending Regulation (EU) 2019/2088 ⁽¹³⁾,
- having regard to the European Court of Auditors Special Report No 16/2020 entitled ‘The European Semester — Country Specific Recommendations address important issues but need better implementation’,
- having regard to the European Fiscal Board (EFB) assessment of EU fiscal rules with a focus on the six- and two-pack legislation of 11 September 2019, to the EFB annual report of 29 October 2019, to the EFB statement of 24 March 2020 on COVID-19, to the EFB’s assessment of 1 July 2020 of the fiscal stance appropriate for the euro area in 2021 and to the EFB 2020 annual report of 20 October 2020,

⁽¹⁰⁾ OJ L 140, 27.5.2013, p. 11.

⁽¹¹⁾ OJ C 407, 4.11.2016, p. 86.

⁽¹²⁾ Texts adopted, P9_TA(2020)0005.

⁽¹³⁾ OJ L 198, 22.6.2020, p. 13.

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- having regard to the European Council conclusions of 11 December 2020 on the MFF and Next Generation EU, COVID-19, climate change, security and external relations,
- having regard to the Interinstitutional Agreement of 16 December 2020 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⁾,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽¹⁵⁾,
- having regard to its resolution of 15 May 2020 on the new multiannual financial framework, own resources and the recovery plan ⁽¹⁶⁾,
- having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁷⁾,
- having regard to the European Council conclusions of 21 July 2020,
- having regard to its resolution of 23 July 2020 on the conclusions of the extraordinary European Council meeting of 17-21 July 2020 ⁽¹⁸⁾,
- having regard to the Commission's Annual Sustainable Growth Strategy 2021 of 17 September 2020 (COM(2020)0575),
- having regard to its position of 16 September 2020 on the draft Council decision on the system of own resources of the European Union ⁽¹⁹⁾,
- having regard to its resolution of 13 November 2020 on the Sustainable Europe Investment Plan — How to finance the Green Deal ⁽²⁰⁾,
- 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 ⁽²¹⁾,
- having regard to the Commission's European Economic Forecast: Winter 2021 (Institutional Paper 144) of February 2021,
- having regard to the Commission communication of 3 March 2021 entitled 'One year since the outbreak of COVID-19: fiscal policy response' (COM(2021)0105),
- having regard to the Commission communication of 5 February 2020 entitled 'Economic governance review — Report on the application of Regulations (EU) No 1173/2011, 1174/2011, 1175/2011, 1176/2011, 1177/2011, 472/2013 and 473/2013 and on the suitability of Council Directive 2011/85/EU' (COM(2020)0055),
- having regard to the Commission's European Economic Forecast: Spring 2021 (Institutional Paper 149) of May 2021,
- having regard to the Commission communication of 2 June 2021 entitled 'Economic policy coordination in 2021: overcoming COVID-19, supporting the recovery and modernising our economy' (COM(2021)0500),
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Constitutional Affairs (A9-0212/2021),
- having regard to Rule 54 of its Rules of Procedure,

⁽¹⁴⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽¹⁵⁾ Texts adopted, P9_TA(2020)0054.

⁽¹⁶⁾ Texts adopted, P9_TA(2020)0124.

⁽¹⁷⁾ OJ L 159, 20.5.2020, p. 1.

⁽¹⁸⁾ Texts adopted, P9_TA(2020)0206.

⁽¹⁹⁾ Texts adopted, P9_TA(2020)0220.

⁽²⁰⁾ Texts adopted, P9_TA(2020)0305.

⁽²¹⁾ OJ L 57, 18.2.2021, p. 17.

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- A. whereas over the past 30 years the economic governance framework has undergone a number of changes to address its design and implementation flaws and adapt it to new economic challenges;
- B. whereas the current governance framework presents conceptual and practical weaknesses that lead to overly complex rules, weak enforcement, lack of ownership and lack of incentives to pursue symmetrical counter-cyclical policies; whereas the current framework did not succeed in reducing divergences within the EU nor in protecting or stimulating growth-enhancing public investment;
- C. whereas in the aftermath of the global financial crisis, the successive reforms of the EMU focused on risk reduction but did not introduce risk-sharing elements;
- D. whereas macroeconomic adjustment programmes presented a lack of national ownership and scarred the social fabric of the countries that implemented them;
- E. whereas in 2015 the Commission adopted guidance on the best use of the flexibility in the rules of the Stability and Growth Pact for strengthening the link between structural reforms, investment and fiscal responsibility;
- F. whereas the European Union is confronted with multiple long-term challenges: a public health crisis, a climate crisis and a lack of investment in public infrastructure, which are aggravating socio-economic disparities;
- G. whereas the challenge of the twin transitions requires additional public investment, which is hindered under the current fiscal framework; whereas both public and private sector investment were already insufficient before the crisis, despite historically low interest rates;
- H. whereas gross public investment was cut following the financial and sovereign debt crisis, and in many Member States net public investment is even negative, implying that the current fiscal framework leads to excessively recessive consolidation measures and facilitates the decline of public investment during the periods of fiscal consolidation;
- I. whereas there are significant investment funding gaps that should be addressed: EUR 470 billion a year until 2030 to meet EU environmental objectives ⁽²²⁾, EUR 142 billion a year for social infrastructure such as hospitals or schools ⁽²³⁾, and EUR 190 billion a year to stabilise the stock of public capital ⁽²⁴⁾;
- J. whereas public debt levels at the beginning of the pandemic were high, and whereas the unprecedented economic recession, the unprecedented national fiscal measures taken in response to the pandemic and the need to support a sustainable and inclusive recovery will impact public finances pushing EU debt-to-GDP to a new peak above 100 % of GDP;
- K. whereas environmental ⁽²⁵⁾ and social sustainability are interconnected with risks on long-term fiscal sustainability;
- L. whereas the pandemic is causing an unprecedented exogenous shock with large asymmetric impacts, weighing negatively on the EU economic outlook and widening divergences between Member States;

⁽²²⁾ Commission, 'SWD(2020)0098 — Identifying Europe's recovery needs', 27.5.2020, pp. 14-16.

⁽²³⁾ This estimation only covers health and long-term care (EUR 70 billion), education and life-long learning (EUR 15 billion) and affordable housing (EUR 57 billion). Source: Fransen, L., Bufalo, G., Reviglio, E., 'Boosting Investment in Social Infrastructure in Europe — Report of the High-Level Task Force on Financing Social Infrastructure in Europe', 2018, p. 116.

⁽²⁴⁾ Commission, 'SWD(2020)0098 — Identifying Europe's recovery needs', 27.5.2020, pp. 18-20.

⁽²⁵⁾ Extreme disasters tend to lower economic output (Botzen, Deschenes and Sanders, 2019); IMF forecasts that major weather-related disasters could have a negative impact on real GDP per capita and countries that are better equipped to address major natural disasters could more easily cushion the impact.

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- M. whereas the pandemic has amplified pre-existing inequalities and poverty and has demonstrated the importance of the European social model and its existing social safety nets;
- N. whereas, in Europe, economic forecasts ⁽²⁶⁾, ⁽²⁷⁾ show a multispeed, incomplete and uneven recovery; whereas the vaccine rollout is accelerating, and there are considerable risks of divergences and aggravated inequalities across countries, sectors and segments of society, notably among young workers, women and low skilled workers;
- O. whereas there are still long-term risks of scarring on the economies of certain Member States, and therefore withdrawal of support should be complemented with measures to facilitate job creation and reallocation namely through retraining and reskilling programmes, together with income support as needed;
- P. whereas geopolitical risks might have impacts on sovereign debt sustainability;
- Q. whereas the discretionary fiscal support differed in size and composition across Member States, with a clear positive correlation between fiscal space and the size of policy response leading to an asymmetric response, which might also create risks of an uneven playing field in the internal market and further differentiate the speed of recovery;
- R. whereas the EU's crisis response ⁽²⁸⁾ has strengthened the EMU and has so far succeeded in creating trust and confidence, thus taming financial markets' volatility; underlines in this respect the importance of the issuance of EU bonds;
- S. whereas in 2020 the Commission started a public consultation reviewing the effectiveness of the economic governance framework, which was disrupted by the onset of the COVID-19 pandemic;
1. Calls on the Commission to relaunch the public debate on the review of the European economic governance framework and to come forward with comprehensive, forward-looking legislative proposals as a result of the review; notes that the review of the economic governance framework was put on hold due to the pandemic;

Fiscal policy towards a sustainable and inclusive recovery

2. Welcomes the activation of the general escape clause of the Stability and Growth Pact, which is fully justified by the economic and social impact of the pandemic; notes that the general escape clause does not suspend the procedures of the Stability and Growth Pact and acknowledges that it will allow the Commission and the Council to undertake the necessary policy coordination measures within the framework of the Pact while departing from the budgetary requirements that would normally apply; highlights that the general escape clause has allowed Member States to adopt very sizeable expenditure and revenue measures to minimise the economic and social impact of the pandemic and that the fiscal support should be phased-out gradually in order to support the efforts of the Member States to sustain the recovery and strengthen economic and social resilience; notes the degree of flexibility of the current framework for economic governance in the coordinated policy response to the COVID-19 crisis;
3. Welcomes the Commission communication of 3 March 2021 with the proposed considerations regarding the deactivation or continued activation of the general escape clause; notes that an overall assessment of the state of the economy based on, primarily, quantitative criteria should be taken into account; agrees that the level of economic activity in the EU or euro area compared to pre-crisis levels would be the key criterion; stresses, however, in this regard, the importance of the evolution of the health, social and economic situations across the EU and the euro area economy; welcomes the Commission communication on economic policy coordination indicating that the general escape clause of the Stability and Growth Pact will continue to be applied in 2022 and is expected to be deactivated as of 2023;

⁽²⁶⁾ Commission Spring 2021 Economic Forecasts show a contraction in 2020 of - 6,1 % of GDP in the EU and - 6,6 % of GDP in the euro area. GDP growth is expected to recover only slowly in the short-term with 4,2 % in 2021 and 4,4 % in 2022 in the EU, and 4,3 % in 2021 and 4,4 % in 2022 in the euro area.

⁽²⁷⁾ World Economic Outlook: Managing Divergent Recoveries, IMF (April 2021).

⁽²⁸⁾ Through in particular the Recovery Package and the SURE instrument.

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4. Considers that the review of the economic governance framework will take place in challenging circumstances, namely the low interest rates, the unprecedented debt legacies and in the context of a big fiscal recovery package consisting of grants and loans funded by EU debt;
5. Is of the opinion that the review of the EU economic governance framework is necessary; agrees with the European Fiscal Board (EFB) on the importance of having a clear pathway towards a reviewed fiscal framework, preferably prior to the deactivation of the general escape clause;
6. Is aware that kick-starting the review after the deactivation of the general escape clause will make it more difficult, contentious and divisive; considers, therefore, that the review of the economic governance framework should be reflected on before the possible return towards the fiscal rules could take place;
7. Notes that in the current context, the application of the current fiscal framework, in particular the adjustment paths, would lead to a high speed of debt reduction that could undermine the recovery path of the economies, and potentially weaken the Member States' commitment to respecting the rules;
8. Calls on the Commission to provide clear fiscal policy guidelines for Member States during the period of activation of the general escape clause aimed at achieving prudent medium-term fiscal positions and ensuring fiscal sustainability in the medium term; once the general escape clause is deactivated and while a reviewed framework is not yet in place, calls for the use of all the existing flexibilities provided for in the current economic governance framework such as the 'unusual event clause' on a country-specific basis to prevent premature fiscal consolidation and limit the risks of long-term scarring;
9. Considers that economic indicators and adjustment paths need to be implemented cautiously, and therefore calls for the *Vade Mecum* and the code of conduct of the Stability and Growth Pact to be revised; stresses that fiscal guidance should avoid pro-cyclical biases, promote upward convergence, strengthen a sustainable, inclusive, green and digital recovery, by contributing to the European Green Deal and to the implementation of the European Pillar of Social Rights, consider differing situations across Member States and counteract macroeconomic imbalances;
10. Considers that NextGenerationEU (NGEU) loans should be recorded as national debt; calls on the Commission, in the updates of the implementation guidelines of the Stability and Growth Pact, to provide NGEU-loan-financed expenditure with the same treatment as for the European Fund for Strategic Investments (EFSI) in the context of the Commission communication on flexibility;
11. Calls for a continued expansionary fiscal stance for as long as needed to support the recovery from the COVID-19 pandemic and drive the transformative changes making the economies greener, more digital and inclusive, while ensuring fiscal sustainability in the medium term; warns against a premature withdrawal of support and agrees with the Commission's recommendation that fiscal policy should remain agile and adjust to the evolving situation as warranted; considers that the fiscal support measures should become more targeted as the recovery progresses; supports policies that are tailored to the stage of the pandemic, the path to the economic recovery and to countries' individual circumstances;
12. Calls on the Commission to ensure that Member States develop credible exit strategies from the crisis-related measures, while not pre-empting future fiscal trajectories;
13. Notes the risks of long-term scarring in capital accumulation and the labour market due to the pandemic, which could drag on the economy; highlights that the recovery is likely to remain uneven and fiscal policy should limit the scarring and reduce inequalities by supporting those segments of the economy and society that are at a higher risk of divergence;
14. Calls on the Member States to embed the high-quality fiscal support in credible medium-term frameworks and prepare robust plans for medium-term fiscal policy to ensure that where expansionary fiscal measures are needed, these are supported by growth and inclusive measures, and to assure the anti-cyclical role of fiscal policy bearing in mind that emergency fiscal policy measures are temporary, limited and targeted to ensure medium-term fiscal sustainability; calls on

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the Member States to monitor fiscal risks, namely contingent liabilities, as appropriate; recalls the growing importance of monitoring sustainability-related fiscal risks; notes that such good public financial management practices would improve transparency and accountability;

15. Welcomes the immediate and coordinated economic policy response of the EU institutions and Member States aimed at avoiding a sharp increase in corporate insolvencies and unemployment; recommends that more general support be replaced gradually by more targeted schemes to limit the risks of corporate distress and scarring; recommends focusing the public support only on corporates that are viable in the long run, in light of the EU green and digital agenda;

16. Notes that the fiscal stance at Member-State level, as well as the macroeconomic framework, have been promoting frequently pro-cyclical fiscal policies, both in good and in bad times, respectively by not building sufficient buffers in some periods or not making sufficient use of fiscal space in others; further notes that there was a positive correlation between Member States having fiscal space and their ability to quickly mobilise fiscal stimulus packages at a much faster pace and without associated borrowing costs, which has helped to mitigate the negative socio-economic effects of the pandemic;

17. Underlines the importance of the role of fiscal policies so that Member States are equally capable of ensuring a sustainable, green, digital and inclusive recovery, on the one hand, and on the other hand, ensuring sustainable fiscal policies and that sovereign debt is sustainable in the long term;

18. Considers that the common European fiscal response (NGEU) is crucial to the recovery; calls for a quick and effective use of resources from NGEU, while fully respecting agreed criteria, which will play an important role in supporting sustainable and inclusive economic recovery and boosting productivity and investment across the EU;

A review of the macroeconomic legislative framework

19. Stresses the inherent interaction between monetary and fiscal policies while fully respecting the mandate of the ECB, its independence and safeguarding its democratic legitimacy; notes the success of a proper and responsible setting up of both policies in helping to deliver the required support to post-COVID-19 economies, the former by preserving favourable financing conditions and the latter by supporting firms, workers and people, showing the readiness of these policies to respond to this crisis; considers that premature withdrawal of fiscal policy should be also avoided to not counteract the stimulus of the recovery programme;

20. Highlights that monetary policy has been carrying the main burden of stabilisation in the past few years and crises; notes that the crisis caused by the pandemic has shown that stabilisation cannot be the responsibility of monetary policy alone and that fiscal policy should play a stronger role; while current monetary conditions are accommodative and are supporting the recovery of the economy in the crisis, warns against relying too heavily on an accommodating monetary policy stance and an extremely low cost of sovereign debt;

21. Stresses that national fiscal policies, together with Union policies, will play an important role in fulfilling the European Union's commitments and responsibilities in the global fight against climate change;

22. Underlines that there are structural factors such as ageing, increasing savings, low inflation, investment propensities and a productivity slowdown that could keep real interest rates low in the medium to long term; considers that macroeconomic policies should address the factors underlying the risk of secular stagnation by means of sustainable growth and productivity-enhancing, balanced and socially just reforms; recalls that secular stagnation is typically characterised by a shrinking work force, low demand, excess savings and low investments, among other factors;

23. Stresses the need to be ready for less positive scenarios; notes that the impact of the COVID-19 shock has increased savings and some investment choices have been delayed; points out that once the restrictions are eased and the economy rebounds, interest rates might have an increase driven by higher inflation expectations; highlights the importance of promoting public and private investments to unlock additional capital, especially in the context of the EU recovery;

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underlines that it is not only the level of investment that matters for growth but also the setting up, quality and implementation of investment programmes; notes that there was a substantial loss of investment during the last crisis and stresses the importance of the economic rebound to increase investment profitability;

24. Considers a proper and credible economic governance framework a necessary requirement for sustainable fiscal policies, debt and deficit trajectories ensuring credible paths of debt reduction, by promoting long-term sustainable and inclusive growth while ensuring favourable financing conditions, especially in the long run; further considers that the framework should integrate elements to avoid pro-cyclical policies and build sufficient buffers in good times, to be able to perform, when necessary, a short-term macro stabilisation function and to ensure improved and transparent governance, which in turn makes the economy work for people;

A comprehensive sovereign debt sustainability analysis (SDSA)

25. Notes that sovereign debt levels have considerably increased, reaching nearly 102 % of the euro area aggregate debt-to-GDP ratio, with a further increase forecast for 2021 and 2022, and that some Member States already have a sizeable debt legacy; notes that circumstances have changed since the Maastricht criteria were defined; stresses, therefore, that the economic governance framework should be reviewed in the context of the current economic environment and, while building on experiences of the existing framework and fully respecting the Treaties, it should be fact based and future oriented;

26. Considers that the Union's economic governance framework has to be reviewed to make debt rules simpler and enforceability better and designed to support long-term economic growth, with appropriate public and private investment;

27. Considers that a reviewed economic governance framework should consider how to ensure a country-specific pace of sovereign debt reduction that safeguards long-term fiscal sustainability and sustainable and inclusive growth; calls for debt targets to properly reflect the new economic reality as well as country-specific challenges;

28. Considers that European safe assets would enhance financial stability, improve monetary policy transmission, and contribute to strengthening the international role of the euro;

29. Is aware that very high budget deficits in 2020 and 2021 and nominal GDP loss will be mirrored in the debt-to-GDP ratios;

30. Recognises that the low interest rate environment reduces pressure on fiscal policy by reducing sovereign debt servicing costs; insists that the implications of the low interest rates, the possible change of the interest rates environment and possible future monetary policy measures be properly factored into the analysis of the medium-term sustainability of sovereign debt; notes that Member States' risk premiums may increase, especially for countries with high or increasing debt and that this could put additional pressure on fiscal policy, as well as on the economy;

31. Stresses that debt service costs are likely to remain low for the foreseeable future thanks to a large share of debt burden covered by long maturities and sometimes negative yielding bonds, and primary deficits may be offset by favourable interest-growth differentials; notes that the current positive status of the debt servicing costs can change relatively fast while a sustainable reduction of the sovereign debt stockpile takes considerably longer time; considers that the benefit of a low debt service cost is an opportunity to sustain and progressively reduce high debt levels towards a sustainable level, to boost potential growth and to increase the resilience of the economy;

32. Points out that there are structural problems underlying the asymmetric growth rates across Member States; considers that growth is not the sole objective, as making an economy that works for people and meeting the goals of the Green Deal and Paris agreement requires targeted policy support, including fiscal efforts;

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33. Recalls, besides reforms, the importance of growth-enhancing policies and sustainable private and public investment aimed at increasing growth potential and achieving the EU's objectives centred around the green and digital transitions and at increasing growth potential, competitiveness and productivity and at boosting the single market; reiterates that future-oriented investment and expenditure have positive spillovers on medium-to-long-term debt sustainability; calls on the Member States to pursue sustainable fiscal policies while preserving nationally-financed and growth-supporting public investment;

34. Calls on the Commission to pursue a comprehensive and transparent sovereign debt sustainability analysis (SDSA) in order to support policymakers' decision to set an appropriate country-specific, clear and transparent adjustment path; highlights the use of innovative tools and techniques such as stress tests and stochastic analysis to better reflect risks to public debt dynamics (such as interest-growth differentials, debt composition, demographics and sustainability) and the quality of public expenditure;

EU fiscal policy coordination framework

35. Invites the Commission during the review process to reflect on the role of fiscal policy in the European economy addressing the shortcomings already identified in the EU fiscal framework before the outbreak ⁽²⁹⁾, and also in view of the legacies of the pandemic;

36. Calls on the Commission to assess how to promote fiscal sustainability and counter-cyclical rules, and to consider simplifying the framework and improving the Commission's autonomy in the enforcement of the rules within a more accountable framework with stronger ownership; further calls for well defined and transparently triggered flexibility mechanisms, whenever this flexibility is well justified by ensuring greater effectiveness and credibility; stresses the importance of a framework that ensures fiscal policy coordination, considers changes in economies and financing conditions and takes into account the specificities and policy objectives of Member States; moreover, considers that the EU framework for fiscal policy coordination should enable the promotion of the EU's long-term sustainable and inclusive growth, while preserving safeguards against risk to debt sustainability;

37. Notes the EFB's proposal that the EU fiscal framework should be rebuilt on three principles: (i) a debt anchor — that is a debt ratio objective and a country-specific adjustment declining path towards it, (ii) a single indicator of fiscal performance — that is an expenditure rule for countries with debt in excess of the debt ratio objective, and (iii) a general escape clause supported by an opinion on the basis of independent analysis and advice;

38. Points out the need for a realistic and transparently set country-specific debt adjustment path in order to better tailor to countries' realities and reflect the degree of debt sustainability of Member States;

39. Considers that, in line with the EFB proposal, an expenditure rule with a ceiling ⁽³⁰⁾ on nominal public expenditure when a country's public debt exceeds a certain threshold can provide more transparent fiscal rules within the EU; considers that the growth rate of the expenditure ceiling would depend on the expected potential output growth, expected inflation and the distance from the debt anchor; notes that debt servicing costs and unemployment benefit payments (at unchanged rates) are excluded, and expenditure growth is adjusted for the impact of discretionary changes in government revenues (i.e. direct and indirect tax rates);

⁽²⁹⁾ European Fiscal Board (2018), 2018 Annual Report, September, EFB and European Fiscal Board (2020), 2020 Annual Report, September.

⁽³⁰⁾ A ceiling fixed for 3-5 years that would depend on the expected potential output growth, expected inflation and the distance from the debt anchor.

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40. Notes that the country-specific path with Member States' ownership will strengthen credibility and improve Member States' compliance with the rules; further notes that the country-specific path should result from a transparent and comprehensive economic analysis and a discussion between Member States and the European Commission, in the context of the European Semester, in which a consultation with the EFB and national Independent Fiscal Institutions (IFIs) could be envisaged whenever appropriate;

41. Underlines that expenditure rules have built-in automatic stabilisation properties⁽³¹⁾; notes that expenditure rules have shown to be more effective in reducing the procyclicality bias of fiscal policy⁽³²⁾; stresses the importance of automatic stabilisers in the face of rising uncertainties; further notes the EFB recommendation to establish a compensation account in which deviations from planned net primary expenditure growth are accumulated;

42. Points out that the metrics at the heart of the economic governance framework must be easily observable and controllable by political decision-makers in order to increase transparency and comprehensibility for both policy-makers and the public; notes that concepts such as an output gap analysis do not satisfy those criteria; stresses that, in the post-crisis period, uncertainty around an output gap will be even higher than in the past; argues that while potential output growth is unobservable and has to be estimated, it is less likely to be subject to revisions than the output gap;

43. Proposes, in line with the EFB, a general escape clause to be recommended by the Commission in the case of unforeseen economic developments and decided by the Council and that can be supported by an opinion based on an independent and well defined economic analysis in order to reduce complexity and to preserve the ability to act in the event of unforeseeable circumstances; nevertheless, if an independent body is involved, stresses the need for further clarification on the composition of the independent body in order to ensure objectivity in judgement for rules, which would ensure its independence and guarantee that there are no delays in the process;

44. Underlines that when public finances come under pressure, there is the tendency to cut government investment; notes that current economic, social and environmental challenges in the EU require targeted efforts related namely to social resilience, climate change and digitalisation; highlights the importance of the EU economic governance framework, to enable governments to protect public investment without jeopardising debt sustainability; underlines that further efforts need to be undertaken to improve the quality of public finances; calls for the reviewed framework to have a greater emphasis on the quality of public debt; highlights that the quality of public finances improve the country's long-term debt sustainability and enhance the long-term growth potential;

45. Highlights the EFB's opinion that some clearly delineated sustainable growth-enhancing expenditure would be excluded from the net primary expenditure growth ceiling;

46. Stresses that governments' revenues are an important part of the sustainability of public finances and their stability can help to ensure a credible strategy for reducing sovereign debt; calls on the Member States to take action to further tackle tax fraud, tax avoidance, and tax evasion, as well as money laundering; reiterates that effective actions in this area from Member States instil confidence in the governance of public finances; notes the need to ensure a responsible expenditure policy to avoid pressure to increase taxes;

47. Notes that the EFB has been a strong advocate of introducing a common fiscal capacity at the European level, which would create incentives for better compliance with EU fiscal rules; further notes that this opinion has been shared by other institutions such as the IMF and the ECB;

⁽³¹⁾ EFB Assessment of EU fiscal rules with a focus on the six- and two-pack legislation: 'the net primary expenditure ceiling has a built-in automatic stabilising property: when actual output grows more slowly than at the trend rate of potential output, net primary expenditure growth will exceed the latter, while a rising expenditure to GDP ratio will help to stabilise the economy; vice versa, when actual GDP grows faster than trend, net expenditures will shrink as a share of GDP.'

⁽³²⁾ Manescu, C., Bova, E. (2021), Effectiveness of national expenditure rules: Evidence from EU member states.

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48. Welcomes the NGEU and SURE initiatives; stresses that the NGEU is financed through debt issuance guaranteed by the EU budget; underlines that EU-issuance of debt ⁽³³⁾ will provide a new supply of European high-quality safe assets; calls on the Commission to fully exploit the potential of the Recovery Package and the SURE instrument to improve convergence between Member States, promote EU policies and reduce the EU's vulnerability to economic shocks; notes that the current NGEU and SURE instruments have been designed to be temporary and stresses the importance of a transparent repayment plan for the debt arising from the NGEU and SURE bonds;

Surveillance of macroeconomic imbalances

49. Stresses the importance of the Macroeconomic Imbalance Procedure (MIP) in detecting, preventing and addressing macroeconomic imbalances in the EU; takes note of the findings of the European Court of Auditors ⁽³⁴⁾ that, although the MIP implementation mechanism is generally well designed, its potential has not been fully exploited in such a way as to ensure the effective prevention and correction of imbalances; further notes that the classification of Member States with imbalances lacks transparency, there is a lack of public awareness of the procedure and its implications, and the recommendations do not sufficiently promote policy actions in addressing those imbalances, notably in the euro area;

50. Calls for a more effective use of the Alert Mechanism Report (AMR), while taking note of the Commission's latest technical revision of the MIP scoreboard, and welcomes the detailed and comprehensive analysis underpinning the report; insists that the macroeconomic imbalance procedure scoreboard must be focused and streamlined around meaningful indicators and thresholds that define more clearly imbalances in the euro area, as well as data-based and transparent; recalls that country-specific recommendations be forward-looking guidance addressed to Member States; considers that greater compliance with pared-back recommendations must be achieved and MIP-relevant country-specific recommendations should focus on policy actions that can have a direct impact on imbalances and be consistent with euro area recommendations when appropriate;

51. Considers that clarity and consistency concerning the interplay between the MIP and the Stability and Growth Pact is key to ensuring that their objectives are achieved;

52. Supports in this respect the EFB proposals to incorporate considerations from the MIP in determining the aforementioned expenditure rule whereby, based on mutual agreement, countries with high current account deficits would have a lower ceiling for their expenditure targets, while countries with an excessive external surplus would have a higher floor for the rate of expenditure growth;

53. Calls for more involvement of macro prudential authorities to better identify macroeconomic imbalances from a macro-prudential viewpoint, and of national productivity councils to increase the common understanding of macroeconomic developments in the MIP process;

Governance

54. Underlines the importance of the EU institutional framework and of the community method to set and effectively enforce the rules and to safeguard and enhance strong political ownership and accountability and stresses that weak political ownership or accountability at national level exacerbates non-compliance;

55. Stresses the need to strengthen the democratic legitimacy, accountability and scrutiny of the economic governance framework; believes that to improve ownership, responsibilities must be assigned at the level where decisions are taken or implemented, with national parliaments scrutinising national governments and the European Parliament scrutinising the European executives; highlights, therefore, the role of institutions and underlines the importance of ensuring a proper balance of responsibilities between the different institutions in the implementation of the EU economic governance framework;

⁽³³⁾ NGEU and SURE bonds.

⁽³⁴⁾ Special Report No 03/2018: Audit of the Macroeconomic Imbalance Procedure (MIP), European Court of Auditors.

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56. Recalls that the European Semester is a well established framework to coordinate the budgetary, economic, social and employment policies across the European Union; supporting the EU's long-standing goals of sustainable growth, sustainable public finances and upward convergence; notes that the Semester, since its inception, has been expanded to include, among other aspects, issues related to the financial sector and taxation, as well as objectives of the UN SDGs; notes that in order to further strengthen economic and social resilience, the EU must deliver on the principles of the European Pillar of Social Rights; recalls that promoting sustainable growth means promoting fiscal policies aimed at achieving prudent medium-term fiscal positions and ensuring fiscal sustainability in the medium term, promoting socially just structural reforms, enhancing investment to boost growth potential and supporting an inclusive transition towards a sustainable and digital economy; stresses the importance of stronger collaboration in policy coordination between employment and social affairs ministers and finance ministers, particularly in the euro area; notes that the concept of the European Semester was introduced by Regulation (EU) No 1175/2011, which is part of the review of the EU economic governance, and that proposals by the Commission on how to improve the Semester process are welcomed;

57. Points to the lack of ownership as one the main weaknesses of the European Semester; notes that the design of this framework must contain a set of long-term objectives and guidance at EU level that coordinate policy choices that properly reflect national needs and priorities underpinned by an open and inclusive policy dialogue between the EU and national institutions and stakeholders; believes that experience from the governance structure of the Recovery and Resilient Facility offers a great opportunity to be used in the area national ownership, promotion of strategic goals of the EU, sustainable growth and country-specific recommendations;

58. Calls for a proper involvement of the European Parliament in the European Semester process; highlights the importance of the full debate in defining the overarching goals and the guidance;

59. Recalls that the Better Law Making Agreement reiterates that the European Parliament and the Council as co-legislators are to exercise their powers on an equal footing and that the Commission therefore needs to treat them equally and stresses the role and responsibility of national parliaments; points out that, according to Articles 121 and 126 TFEU, the European Parliament can neither scrutinise nor amend the recommendations adopted by the Council within the framework of the European Semester;

60. Calls for more rigorous democratic scrutiny at EU and national level to hold national governments to account; stresses that stronger national political ownership or accountability leads to higher compliance; calls for the further development of interparliamentary cooperation, including the conference provided for in Article 13 of the Fiscal Compact, to allow for substantial and timely discussions where needed;

61. Recognises the importance of the EU's macroeconomic dialogue to enhance ownership and improve policy coordination, and therefore calls for them to be invigorated through dialogue at euro-area and national level with representatives of government, employer federations and trade unions, and to envisage at both levels exchanges with the central banks;

62. Recalls that in line with the legislation, the competent committee of the European Parliament may invite the President of the Council, the Commission and, where appropriate, the President of the European Council or the President of the Eurogroup, to appear before the committee concerned, as well as Member States subject to a specific economic governance procedure;

63. Stresses the importance of the implementation of the European Pillar of Social Rights and environmental objectives in accordance with the EU's climate, environmental and sustainable development commitments; calls urgently on the Commission and the European Council to take these commitments into account in the economic governance of the Union; calls for the Social Scoreboard of the European Pillar of Social Rights to be fully taken into account for the purposes of monitoring Member States' performance in relation to the principles of the European Pillar of Social Rights; takes note of the Commission's initiative in confirming that the revised Social Scoreboard will be part of the policy coordination framework in the context of the European Semester; takes notes that the EU leaders welcomed the European social partners' joint proposal for an alternative set of indicators to measure economic, social and environmental progress, supplementing GDP as a welfare measure for inclusive and sustainable growth; calls for scoreboards to be better reflected in policy recommendations;

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64. Considers that alignment of national fiscal policies with the EU's commitments under the Paris Agreement should be a priority and that the concept of competitive sustainability and its four axes, identified at the 2020 Annual Sustainable Growth Strategy, should continue be the overarching priorities of the EU's long-term growth strategy in line with the European Green Deal; notes that the climate poses real and severe risks to the sustainability of Member States' fiscal policies;
65. Agrees with the Court of Auditors that the country-specific recommendations in the European Semester need better design and implementation⁽³⁵⁾; suggests better targeting the policy recommendations with short and long-term country-specific policy objectives;
66. Welcomes the significant improvements in the role of independent fiscal institutions in the national budgetary process, enhancing transparency and accountability of fiscal policy through both monitoring and independent analysis; calls on the Member States to ensure that independent fiscal institutions meet the conditions to fulfil their mandates and tasks and underlines the importance to ensure the accountability of these institutions towards the European Parliament and national parliaments, as appropriate;
67. Underlines that for better enforcement each Member State should strive for strong ownership of economic policy recommendations and that, in this context, the right balance should be sought between peer support, peer pressure, incentives and disincentives;
68. Welcomes the adoption of the interinstitutional agreement between the European Parliament, the Council and the Commission on new own resources, including a roadmap towards the introduction of new own resources;
69. Calls on the Commission to further reflect on the design and implementation of macroeconomic adjustment programmes, in particular the need to further increase the transparency, ownership and democratic accountability of the decision-making process, with the proper involvement of the stakeholders and the European Parliament; in this regard reminds the Commission and the Council of its position adopted in plenary regarding Regulation (EU) No 472/2013;
70. Notes that Member States exiting a macroeconomic adjustment programme are also under enhanced surveillance in the European Semester and, where relevant, in-depth reviews can be conducted;
71. Notes that the Eurogroup and the Euro Summit are informal forums of discussion within the Economic and Financial Affairs (Ecofin) Council; calls on the Member States to act within the Community framework, ensuring the European Parliament's role as co-legislator and its right to democratic oversight;
72. Calls for the Eurogroup to be subject to rules of procedure enhancing the transparency of decision-making and democratic accountability; calls for establishing a mutual understanding between the Eurogroup and the European Parliament on how these objectives could be best achieved; underlines the importance of mechanisms that allow non-euro-area member states to take part in the discussion, where appropriate;
73. Stresses the need for the decision-making framework for EU economic governance to be under the Community method;
74. Stresses the importance of an economic governance debate with citizens, civil society organisations and social partners, and a range of stakeholders at European, national, regional and local level as part of the Conference on the Future of Europe; identifies in this respect the Conference on the Future of Europe as a possible forum to consider increased democratic legitimacy through a greater involvement of the European Parliament in providing a public and democratic forum for defining and enforcing common EU rules on economic policy coordination;

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

⁽³⁵⁾ European Court of Auditors.

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P9_TA(2021)0359

Situation in Nicaragua

European Parliament resolution of 8 July 2021 on the situation in Nicaragua (2021/2777(RSP))

(2022/C 99/22)

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular those of 19 December 2019 on the situation of human rights and democracy in Nicaragua ⁽¹⁾ and 8 October 2020 on the 'Foreign Agents' Law in Nicaragua ⁽²⁾,
- 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 ⁽³⁾,
- having regard to Council Regulation (EU) 2020/1998 ⁽⁴⁾ and Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses ⁽⁵⁾, to Council Decision (CFSP) 2020/607 of 4 May 2020 amending Decision (CFSP) 2019/1720 concerning restrictive measures in view of the situation in Nicaragua ⁽⁶⁾, to Council Implementing Regulation (EU) 2020/606 of 4 May 2020 implementing Regulation (EU) 2019/1716 concerning restrictive measures in view of the situation in Nicaragua ⁽⁷⁾, and to the decision renewing such sanctions until 15 October 2021,
- having regard to the declaration by the High Representative on behalf of the European Union of 10 June 2021 on the deteriorating political situation in Nicaragua, the statement by his spokesperson of 6 May 2021 on the new electoral law, and the joint statement on Nicaragua by 59 countries at the 47th Session of the UN Human Rights Council on 22 June 2021,
- having regard to the statement on the ongoing detention of opposition leaders in Nicaragua by the Chair of the Committee on Foreign Affairs and the Chair of the Delegation for relations with the countries of Central America of 15 June 2021,
- having regard to the statement attributable to the spokesperson for the UN High Commissioner for Human Rights on Nicaragua of 28 May 2021 and the oral update by the UN High Commissioner for Human Rights Michelle Bachelet at the 47th Session of the Human Rights Council of 22 June 2021 on the situation of human rights in Nicaragua,
- having regard to the statement of 6 May 2021 from the Organization of American States (OAS) General Secretariat on the election of the Supreme Electoral Council's magistrates and electoral reform in Nicaragua, and to the OAS resolution of 15 June 2021 on the situation in Nicaragua,
- having regard to the statements of the Inter-American Commission on Human Rights, the newsletters published by the Special Monitoring Mechanism for Nicaragua (MESENI) and the remarks by Commissioner Antonia Urrejola, President of the Inter-American Commission on Human Rights, at the Special Session of the Permanent Council of the OAS of 23 June 2021 on the situation in Nicaragua,
- having regard to the chapter on Nicaragua in the EU annual report on human rights and democracy in the world 2020 adopted by the Council on 21 June 2021,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Nicaraguan Constitution,

⁽¹⁾ OJ C 255, 29.6.2021, p. 65.

⁽²⁾ Texts adopted, P9_TA(2020)0259.

⁽³⁾ OJ L 346, 15.12.2012, p. 3.

⁽⁴⁾ OJ L 410 I, 7.12.2020, p. 1.

⁽⁵⁾ OJ L 410 I, 7.12.2020, p. 13.

⁽⁶⁾ OJ L 139 I, 4.5.2020, p. 4.

⁽⁷⁾ OJ L 139 I, 4.5.2020, p. 1.

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

- A. whereas the human rights and democracy situation in Nicaragua has further gravely deteriorated in the aftermath of the violent repression of civic protests in April 2018; whereas at least 130 people have been deprived of liberty for political reasons since then, while the government's opponents and their families face the constant threat of harassment, both in person and online, by police and government supporters; whereas arbitrary detention has been increasingly used as a tool to punish activists and dissidents since the 2018 protests; whereas activists are at particular risk of violence, including sexual and gender-based violence; whereas detainees are being ill-treated in prison, denied medical care and access to their lawyers, and are being attacked and sexually assaulted, while people who protest against the government are put in maximum security cells, where they face increased surveillance, searches and isolation; whereas there is particular concern about the situation of women and older adults being deprived of their liberty;
- B. whereas as a result of the current situation, more than 108 000 Nicaraguans have been forced to flee and seek asylum in neighbouring countries since 2018, three quarters of whom have sought protection in Costa Rica;
- C. whereas on 4 May 2021, the Nicaraguan National Assembly passed reforms on Electoral Law 331, which incorporates recently adopted punitive laws; whereas the aforementioned reform also incorporates rules that restrict electoral competition and the exercise of political rights that further limit the participation of the political opposition, and limits public freedoms contrary to international standards and, in particular, the right to participate in the conduct of public affairs, freedom of association, freedom of expression, the right to social protest, and the right to defend rights, among others; whereas these reforms disregard the demands of the opposition, civil society and the international community;
- D. whereas the new Supreme Electoral Council (SEC) is a body that supervises and administers the electoral process in Nicaragua; whereas this is a process that should be managed by an impartial, independent and transparent body that upholds democratic principles and the effective and pluralistic exercise of the civil and political rights of the population; whereas the members of the SEC were appointed by the Nicaraguan National Assembly, which is firmly controlled by Ortega; whereas this makes the SEC a biased and non-transparent body and further erodes the political process; whereas these appointments, together with the recent electoral reforms, are not the result of dialogue between the government and opposition groups, which the EU and the international community have repeatedly called for, but were imposed by the ruling majority;
- E. whereas the Nicaraguan authorities have dissolved two political parties without due process in recent weeks, using methods that are contrary to international norms; whereas the dissolution of political parties — Partido de Restauración Democrática and Partido Conservador — and the initiation of politically fabricated criminal investigations that could lead to the disqualification of democratic opposition candidates, without due process, not only undermine the right of aspiring candidates to stand for election, but also the right of voters to elect the candidates of their choice; whereas these measures, coupled with the political use of the judicial system, run counter to basic democratic principles and constitute a serious violation of the rights of the Nicaraguan people under the Nicaraguan Constitution and international law;
- F. whereas since the beginning of June 2021 at least 21 democratic opposition members, including six pre-presidential candidates and union and political leaders, have been arbitrarily arrested under politically fabricated and ambiguous criminal allegations without any evidence in a process marred by serious violations of procedural guarantees, which demonstrates the lack of independence of the judiciary; whereas dozens of prominent opponents report systematic harassment and living under constant intimidation, with police almost permanently stationed in front of their houses or following them in the street, thus preventing them from moving about freely;
- G. whereas the Nicaraguan Government has adopted increasingly restrictive laws in the last few years, such as the Law for the Regulation of Foreign Agents, the Special Law against Cybercrime, the Law against Hate Crimes, the Law on the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, and the Law amending the Code of Criminal Procedure, which increased the period of investigation to 90 days instead of the constitutional term of 48 hours; whereas these laws institutionalise repression and legalise the acts that have been committed in the country since their adoption;

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- H. whereas the continued harassment and criminalisation of independent media curtails the right to freedom of expression and undermines the public's right to be truly informed; whereas freedom of expression, both online and offline, is crucial to any democracy at all times, but is of paramount importance during an electoral period; whereas public statements by the government authorities and pro-government media have aimed to stigmatise those perceived as dissidents;
- I. whereas these worrying developments overseen by the Nicaraguan Government show that the regime is drifting further into authoritarianism by shutting off space for democracy, national understanding and international mediation towards a peaceful solution to the conflict, and clearly impeding the holding of free and fair elections on 7 November 2021; whereas the EU, other international actors and human rights organisations have warned that there was a well-founded fear that these laws would be used to target people who speak out against repressive policies;
- J. whereas the Inter-American Commission on Human Rights' Interdisciplinary Group of Independent Experts has already indicated that the methods used to repress street protests may be considered crimes against humanity;
- K. whereas almost none of the recommendations made to Nicaragua by the Office of the UN High Commissioner for Human Rights have been implemented, which has resulted in continued impunity and further violations;
- L. whereas the reforms to the Consumer Law (Law 842) by the Nicaraguan National Assembly oblige banks to open accounts for the relatives of people who have been sanctioned by the US Government and other countries and are accused of corruption, money laundering and human rights violations; whereas the Ortega-Murillo family are accused of building a business empire in telecommunications, energy and other sectors;
- M. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms is an integral part of the EU's external policies, included in the Association Agreement between the EU and the countries of Central America of 2012;
1. Expresses its solidarity with the Nicaraguan population and strongly condemns all the repressive actions of the Nicaraguan authorities against democratic opposition parties and their members, journalists and other media workers, students, indigenous people, human rights defenders and civil society, as well as their family members, and in particular the deaths caused; calls for an immediate stop to the imposition of restrictive measures, repression and human rights violations, and calls for accountability for the grave violations committed by the Nicaraguan Government since 2018;
2. Calls for the immediate and unconditional release of all arbitrarily detained political prisoners, including the pre-presidential candidates Cristiana Chamorro, Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora and Medardo Mairena, the political leaders José Pallais, José Adán Aguerri, Dora María Téllez, Hugo Torres, Víctor Hugo Tinoco, Violeta Granera, Ana Margarita Vijil, Suyen Barahona and Pedro Joaquín Chamorro and other opposition activists, human rights defenders and journalists; calls, furthermore, for respect for their fundamental legal safeguards, human rights, and civil and political rights to be ensured; demands that the government immediately provides proof that those imprisoned are still alive and evidence of their whereabouts; recalls that full assurances must be given to those in exile to allow them to return to their country;
3. Requests that the Government of Nicaragua lift the de facto state of siege, respect the role of the national police as a non-political, non-partisan and non-deliberative force, disarm the paramilitary forces, comply with the agreements signed with the Civic Alliance and restore citizens' rights; reiterates its call on the government to allow civil society organisations to operate in a safe and enabling environment, without fear of reprisal;
4. Reiterates its call for the restoration of inclusive dialogue and democracy as the only peaceful way out of the political, economic and social crisis in Nicaragua; underlines the need to adopt reforms in an inclusive and transparent manner; calls on the EU Delegation to Nicaragua to continue and intensify its diplomatic engagement towards the electoral process and to continue to approach authorities to seek a political solution to the crisis in Nicaragua;

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5. Urges the Nicaraguan authorities to make immediate changes to the electoral law in accordance with the international parameters demanded by the OAS in its resolution of 21 October 2020, to appoint impartial people to the different electoral structures, to restore the legal status of the parties that were stripped of it, to respect the right of Nicaraguans to elect and be elected, and to guarantee the unrestricted presence of national and international electoral observation bodies while committing to political coexistence after the elections; stresses that in order for the elections and the resultant government to be recognised by the European Parliament, the changes requested by the OAS and international organisations must be implemented, in particular the re-establishment of the rights and freedoms that make possible a free, credible and equitable electoral process;

6. Condemns the adoption and implementation of the restrictive and punitive laws, and calls for their immediate repeal; stresses that these laws go against the rights and freedoms of Nicaraguans as enshrined in the Constitution of the Republic of Nicaragua, the Inter-American Democratic Charter and other international treaties to which Nicaragua is a signatory; rejects the improper use of institutions and laws by Nicaragua's authoritarian government with the intention of criminalising civil society organisations and political opponents;

7. Reiterates its call on the Nicaraguan authorities to allow unimpeded access to the Office of the UN High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR) and its Interdisciplinary Group of Independent Experts (GIEI), the Special Monitoring Mechanism for Nicaragua (MESENI), international civil society organisations and the European institutions in order to ensure respect for human rights in Nicaragua; reiterates its call to immediately restore the legal personality of human rights defenders organisations, such as the Centro Nicaragüense de Derechos Humanos (CENIDH);

8. Calls on the Government of Nicaragua to create an independent investigative unit involving international experts to oversee credible, impartial and exhaustive investigations by the Attorney General's Office into the alleged responsibility of top police officials for grave human rights violations committed in the context of the 2018 crackdown and thereafter;

9. Calls on the Central American Integration System (SICA) and its member states to play an active role in the defence, protection and promotion of democracy and the defence of human rights in Nicaragua, as established in the 1991 Tegucigalpa Protocol and the 1995 Framework Treaty on Democratic Security in Central America, Article 1 of which states that democracy is based on the existence of governments elected by universal and free suffrage by secret ballot and on the unconditional respect for all human rights in the states that make up the Central American region;

10. Calls on the Financial Action Task Force (FATF) to establish the necessary coordination with the US Office of Foreign Assets Control to ensure international financial security in the face of illicit operations originating from the Ortega-Murillo regime and its collaborators and their commercial relations and assets in European countries; underlines the fact that Nicaragua has been blacklisted by the FATF since October 2020;

11. Calls on the Council and the Member States to swiftly expand the list of individuals and entities to be sanctioned, including the President and Vice-President of Nicaragua and their inner circle, taking particular care to do no harm to the Nicaraguan people; stresses the need to maintain and ensure that EU assistance for civil society organisations, human rights defenders and the people of Nicaragua through the EU's development and humanitarian programmes, among others, reaches its true beneficiaries and not the government and authorities, in order to alleviate the impact of COVID-19 and the current governmental repression and prevent this crisis from turning into a humanitarian crisis; recalls that, in the light of the Association Agreement between the EU and Central America, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights, and reiterates its demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;

12. Commends and supports the efforts and positive work undertaken in a very complicated environment by the EU Delegation to Nicaragua; calls on the EU and its Member States to closely monitor the situation on the ground through their representatives and embassies in Nicaragua, including through trial monitoring and by visiting critics and opposition leaders in prison or under house arrest;

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13. Calls on the EU Delegation to Nicaragua and the Member States, where appropriate, to facilitate the issuance of emergency visas and provide temporary refuge for political reasons in the Member States;
 14. Requests that its Conference of Presidents dispatch a fact-finding mission to Nicaragua involving its Delegation for relations with the countries of Central America in order to assess the human rights and political situation;
 15. Reiterates its call from its resolution of 14 March 2019 for the immediate extradition of Alessio Casimirri, who continues to live in Managua under the protection of the Nicaraguan Government, to Italy, where he must serve six definitive life sentences for his proven involvement in the kidnapping and killing of the former prime minister and leader of the Christian Democracy party Aldo Moro and the murder of his guards in Rome on 16 March 1978;
 16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the Organization of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.
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P9_TA(2021)0360

The repression of the opposition in Turkey, specifically HDP**European Parliament resolution of 8 July 2021 on the repression of the opposition in Turkey, specifically the Peoples' Democratic Party (HDP) (2021/2788(RSP))**

(2022/C 99/23)

The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 19 May 2021 on the 2019-2020 Commission Report on Turkey ⁽¹⁾, of 20 January 2021 on the human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience ⁽²⁾ and of 19 September 2019 on the situation in Turkey, notably the removal of elected mayors ⁽³⁾,
- having regard to the Commission communication of 6 October 2020 on EU Enlargement Policy (COM(2020)0660) and to the accompanying Turkey 2020 Report (SWD(2020)0355),
- having regard to the negotiating framework for Turkey of 3 October 2005, and the fact that, as is the case for all candidate countries, Turkey's accession to the EU depends on full compliance with the Copenhagen criteria,
- having regard to the European Council conclusions of 24 June 2021 on external relations, and to other relevant Council and European Council conclusions on Turkey,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 March 2021 on the state of play of EU-Turkey political, economic and trade relations (JOIN(2021)0008),
- having regard to the statement made by the European External Action Service Spokesperson for Foreign Affairs and Security Policy on 19 August 2019 on the suspensions of elected mayors and detainment of hundreds of people in south-east Turkey, and to those of 21 and 25 December 2020,
- having regard to the joint statement of 18 March 2021 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell and the European Commissioner for Neighbourhood and Enlargement Oliver Várhelyi on latest actions regarding the Peoples' Democratic Party,
- having regard to Article 46 of the European Convention on Human Rights, which states that the High Contracting Parties undertake to abide by the final judgments of the European Court of Human Rights (ECtHR) in any case to which they are parties,
- having regard to the judgment of the ECtHR Grand Chamber of 22 December 2020 in the case of Demirtaş v Turkey (14305/17),
- having regard to resolution 2347 of the Parliamentary Assembly of the Council of Europe (PACE) of 23 October 2020 entitled 'New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards', and to PACE resolution 2260 of 24 January 2019 entitled 'The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?',
- having regard to Rule 132(2) and (4) of its Rules of Procedure,

⁽¹⁾ Texts adopted, P9_TA(2021)0234.

⁽²⁾ Texts adopted, P9_TA(2021)0028.

⁽³⁾ Texts adopted, P9_TA(2019)0017.

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- A. whereas against the backdrop of a general backsliding affecting fundamental freedoms and the rule of law, opposition parties in Turkey — and particularly the People's Democratic Party (HDP) — have been continuously and increasingly targeted by the Turkish authorities;
- B. whereas on 17 March 2021, the Chief Public Prosecutor of Turkey's Court of Cassation first applied to the Constitutional Court demanding the closure of the HDP, the third largest political party in the Turkish Parliament; whereas on 31 March 2021, the General Assembly of the Constitutional Court found procedural deficiencies in this indictment and decided to return it to the Chief Public Prosecutor's Office; whereas a revised indictment was submitted on 7 June 2021 and demanded, in addition to the closure of the party, a ban from the exercise of political activities for nearly 500 HDP politicians and a freeze on the party's bank accounts; whereas the General Assembly of the Constitutional Court unanimously accepted the revised indictment on 21 June 2021;
- C. whereas the Chief Public Prosecutor based most of his accusations against the HDP on the Kobani protests, for which there is an ongoing legal case launched against HDP politicians, including former co-chairs Selahattin Demirtaş and Figen Yüksekdağ; whereas these accusations were mainly based on a tweet posted by the HDP's Central Executive Board (dated 6 October 2014), which invited people to protest in solidarity with the people of Kobani against ISIS and against Turkey's embargo on Kobani; whereas during the protests, more than fifty people, the overwhelming majority of whom were HDP members or sympathisers, were killed in clashes with the Turkish police;
- D. whereas there are 108 defendants from the HDP in the 'Kobani trial'; whereas 28 of them have been arrested pending trial; whereas there are judicial restrictions on six people and arrest warrants against 75 people; whereas Parliament will continue to closely follow the Kobani trial and other relevant cases;
- E. whereas the Constitutional Court has in the past banned six pro-Kurdish political parties;
- F. whereas the ECtHR has repeatedly found that closing down political parties violates the right to association under Article 11 of the European Convention on Human Rights; whereas in its conclusions of 24 June 2021 the European Council states that the targeting of political parties represents a major setback for human rights and runs counter to Turkey's obligations to respect democracy and the rule of law and that dialogue on this issue remains an integral part of EU-Turkey relations;
- G. whereas on 17 June 2021, Deniz Poyraz, an employee and member of the HDP, was murdered in the party's offices in İzmir; whereas she was allegedly mutilated after her death; whereas in 2015 and 2016, hundreds of HDP party offices, including the headquarters in Ankara, were attacked and many were burnt down;
- H. whereas around 4 000 HDP members and functionaries remain in prison, including a number of parliamentarians;
- I. whereas three HDP MPs have been stripped of their parliamentary seats and parliamentary immunity and have subsequently been arrested;
- J. whereas on 30 June 2021, the Justice Ministry's prosecutors submitted to the Turkish Grand National Assembly Joint Parliamentary Constitution and Justice Committee summaries of proceedings seeking to lift the legislative immunity of 20 opposition lawmakers from six different opposition parties; whereas these proceedings target 15 MPs from the HDP, the Republican People's Party (CHP) leader Kemal Kılıçdaroğlu and one lawmaker from each other opposition party, namely the Democratic Regions Party (DBP), the İYİ (Good) Party, the Workers' Party of Turkey (TİP) and the Democrat Party (DP);
- K. whereas Mr Kılıçdaroğlu, as the leader of the main opposition party, is being prosecuted for allegedly insulting the President of Turkey, for which he faces a sentence of up to four years; whereas he is also facing a lawsuit filed by President Recep Tayyip Erdoğan on 11 January 2021 to pay TRY 1 million in damages;
- L. whereas Mr Demirtaş, former co-chair of the HDP and a presidential candidate during the elections of 2014 and 2018, has been detained for more than four years on unsubstantiated charges and in spite of two ECtHR rulings in favour of his release;

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- M. whereas in the same judgment, the ECtHR stated that the HDP headquarters' call for solidarity with the people of Kobani remained within the limits of political speech, insofar as they could not be construed as a call to violence; whereas the court stated that the acts of violence that took place between 6 and 8 October 2014, regrettable though they were, cannot be seen as a direct consequence of the tweets by HDP headquarters;
- N. whereas since the local elections held on 31 March 2019, 59 of the 65 democratically elected HDP mayors in the south-east of Turkey have been replaced by government-appointed provincial governors or trustees on the grounds that they were under criminal investigation for alleged links to terrorism; whereas of the 36 arrested, 32 were released during the judicial process, but whereas 6 elected co-mayors still remain in prison;
- O. whereas the deteriorating structural problems leading to a lack of institutional independence in the judiciary continue to have an impact on the rights of opposition parties;
1. Remains deeply concerned by the constant attacks and pressure on opposition parties in Turkey, and particularly by the way that the HDP, including its youth organisation, has been specifically and increasingly targeted by the Turkish authorities; condemns this repression against the HDP and any other Turkish opposition parties, which undermines the proper functioning of the democratic system; urges the Turkish Government to put an end to this situation and ensure that all political parties in the country can freely and fully exercise their legitimate activities in accordance with the basic principles of a pluralist and democratic system;
 2. Strongly condemns the indictment refiled by Turkey's Chief Public Prosecutor at the Constitutional Court seeking the dissolution of the HDP and a political ban on nearly 500 HDP members, including most of its current leadership, which would prevent them from conducting any kind of political activity in the next five years; is deeply worried by the Constitutional Court's decision to accept this case, which was unanimous; notes with grave concern that the HDP dissolution case is the culmination of a crackdown on the party that has been going on for several years, and which has seen thousands of party members, executives, MPs, local councillors and co-mayors tried, mainly on terrorism-related charges;
 3. Firmly believes that not hampering the HDP's participation in Turkey's democratic institutions is a basic way to make Turkish society more inclusive and create a positive outlook leading to a peaceful settlement of the Kurdish issue; reiterates in this respect that, given the HDP's firm commitment to work through democratic institutions, banning the party would be a serious political mistake in the medium term and would represent an irreversible blow to pluralism and democratic principles, leaving millions of voters in Turkey without representation;
 4. Strongly condemns the appalling killing of HDP member and worker Deniz Poyraz and the attack on the party's offices in İzmir; expresses its condolences to her relatives and friends; urges the authorities to investigate this case thoroughly and bring those responsible to justice;
 5. Calls on the Turkish authorities to refrain from fuelling incitement against the HDP and to take the necessary measures to protect the party's offices and officials, including MPs and elected local councillors and co-mayors;
 6. Condemns the arbitrary application of the rule of law during the ongoing Kobani trial, which led to the reopening of the case, and during its proceedings, in particular the lack of judicial independence, impartiality, total fairness and procedural safeguards; is deeply concerned by the misuse of the broad anti-terrorism legislation; reiterates its call on the Turkish authorities to align their anti-terrorism legislation with international standards in order to ensure the effective protection of fundamental rights and freedoms and proportionality and equality before the law;
 7. Condemns the decision to strip HDP MPs Leyla Güven, Ömer Faruk Gergerlioğlu and Musa Farisoğulları of their parliamentary seats and immunity, and their subsequent arrests; welcomes the recent judgment of the Constitutional Court of 1 July 2021 in which it unanimously ruled that the rights of MP Gergerlioğlu to be elected and engage in political activity, as well as his right to personal freedom and security, had been violated; welcomes his release and urges the Turkish

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authorities and lower courts to implement the decision of the Constitutional Court and urgently restore his parliamentary status; calls for the immediate release of the other two HDP MPs and for all charges against them to be dropped; denounces the recurrent use of revocation of the parliamentary status of opposition MPs, which seriously damages the Turkish Parliament's image as a democratic institution;

8. Strongly condemns the continued detention since November 2016 of former HDP co-chairs Figen Yüksekdağ and Selahattin Demirtaş, opposition leader and former presidential candidate; recalls the ECtHR ruling of 20 November 2018 in the case *Selahattin Demirtaş v Turkey*, confirmed by the ruling of its Grand Chamber on 22 December 2020, which calls on the Turkish authorities to immediately release Mr Demirtaş; is appalled by the Turkish authorities' continuous disregard for and failure to apply the rulings of the ECtHR, including in other cases such as the one of Osman Kavala, for which the Committee of Ministers of the Council of Europe could trigger infringement proceedings against Turkey; urges full cooperation with the Council of Europe in strengthening the rule of law, the rights of minorities, democracy and fundamental rights;

9. Is deeply concerned about the gradually increasing pressure on the main opposition party (the CHP) and its leader Kemal Kılıçdaroğlu, including the confiscation of party brochures by court order, the threats made publicly against him and the physical attacks on him; condemns the request to lift the immunity of Mr Kılıçdaroğlu on the basis of his political statements, including his prosecution for allegedly insulting the President of Turkey, for which he faces a sentence of up to four years; reiterates its serious concern about the continuous political and judicial harassment of Canan Kaftancıoğlu, the Istanbul provincial chair of the CHP;

10. Is deeply concerned about the increasing pressure on all opposition parties and the latest decision of the Justice Ministry's prosecutors to submit to the Turkish Grand National Assembly's Joint Parliamentary Constitutional and Justice Committee summaries of proceedings seeking to lift the legislative immunity of 20 opposition lawmakers from six different opposition parties; highlights that the generally hostile environment is affecting other opposition leaders such as the chair of the İYİ Party, Meral Akşener, who was recently verbally attacked in a visit to Rize by supporters of the ruling party;

11. Condemns the decision made by the Turkish authorities to remove democratically elected mayors from office on the basis of questionable evidence and replace them with unelected trustees, which undermines local democracy; notes the political, legislative and administrative measures taken by the Turkish Government to paralyse municipalities run by the mayors of opposition parties in Istanbul, Ankara and Izmir; regrets the fact that the incumbent government is abusing the financial resources and administrative authority of the state to weaken or silence the opposition;

12. Stresses that these actions continue to undermine the ability of the political opposition to exercise their rights and fulfil their democratic roles; is deeply concerned by this serious backsliding on the freedom of the opposition parties to function, which reveals the dire human rights situation in Turkey and the continued erosion of democracy and the rule of law, in violation of the Copenhagen criteria;

13. Considers that the erosion of the rule of law and the systemic lack of independence of the judiciary continue to be linked to court decisions concerning the freedom of opposition parties to function; Calls on Turkey to ensure pluralism and to respect the freedoms of association and expression in line with the protections established in the Turkish Constitution and with Turkey's international obligations;

14. Calls on the EU Delegation to Turkey to further monitor the situation of the political opposition, *inter alia* by observing trials, including the 'Kobani trial', making public statements and requesting permission for prison visits;

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15. Believes that, apart from improvements in foreign policy issues, progress on any positive agenda that could be offered to Turkey should also be dependent on improvements in the civil and human rights and rule of law situation in the country, including women's rights, such as those guaranteed by the Istanbul Convention, religious freedom, and the rights of ethnic minorities and LGBTI community;

16. Instructs its President to forward this resolution to the President of the European Council, the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Government and Parliament of the Republic of Turkey.

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P9_TA(2021)0361

Establishment of Antarctic Marine Protected Areas (MPAs) and the conservation of Southern Ocean biodiversity

European Parliament resolution of 8 July 2021 on the establishment of Antarctic Marine Protected Areas (MPAs) and the conservation of Southern Ocean biodiversity (2021/2757(RSP))

(2022/C 99/24)

The European Parliament,

- having regard to the United Nations 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), especially SDGs 13 and 14,
- having regard to the United Nations Convention on Biological Diversity (CBD),
- having regard to the United Nations Convention on the Law of the Sea (UNCLOS), in particular Part XII,
- having regard to the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention),
- having regard to the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) of 31 May 2019,
- having regard to the Intergovernmental Panel on Climate Change (IPCC) Special Report on the Ocean and Cryosphere in a Changing Climate of 24 September 2019 and to the IPCC Special Report on Global Warming of 1,5 °C of 8 October 2018,
- having regard to the report entitled 'Mission Starfish 2030: Restore our Ocean and Waters' of the Commission's Mission Board for Healthy Oceans, Seas, Coastal and Inland Waters published on 22 September 2020,
- having regard to the Commission communication of 11 December 2019 entitled 'The European Green Deal' (COM(2019)0640),
- having regard to the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' (COM(2020)0380),
- having regard to the State of the Union address by President von der Leyen at the European Parliament plenary of 16 September 2020,
- having regard to the joint statement of the 21st EU-China joint statement of 9 April 2019,
- having regard to the G7 Leaders' communiqué 'Our Shared Agenda for Global Action to Build Back Better' of 13 June 2021,
- having regard to the EU-US summit statement of 15 June 2021 'Towards a renewed Transatlantic partnership',
- having regard to its resolution of 28 November 2019 on the climate and environment emergency ⁽¹⁾,
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽²⁾,
- having regard to its resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives ⁽³⁾,

⁽¹⁾ OJ C 232, 16.6.2021, p. 28.

⁽²⁾ Texts adopted, P9_TA(2020)0005.

⁽³⁾ Texts adopted, P9_TA(2021)0277.

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- 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 ⁽⁴⁾,
 - having regard to its resolution of 25 March 2021 on the impact on fisheries of marine litter ⁽⁵⁾,
 - having regard to the Antarctic Treaty signed on 1 December 1959,
 - having regard to the Madrid Protocol on Environmental Protection to the Antarctic Treaty signed on 4 October 1991 (the Madrid Protocol),
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the good ecological status of the Ocean is critical for safeguarding biodiversity and ensuring the continuity of its ecosystem services such as the absorption of CO₂ and the production of oxygen;
- B. whereas Antarctica and the Southern Ocean are home to an extremely rich wildlife ecosystem of flora and fauna, while certain species are on the International Union for Conservation of Nature red list of threatened species with an endangered or vulnerable status;
- C. whereas the ocean is essential to mitigating climate change, and has absorbed over 90 % of the heat trapped by our carbon dioxide emissions; whereas it is the world's largest active carbon sink, having sequestered over 30 % of the carbon from those emissions ⁽⁶⁾
- D. whereas from 1989 to 2018 Antarctica warmed by 1,8 °C, which is three times more than the global average ⁽⁷⁾; whereas the Greenland and Antarctic Ice Sheets are projected to lose mass at an increasing rate throughout the 21st century and beyond;
- E. whereas Antarctic krill are an essential part of the food chain for many marine predators (penguins, whales, seals, fish) in the Southern Ocean;
- F. whereas the IPCC's Special Report on the Ocean and Cryosphere in a Changing Climate ⁽⁸⁾ outlined how climate mechanisms depend on the health of the ocean and marine ecosystems, which are currently being affected by global warming, pollution, overexploitation of marine biodiversity, acidification, deoxygenation and coastal erosion;
- G. whereas the United Nations has proclaimed the Decade of Ocean Science for Sustainable Development (2021-2030) to increase ocean science and build collective knowledge;
- H. whereas the Antarctic Treaty, which entered into force 60 years ago on 23 June 1961, calls in Article IX for the preservation and conservation of living resources in Antarctica; whereas these efforts are defined by the Madrid Protocol; whereas this Protocol designates Antarctica as a 'natural reserve, devoted to peace and science', and sets out basic principles applicable to activities in Antarctica;

⁽⁴⁾ Texts adopted, P9_TA(2020)0015.

⁽⁵⁾ Texts adopted, P9_TA(2021)0096.

⁽⁶⁾ Bindoff, N. et al., 'Observations: Oceanic Climate Change and Sea Level', *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2007. <https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-chapter5-1.pdf>; Rhein, M. et al., 'Observations: Ocean', *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2013. https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter03_FINAL.pdf; Cheng L, et al., 2019, 'Record-Setting Ocean Warmth Continued in 2019', *Advances in Atmospheric Sciences*, Vol. 37, February 2020, <https://link.springer.com/article/10.1007/s00376-020-9283-7>;

⁽⁷⁾ Kyle R. Clem, Ryan L. Fogt, John Turner, Benjamin R. Lintner, Gareth J. Marshall, James R. Miller, James A. Renwick, 'Record warming at the South Pole during the past three decades', *Nature Climate Change*, 2020; DOI: 10.1038/s41558-020-0815-z.

⁽⁸⁾ IPCC *Special Report on the Ocean and Cryosphere in a Changing Climate. Summary for Policymakers*, 2019. <https://www.ipcc.ch/srocc/chapter/summary-for-policymakers/>

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- I. whereas the European Union and its Member States, Australia, Norway, the United Kingdom and Uruguay were joined on the 28 April 2021 by the United States and New Zealand as sponsors for the proposal to establish two MPAs in the Southern (Antarctic) Ocean, in the East Antarctica and Weddell Sea;
 - J. whereas negotiations are ongoing in the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR) to establish these two new MPAs, which would have a combined size of approximately 3 million km²; whereas the approval of these MPAs would contribute to achieving EU and global commitments on protecting marine biodiversity;
 - K. whereas MPAs are an important tool for protecting ocean ecosystems as they can increase the diversity and abundance of species while enhancing the ocean's resilience to environmental impacts, including climate change;
 - L. whereas G7 leaders have stated that they fully support the CCAMLR's commitment to develop a representative system of MPAs in the CAMLR Convention Area in the Southern Ocean based on the best available science;
 - M. whereas the EU and the US have expressed full commitment to promoting a successful and ambitious post-2020 global biodiversity framework in the framework of the Convention on Biological Diversity and their full support for the designation of new MPAs in the Southern Ocean, and to continuing cooperating to promote the sustainable blue economy, sustainable fishing and the prevention of illegal, unreported and unregulated (IUU) fishing;
 - N. whereas Parliament has expressed its strong support for ambitious action to protect and restore marine biodiversity, notably in its resolution on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives and its resolution on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity;
 - O. whereas Parliament has called on the Commission to champion an ambitious international governance model on marine biodiversity beyond national jurisdictions, and to recognise all seas and the ocean as a global common good; whereas, further, it has called for the EU to push for the adoption of an ambitious global ocean treaty to protect marine biodiversity in areas beyond national jurisdiction worldwide in the next session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction;
 - P. whereas negotiations are ongoing in the United Nations for an implementing agreement to protect marine biological diversity in areas beyond national jurisdiction under UNCLOS, which provides for the establishment of MPAs in the high seas;
1. Emphasises that Antarctica and the Southern Ocean contain ecosystems and biodiversity of exceptional value and scientific importance, and that the Weddell Sea is key for global ocean circulation and the world's climate; underlines the importance of ensuring their rapid and effective protection;
 2. Expresses its full support for the efforts made by the European Union and its Member States, Australia, Norway, the United Kingdom, Uruguay, United States and New Zealand to establish two new MPAs in the eastern Antarctic and the Weddell Sea in the Antarctic Ocean; calls on the Commission and Member States, in preparation for the 2021 annual CCAMLR meeting, to intensify their bilateral and multilateral efforts to secure support for the establishment of these MPAs in the forthcoming months, and in particular to focus on CCAMLR members which have expressed opposition to the MPA proposals;
 3. Recalls that according to the Biodiversity Strategy for 2030, the EU should use all of its diplomatic leverage and outreach capacities to help broker agreement on the designation of vast MPAs in the Southern Ocean;

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4. Recalls the Union's commitment on marine protection to legally protect a minimum of 30 % of the EU's sea area, including strictly protecting 10 % of its seas; recalls that the EU should ensure that the post-2020 global framework includes ambitious global 2030 targets in line with EU commitments; reiterates, further, its position that the EU should act as a global leader and push for a high level of ambition, matching or exceeding its own, during the negotiations for the global framework, which should include legally binding global restoration and protection targets of at least 30 % by 2030; underlines that protected areas need to be effectively protected;
 5. Recalls the CCAMLR's commitment to create a representative system of MPAs in the CAMLR Convention Area by 2012 that protects representative examples of marine ecosystems, biodiversity and habitats;
 6. Underlines that the Madrid Protocol prohibits activities related to Antarctic mineral resources except for scientific research purposes; calls for this crucial provision to be maintained in future agreements;
 7. Points out that the geographic isolation of the Southern Ocean makes monitoring operations in the CAMLR Convention Area complex and difficult;
 8. Highlights that over 80 % of the seabed remains unexplored ⁽⁹⁾, and that further oceanographic research is necessary, especially on the impacts of pollution and climate change on ecosystems;
 9. Calls on the Commission and the Member States together with global partners to strengthen the network of MPAs globally through enhanced management, better spatial planning, evaluations and enforcement in order to increase ecological coherence and connectivity of MPAs;
 10. Underlines that IUU fishing activities represent a considerable threat to sustainable fishing and the resilience of marine ecosystems;
 11. Underlines that tourism in Antarctica must be conducted in a sustainable way; calls therefore on the CCAMLR to ensure that tourism is conducted accordingly and that it does not adversely impact the ecosystem;
 12. Underlines that the establishment of these two new MPAs would be an important contribution to the global dimension of the EUs Biodiversity Strategy; calls on the Commission and Member States to use the establishment of these MPAs as a basis in the global negotiations under the Convention on Biological Diversity in the COP15 UN Biodiversity Conference in Kunming, China;
 13. Notes that the establishment of MPAs covering over 3 million km² in the eastern Antarctic and the Weddell Sea would create one of the largest marine protection areas in history;
 14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Member States of the CCAMLR.
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⁽⁹⁾ National Ocean Service, 2021: <https://oceanservice.noaa.gov/facts/exploration.html>

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P9_TA(2021)0362

Breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the adopted legal changes in the Hungarian Parliament

European Parliament resolution of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament (2021/2780(RSP))

(2022/C 99/25)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union (hereinafter ‘the Charter’),
- having regard to Article 2 of the Treaty on European Union (TEU),
- having regard to the European Convention on Human Rights and the related case law of the European Court of Human Rights (ECtHR),
- having regard to the Universal Declaration of Human Rights,
- having regard to the case law of the Court of Justice of the European Union (CJEU) and the ECtHR,
- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM(2020)0698),
- having regard to the Commission communication of 24 March 2021 entitled ‘EU Strategy on the rights of the child (2020-2025)’ (COM(2021)0142),
- having regard to the results of the EU LGBT Survey launched by the European Union Agency for Fundamental Rights (FRA) in 2019,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹⁾ (‘the Rule of Law Conditionality Regulation’),
- having regard to its resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded ⁽²⁾,
- having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI-free zones ⁽³⁾,
- having regard to its resolution of 16 January 2020 on ongoing hearings under Article 7(1) TEU regarding Poland and Hungary ⁽⁴⁾,
- having regard to the CJEU’s decision of 3 June 2021 in case C-650/18 dismissing Hungary’s action against Parliament’s resolution of 12 September 2018 triggering the procedure for determining the existence of a clear risk of a serious breach by a Member State, of the values on which the European Union is founded ⁽⁵⁾,
- having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights ⁽⁶⁾,

⁽¹⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽²⁾ OJ C 433, 23.12.2019, p. 66.

⁽³⁾ OJ C 255, 29.6.2021, p. 7.

⁽⁴⁾ Texts adopted, P9_TA(2020)0014.

⁽⁵⁾ Judgment of 3 June 2021, Hungary v Parliament, C-650/18, ECLI:EU:C:2021:426.

⁽⁶⁾ Texts adopted, P9_TA(2020)0251.

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- having regard to its resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone ⁽⁷⁾,
- having regard to its resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health ⁽⁸⁾,
- having regard to the Commission communication of 30 September 2020 entitled '2020 Rule of Law Report — The rule of law situation in the European Union' (COM(2020)0580),
- having regard to its resolution of 24 June 2021 on the Commission's 2020 Rule of Law Report ⁽⁹⁾,
- having regard to the Hungarian Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (the 'Bill' and, after promulgation, the 'Law'),
- having regard to the inquiry launched by the European Commissioner for Equality on 16 June 2021 into the compliance of the Hungarian Law with Union law,
- having regard to the letter addressed by the Commissioners for Justice and for the Internal Market to the Hungarian Minister of Justice (Ares S(2021) 4587976) on the non-compliance of the draft law with several EU legal provisions, including Article 2 TEU on respect for human rights, freedom and non-discrimination,
- having regard to the letter signed by 17 heads of state or government during the European Council meeting of June 2021 which vowed to 'continue fighting against discrimination towards the LGBTI community,' ⁽¹⁰⁾
- having regard to the statement from the sidelines of the General Affairs Council meeting of 22 June 2021, co-signed by 18 Member States, regarding the adoption of the Hungarian Bill ⁽¹¹⁾,
- having regard to the Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, and to the standards adopted by the Parliamentary Assembly of the Council of Europe,
- having regard to the statement of the Commissioner for Human Rights of the Council of Europe concerning the Bill ⁽¹²⁾,
- having regard to the judgment of the ECtHR of 20 June 2017 in the case of Bayev and others v. Russia (applications nos. 67667/09 and 2 others) ⁽¹³⁾,
- having regard to the question to the Commission for oral answer of 22 June 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the adopted legal changes in the Hungarian Parliament (O-000050/2021),
- having regard to Rule 132(2) of its Rules of Procedure,

⁽⁷⁾ Texts adopted, P9_TA(2021)0089.

⁽⁸⁾ Texts adopted, P9_TA(2021)0314.

⁽⁹⁾ Texts adopted, P9_TA(2021)0313.

⁽¹⁰⁾ <https://twitter.com/alexanderdecroo/status/1407977290189971457/photo/1>

⁽¹¹⁾ <https://wilmes.belgium.be/en/thirteen-countries-unite-belgiums-initiative-defend-lgbtq-rights-europe>

⁽¹²⁾ <https://www.coe.int/en/web/commissioner/-/commissioner-mijatovic-urges-hungary-s-parliamentarians-to-reject-draft-amendments-banning-discussion-about-sexual-and-gender-identity-and-diversity>

⁽¹³⁾ <http://hudoc.echr.coe.int/eng?i=001-174422>

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- A. whereas the Hungarian National Assembly adopted on 15 June 2021 a Bill which, at its origin, is intended to protect children against paedophile offenders, an objective which is shared and pursued by all institutions and Member States within the Union; whereas the Bill was promulgated on 23 June 2021 and will enter into force on 8 July 2021 ⁽¹⁴⁾; whereas the Law will restrict severely and intentionally the rights and freedoms of LGBTIQ persons, as well as children's rights;
- B. whereas Hungary has made a number of statements in the Council recently, interpreting the concept of 'gender' in certain texts as a reference to sex and thus denying the existence of gender, in particular regarding the Crisis Management Concept (CMC) for a possible EU non-executive military common security and defence policy (CSDP) mission in Mozambique, the Just Transition Fund Regulation and the Common Provisions Regulation, as well as on other occasions;
- C. whereas the definitions of the Law are deliberately vague with the aim of causing a chilling effect; whereas the Law prohibits the 'portrayal and promotion of gender identity different from sex assigned at birth, the change of sex and homosexuality' in schools, in television programmes and in publicly available advertisements on any platforms for persons aged under 18, even for educational purposes; whereas the Law disqualifies such content from being considered as a public service announcement or social responsibility advertisement even if intended for adults; whereas the Law introduces amendments to the Child Protection Act, the Family Protection Act, the Act on Business Advertising Activity, the Media Act and the Public Education Act;
- D. whereas Parliament has previously condemned the misuse of laws on the information made available to minors, especially in the field of education and the media, in order to censor LGBTI-related content and materials, in particular in Lithuania and Latvia;
- E. whereas in 2018, Polish President Andrzej Duda stated that he would consider issuing a so-called 'gay propaganda' law, as adopted in Russia, which would ban LGBTIQ media, literature, and gatherings such as Pride; whereas in June 2021, Poland's Deputy Justice Minister Michal Was announced that Poland is currently working on a bill which aims at banning 'LGBT propaganda';
- F. whereas in June 2021, the President of the Czech Republic Milos Zeman made degrading comments about the transgender community in a media interview relating to the new anti-LGBTIQ law in Hungary;
- G. whereas similar worrying developments have been observed in Croatia, notably the announced proposal by the conservative Most party to include 'prohibition of the exposure of children to the LGBT propaganda' in the laws that are being discussed in the Croatian Parliament, and attacks against LGBTI people on 3 July 2021, the day of the 20th Zagreb Pride; whereas on 4 July 2021, the President and Vice-President of the Most party announced lawsuits against the LGBTI organisations that had accused the Most party of spreading intolerance and homophobia, and inciting division and hatred;
- H. whereas in 2013, Russia introduced a federal law 'for the purpose of protecting children from information advocating for a denial of traditional family values', which aimed at forbidding the normalisation of homosexuality in the media; whereas numerous human rights organisations across the world have stated that the Russian law imperils LGBTIQ young people;
- I. whereas as enshrined in Article 2 TEU, the 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;
- J. whereas the Commission's LGBTIQ equality strategy establishes the common direction of the Union in protecting the rights of LGBTIQ persons in all Member States, and reiterates that equality and non-discrimination are core values and fundamental rights in the EU, enshrined in its Treaties and in the Charter of Fundamental Rights;

⁽¹⁴⁾ Law published in the Gazette: <https://njt.hu/jogszabaly/2021-79-00-00>; <https://magyarkozlony.hu/dokumentumok/ba643dee7b59-c2a1901132e6e3320483d2245b56/megtekintes>

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- K. whereas Commission President Ursula von der Leyen described the Law as a ‘shame’ and instructed the responsible Commissioners to address the Hungarian Government ⁽¹⁵⁾; whereas the Commissioners for Justice and for the Internal Market addressed a letter to the Hungarian Minister of Justice in which they stated that the Law violates the following rights: the right to private and family life (Articles 7 and 9 of the Charter); the right to freedom of expression and information (Article 11 of the Charter); the freedom to conduct a business (Article 16 of the Charter); and non-discrimination (Article 21 of the Charter); whereas the Audiovisual Media Services Directive (AVMSD) ⁽¹⁶⁾, the e-Commerce Directive ⁽¹⁷⁾ and Article 56 of the Treaty on the Functioning of the European Union (TFEU) are applicable to at least some of the scenarios regulated, and Articles 34 and 36 TFEU may also be applicable and infringed by the contested provisions of the Law; whereas a reply to this letter was requested before 30 June 2021 ⁽¹⁸⁾; whereas the Hungarian Minister for Justice responded on 1 July 2021;
- L. whereas 18 Member States ⁽¹⁹⁾ co-signed a statement calling on the Commission to use all the tools at its disposal to ensure full respect for EU law, including by referring the matter to the CJEU;
- M. whereas 17 heads of state or government adopted a joint statement on 24 June 2021 declaring that they will continue fighting against discrimination towards the LGBTIQ community, reaffirming their defence of LGBTIQ persons’ fundamental rights ⁽²⁰⁾;
- N. whereas the Commissioner for Human Rights of the Council of Europe urged members of the Hungarian Parliament to reject the Bill; whereas she claimed that the Bill was affront against the rights and identities of LGBTIQ persons and that it also curtails the freedom of expression and education of all Hungarians ⁽²¹⁾;
- O. whereas according to Recommendation CM/Rec(2010)5 of the Council of Europe’s Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, the leaders of Council of Europe member states have the responsibility to educate, to combat prejudices and discrimination and to work for the acceptance of LGBTIQ people;
- P. whereas the ECtHR ruled in the case of Bayev and others v. Russia that legislation banning the promotion of homosexuality, also known as the ‘gay propaganda law’ was in violation of Article 10 (freedom of expression) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights, and was therefore discriminatory, and that it reinforced prejudice against LGBTIQ people, which is incompatible with the values of a democratic society;
- Q. whereas Parliament has encouraged the Member States on several occasions to guarantee the right to comprehensive sexuality, sex and relationship education which is scientifically accurate, evidence-based, age-appropriate and non-judgemental; whereas international human rights bodies ⁽²²⁾ such as the Council of Europe have established that children and young people have the right to receive comprehensive sexuality education;
- R. whereas the LGBT Survey of the FRA highlights that more than half of respondents always or often heard or saw negative comments or conduct during their time at school because a schoolmate/peer was perceived to be LGBTI; whereas this number increases to 70 % for respondents aged 15-17, which highlights the need for acceptance and tolerance to be addressed in educational contexts;

⁽¹⁵⁾ https://ec.europa.eu/commission/presscorner/detail/en/statement_21_3164

⁽¹⁶⁾ OJ L 303, 28.11.2018, p. 69.

⁽¹⁷⁾ OJ L 178, 17.7.2000, p. 1.

⁽¹⁸⁾ <https://ec.europa.eu/commission/presscorner/api/files/attachment/869254/Letter%20by%20Commissioners%20Reynders%20and%20Breton.pdf>

⁽¹⁹⁾ Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Luxembourg, Netherlands, Spain, Sweden, Latvia, Italy, Greece, Austria, Cyprus and Portugal,

⁽²⁰⁾ <https://twitter.com/alexanderdecroo/status/1407977290189971457?s=20>

⁽²¹⁾ <https://www.coe.int/be/web/commissioner/-/commissioner-mijatovic-urges-hungary-s-parliamentarians-to-reject-draft-amendments-banning-discussion-about-sexual-and-gender-identity-and-diversity>

⁽²²⁾ Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women, Report of the UN Special Rapporteur on the Right to Education.

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The Law, its provisions and the violation of EU law

1. Condemns in the strongest possible terms the Law adopted by the Hungarian Parliament, which constitutes a clear breach of the EU's values, principles and law; recalls that the Law will introduce into different Hungarian acts provisions that violate fundamental rights under the Charter and the Treaties and EU internal market legislation (the AVMSD and the e-Commerce Directive); considers the Law to be in violation of the established EU *acquis*;
2. Welcomes the statement signed by 18 of the Member States calling on the Commission to take legal action and the condemnation of the Bill by the Commission President and individual commissioners; takes note of the letter sent to the Hungarian Minister of Justice requesting clarification of and information on the points raised by 30 June 2021; calls on the Commission to make this response public;
3. Takes note of the Commission's call for a constructive and loyal debate with Hungary; regrets that the Law was, however, promulgated on 23 June 2021, despite the outcry from international organisations; calls on the Commission to immediately take legal action, namely by launching an accelerated infringement procedure against Hungary under Article 258 TFEU concerning the Law; calls on the Commission to use all Court of Justice procedural tools if necessary, including requests for an expedited procedure and interim measures, including penalties for non-compliance with the latter;
4. Recalls that in accordance with Article 259 TFEU, a Member State which considers that another Member State has failed to fulfil an obligation under the Treaties may bring the matter before the CJEU; invites Member States to trigger this article in relation to the Law should the Commission fail to act; invites the Member States to submit an inter-state application to the European Court of Human Rights regarding the aspects not covered by EU law;

Ongoing Article 7(1) procedures

5. Stresses that the Law is not an isolated example, but rather constitutes another intentional and premeditated example of the gradual dismantling of fundamental rights in Hungary; stresses that organised state-sponsored LGBTIQ phobia and disinformation campaigns have become tools for political censorship by the Hungarian Government and considers that this violates Article 2 TEU; recalls that the European Union has been declared an LGBTIQ Freedom Zone⁽²³⁾;
6. Recalls that violations of the human rights of LGBTIQ persons are part of a larger political agenda which is leading to the dismantling of democracy and the rule of law, including media freedom, and should be considered as systemic violations of Article 2 TEU; recalls that Parliament's resolution of 12 September 2018⁽²⁴⁾ already expressed concerns about the right to equal treatment and freedom of expression;
7. Expresses strong concerns that since Parliament triggered Article 7(1), the rule of law and fundamental rights situation has continued to deteriorate in Hungary; stresses the lack of action and responsibility from the Council in this regard over the years;
8. Welcomes the fact that the Portuguese Presidency has held the first Article 7(1) hearing on the rule of law in Hungary since 2019, as well as the statements from 18 Member States condemning the Law; stresses, however, that dialogue must produce tangible output in terms of actions in order to actively address the examples of deterioration of fundamental rights in Hungary; reiterates its call on the Council to issue concrete recommendations to Hungary, as stipulated in Article 7(1) TEU, including a recommendation to repeal the Law, and to provide deadlines for the implementation of those recommendations; calls on the Slovenian Presidency to hold a hearing on Hungary in September 2021 and to schedule a vote on the recommendations as soon as possible; notes that the human rights of LGBTIQ persons have been gradually dismantled over the past few years;
9. Recalls that on 2 March 2021, the Hungarian Media Council announced legal proceedings against the RTL Hungary media group following the airing of the 'Family is Family' campaign; considers that these actions constitute censorship of media content and advertising and are therefore in violation of the AVMSD; stresses that a number of broadcasters across

⁽²³⁾ European Parliament resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone.

⁽²⁴⁾ Texts adopted, P8_TA(2018)0340.

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the EU have called on the Commission to start infringement procedures ⁽²⁵⁾, alongside civil society organisations; calls on the Commission to use all legal tools at its disposal to address the censorship of material that is compliant with the AVMSD, taken in conjunction with the Charter;

10. Expresses deep concern that the deterioration of media freedom is leading to an increase in the scapegoating and targeting of minorities, including LGBTIQ people;

11. Recalls that the Fundamental Law (Constitution) of Hungary was amended in December 2020 to specify that the mother is a female and the father is a male and that Hungary protects the right of children to establish their identity in line with their birth sex, and their right to education according to the country's constitutional identity and system of values based on Christian culture; notes that despite family law being a national competence, amending the constitution in this way, in combination with the follow-up legislation, including the Law, results in a direct reduction in the protection of the values stipulated in Article 2 TEU; notes that the Venice Commission has adopted an opinion on the constitutional amendments adopted by the Hungarian Parliament in December 2020 ⁽²⁶⁾;

12. Recalls that on 18 June 2013, the Venice Commission adopted opinion CDL-AD (2013)022-e on the issue of the prohibition of so-called 'propaganda of homosexuality' in light of recent legislation in some member states of the Council of Europe;

13. Recalls that legislation has been adopted by the Hungarian Parliament that has the effect of restricting adoption to married couples, de facto banning adoption for persons living in same-sex partnerships and single and non-married individuals, unless special permission is granted by the Minister for Family Policy; stresses that the latter requirement grants a member of the government the capacity to take unilateral decisions in this regard;

14. Recalls that the adoption of Article 33 of the Omnibus Bill of 2020 de facto banned legal gender recognition for transgender and intersex persons in Hungary, infringing their right to privacy and exposing them to discrimination, which can have severe psychological effects and may limit their right to participate actively in civil society; notes that the National Authority for Data Protection and Freedom of Information has issued an opinion on Article 33, arguing that it violates Article 5(1)(d) of the General Data Protection Regulation ⁽²⁷⁾; recalls that the Commission has so far taken no action to address this issue; calls on the Commission to investigate the matter and take legal action if necessary; notes that although the Constitutional Court of Hungary ⁽²⁸⁾ found parts of the Law unconstitutional, the public authorities have still failed to implement its decision and continue to reject applications even if they were submitted prior to the entry into force of the Law; notes that this constitutes a breach of the rule of law;

15. Condemns the decision of a consumer protection authority in Budapest ⁽²⁹⁾ to order book publishers to print disclaimers on children's books which feature rainbow families, as containing 'behaviour inconsistent with traditional gender roles';

16. Expresses strong concerns about the shrinking space for non-governmental organisations (NGOs) in Hungary, including LGBTIQ NGOs; welcomes the CJEU judgment in Case C-78/18 ⁽³⁰⁾ declaring that Law No LXXVI of 2017 on the Transparency of Organisations which receive Support from Abroad introduced discriminatory and unjustified restrictions on foreign donations to civil society organisations, in breach of its obligations regarding the free movement of capital, respect for private life, protection of personal data and the freedom of association; notes the repeal of that law, but raises

⁽²⁵⁾ ACT, Hungary: *Broadcasting associations across Europe express dismay at anti-LGBTIQ bill & urge European Commission to open infringement proceedings*, Brussels, 29 June 2021.

⁽²⁶⁾ Hungary — Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020, adopted by the Venice Commission at its 127th Plenary Session, Venice and online, 2-3 July 2021 (CDL-AD(2021)029-e).

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

⁽²⁸⁾ <http://public.mkab.hu/dev/dontesek.nsf/0/CB4CA4E8F72D33DFC125863A00604976?OpenDocument>. English summary available at <http://public.mkab.hu/dev/dontesek.nsf/0/CB4CA4E8F72D33DFC125863A00604976?OpenDocument&english&english>

⁽²⁹⁾ <https://www.kormanyhivatal.hu/hu/budapest/hirek/tisztessegtelen-kereskedelmi-gyakorlatot-folytat-a-labrisz-egyesulet-a-mesorszag-mindenkie-cimu-konyv-ertesitesekor>.

⁽³⁰⁾ Judgment of the Court of Justice of 18 June 2020, *European Commission v Hungary*, C-78/18, ECLI:EU:C:2020:476.

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concerns about new limitations for civil society funding in Hungary, such as selective audits by the State Audit Office and the obligation to indicate all donors in public benefit reports that are publicly available; believes that such limitations are neither necessary nor proportionate, and do not comply with either CJEU case law or the conclusions of the report on funding of associations adopted by the Venice Commission at its 118th plenary session of 15-16 March 2019;

17. States its unwavering commitment to defending children's rights in the EU and abroad; takes the position that the promotion of tolerance, acceptance and diversity, rather than the promotion of LGBTIQ phobia and hatred, should serve as guiding principles for ensuring respect for the best interests of the child; considers in that regard that the conflation of sexual orientation and gender identity with paedophilia or attacks on children's rights displays a clear attempt to instrumentalise human rights language in order to enact discriminatory policies; considers this to be contrary to international human rights principles and norms;

18. Expresses concern about the fact that the Law resembles the so-called 2013 Russian LGBT propaganda law, which resulted in serious harm to the LGBTIQ community in Russia; calls on the Commission to further investigate the financing of anti-LGBTIQ campaigns in the EU, which clearly constitute a threat to democracy and national security in the EU;

Action the Commission must take

19. Reiterates its calls on the Commission and the Council to finally recognise the urgent need for action to defend the values enshrined in Article 2 TEU and to admit that a Member State cannot amend its legislation, including constitutional provisions, in such a way as to bring about a reduction in the protection of these values⁽³¹⁾; points out that this is prohibited under the Treaties, as recently interpreted by the CJEU in Case C-896/19⁽³²⁾;

20. Is of the opinion that the Law directly contradicts the Commission's LGBTIQ equality strategy; urges the Commission to make sure that the strategy is implemented equally in every Member State in the EU;

21. Calls on the Council and the Commission to urgently unblock the Horizontal Discrimination Directive, which has been blocked in the Council for over 10 years⁽³³⁾;

22. Recalls that no proper response has yet been given to Parliament's initiative on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights to be governed by an interinstitutional agreement between Parliament, the Commission and the Council; calls on the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement pursuant to Article 295 TFEU;

23. Reiterates its position on the Rule of Law Conditionality Regulation, which entered into force on 1 January 2021 and is directly applicable in its entirety in the European Union and all its Member States for all funds of the EU budget, including resources allocated through the EU Recovery Instrument since then;

24. Recalls that the Rule of Law Conditionality Regulation provides a clear definition of the rule of law, which must be understood in relation to the other values of the Union, including fundamental rights and non-discrimination; is of the opinion that state-sponsored discrimination against minorities has a direct impact on which projects the Member States decide to spend EU money on, and therefore directly affects the protection of the financial interests of the Union; calls on the Commission to immediately trigger the procedure provided for in Article 6(1) of the Rule of Law Conditionality Regulation;

25. Believes that the Hungarian authorities' capacity to manage EU funds in a non-discriminatory way and in compliance with the Charter is in serious doubt; calls on the Commission to assess the adoption of the Law in relation to the horizontal enabling condition to ensure the compliance with the Charter of Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional

⁽³¹⁾ European Parliament resolution of 10 June 2021 on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020/2092.

⁽³²⁾ Judgment of the Court of Justice of 20 April 2021, *Repubblika v Il-Prim Ministru*, C-896/19, ECLI:EU:C:2021:311.

⁽³³⁾ Proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426).

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Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy⁽³⁴⁾ (the Common Provisions Regulation); calls on the Commission to take the steps provided for in the Common Provisions Regulation regarding expenditure related to relevant funds and to ensure that the 2021-2027 partnership agreement and programmes for Hungary are not approved until full compliance with the horizontal enabling condition related to the respect of the Charter is ensured, as provided for in the Articles of the Common Provisions Regulation; recalls that any Commission act that does not comply with EU law can be challenged in the CJEU;

26. Expresses serious concerns regarding the compliance of the draft Hungarian Recovery and Resilience Plan with Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility⁽³⁵⁾ and with the Charter; calls on the Commission and the Council to carefully analyse every measure outlined in the draft Hungarian Recovery and Resilience Plan and to only approve the plan if it is established that it would not contribute to implementing the Law, and subsequently lead to the EU budget actively contributing to breaches of fundamental rights in Hungary;

27. Recalls that LGBTIQ rights are human rights; reiterates its call on encouraging Member States, particularly Hungary, to ensure that existing legislation on education and information available to minors fully complies with the fundamental rights enshrined in EU and international law and to ensure access to comprehensive sexuality and relationship education that is scientifically accurate, evidence-based, age-appropriate and non-judgmental; recalls that published information should reflect the diversity of sexual orientations, gender identities, expressions and sex characteristics, so as to counter misinformation based on stereotypes or biases; calls on the Commission to take all the necessary steps to ensure compliance with fundamental rights in Hungary; calls on the EU institutions and Member States to speak out against LGBTIQ-phobic hate speech, especially from governments and politicians;

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

⁽³⁴⁾ OJ L 231, 30.6.2021, p. 159.

⁽³⁵⁾ OJ L 57, 18.2.2021, p. 17.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P9_TA(2021)0330

Amendments to Parliament's Rules of Procedure

European Parliament decision of 7 July 2021 on amendments to Parliament's Rules of Procedure concerning Rules 99, 197, 213, 214, 222, 223, 230, 235 and Annex V, and on insertion of a new Rule 106a (2021/2048(REG))

(2022/C 99/26)

The European Parliament,

— having regard to Rules 236 and 237 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A9-0214/2021),

1. Decides to amend its Rules of Procedure as shown below;
2. Decides that the amendments shall enter into force on the first day of the part-session following that of their adoption, with the exception of:
 - (a) the amendment to Rule 213(1) concerning gender diversity, which shall enter into force at the opening of the first part-session following the next elections to the European Parliament due to be held in 2024;
 - (b) the amendment to Rule 223 on the term of office of the members of the bureaux of the delegations, which shall enter into force at the opening of the first part-session following the next elections to the European Parliament due to be held in 2024;
3. Instructs its President to forward this decision to the Council and the Commission, for information.

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Amendment 1
Parliament's Rules of Procedure
Rule 99

Present text

The provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget in accordance with the financial provisions of the Treaty on the Functioning of the European Union and Regulation (EU, Euratom) **No 966/2012** of the European Parliament and of the Council ⁽¹⁾ (the 'Financial Regulation') are attached to these Rules as an annex.

⁽¹⁾ Regulation (EU, Euratom) **No 966/2012** of the European Parliament and of the Council of **25 October 2012** on the financial rules applicable to the general budget of the Union **and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).**

Amendment

The provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget in accordance with the financial provisions of the Treaty on the Functioning of the European Union and Regulation (EU, Euratom) **2018/1046** of the European Parliament and of the Council ⁽¹⁾ (the 'Financial Regulation') are attached to these Rules as an annex.

⁽¹⁾ Regulation (EU, Euratom) **2018/1046** of the European Parliament and of the Council of **18 July 2018** on the financial rules applicable to the general budget of the Union, **amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).**

Amendment 2
Parliament's Rules of Procedure
Rule 106 a (new)

*Present text**Amendment***Rule 106 a**

Procedure for delivering Parliament's position on the establishment or extension of Union trust funds for external actions

1. Where the Commission consults Parliament on its intention to establish or extend a trust fund for emergency or post-emergency actions pursuant to Article 234(1), third subparagraph, or Article 234(5), first subparagraph, of the Financial Regulation, the committee responsible shall draw up draft recommendations.

Those draft recommendations may include specific recommendations to the Commission concerning the details of the trust fund, such as the objectives that it should pursue or how it should operate.

Rule 118(2) to (6) shall apply mutatis mutandis.

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Present text

Amendment

2. Where Parliament is asked by the Commission to give its approval to a draft decision on the establishment or extension of a trust fund for thematic actions pursuant to Article 234 (1), fourth subparagraph, or Article 234(5), first subparagraph, of the Financial Regulation, the committee responsible shall prepare a recommendation to approve or reject the draft decision.

Rule 105(1) to (4) shall apply *mutatis mutandis*.

3. Members or a political group or groups reaching at least the medium threshold or the committee responsible may submit to Parliament a motion for a resolution requesting the Commission to discontinue appropriations for a Union trust fund, or to revise the constitutive agreement with a view to the liquidation of a Union trust fund, pursuant to Article 234(5), second subparagraph, of the Financial Regulation.

Amendment 3

Parliament's Rules of Procedure

Rule 197

Present text

Amendment

Rule 197

deleted

Motions calling for a matter to be declared inadmissible

1. At the beginning of the debate on a specific item on the agenda, a political group or Members reaching at least the low threshold may present a motion calling for it to be declared inadmissible. Such a motion shall be put to the vote immediately.

The intention to present an inadmissibility motion shall be notified at least 24 hours in advance to the President who shall inform Parliament immediately.

2. If the motion is carried, Parliament shall immediately proceed to the next item on the agenda.

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Amendment 4

Parliament's Rules of Procedure

Rule 213 — paragraph 1

Present text

1. At the first committee meeting after the appointment of committee members pursuant to Rule 209, and again two and a half years thereafter, the committee shall elect a bureau consisting of a Chair and of Vice-Chairs from among its full members in separate ballots. The number of Vice-Chairs to be elected shall be determined by Parliament upon a proposal by the Conference of Presidents. The diversity of Parliament must be reflected in the composition of the bureau of each committee; **it** shall not be permissible **to have an all male or all female bureau or** for all of the **Vice-Chairs** to come from the same Member State.

Amendment

1. At the first committee meeting after the appointment of committee members pursuant to Rule 209, and again two and a half years thereafter, the committee shall elect a bureau consisting of a Chair and of Vice-Chairs from among its full members in separate ballots. The number of Vice-Chairs to be elected shall be determined by Parliament upon a proposal by the Conference of Presidents. The diversity of Parliament must be reflected in the composition of the bureau of each committee. **The Chair and the first Vice-Chair of a committee shall not be of the same gender. Gender balance shall also apply to the other members of the bureau. It** shall not be permissible for all of the **bureau members** to come from the same Member State.

Amendment 6

Parliament's Rules of Procedure

Rule 214 — paragraph 2 — subparagraph 4

Present text

The Chair shall announce in committee all decisions and recommendations of the coordinators, which shall be deemed to have been adopted if they have not been contested. **They** shall be duly mentioned in the minutes of the committee meeting.

Amendment

The Chair shall announce in committee all decisions and recommendations of the coordinators, which shall be deemed to have been adopted if they have not been contested. **In cases of contestation, the committee shall vote with a simple majority. Those decisions and recommendations** shall be duly mentioned in the minutes of the committee meeting.

Amendment 7

Parliament's Rules of Procedure

Rule 222 — paragraph 1 — introductory part

Present text

1. When the Commission has published a citizens' initiative in the relevant register pursuant to **point (a) of** Article **10(1)** of Regulation (EU) **No 211/2011** of the European Parliament and of the Council ⁽¹⁾, the President of the European Parliament, on a proposal from the Chair of the Conference of Committee Chairs:

⁽¹⁾ Regulation (EU) **No 211/2011** of the European Parliament and of the Council of **16 February 2011** on the citizens' initiative (**OJ L 65, 11.3.2011, p. 1**).

Amendment

1. When the Commission has published **the notice on** a citizens' initiative in the relevant register pursuant to Article **14(1)** of Regulation (EU) **2019/788** of the European Parliament and of the Council ⁽¹⁾, the President of the European Parliament, on a proposal from the Chair of the Conference of Committee Chairs:

⁽¹⁾ Regulation (EU) **2019/788** of the European Parliament and of the Council of **17 April 2019** on the **European** citizens' initiative (**OJ L 130, 17.5.2019, p. 55**).

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Amendment 8

Parliament's Rules of Procedure

Rule 222 — paragraph 1 — point a

Present text

- (a) shall task the committee responsible for the subject-matter according to Annex VI with organising the public hearing provided for in Article **11** of Regulation (EU) **No 211/2011**; the committee responsible for petitions shall be automatically associated under Rule 57;

Amendment

- (a) shall task the committee responsible for the subject-matter according to Annex VI with organising the public hearing provided for in Article **14(2)** of Regulation (EU) **2019/788**; the committee responsible for petitions shall be automatically associated under Rule 57;

Amendment 9

Parliament's Rules of Procedure

Rule 222 — paragraph 1 — point b

Present text

- (b) may, where two or more citizens' initiatives published in the relevant register pursuant to **point (a) of** Article **10(1)** of Regulation (EU) **No 211/2011** have a similar subject-matter, decide, after consulting the organisers, that a joint public hearing is to be organised at which all of the citizens' initiatives involved shall be dealt with on an equal footing.

Amendment

- (b) may, where two or more citizens' initiatives **for which the notices have been** published in the relevant register pursuant to Article **14(1)** of Regulation (EU) **2019/788** have a similar subject-matter, decide, after consulting the organisers, that a joint public hearing is to be organised at which all of the citizens' initiatives involved shall be dealt with on an equal footing.

Amendment 10

Parliament's Rules of Procedure

Rule 222 — paragraph 2 — point a

Present text

- (a) shall ascertain whether the Commission has received the organisers at an appropriate level in accordance with **point (b) of** Article **10(1)** of Regulation (EU) **No 211/2011**;

Amendment

- (a) shall ascertain whether the Commission has received the **group of** organisers at an appropriate level in accordance with Article **15(1)** of Regulation (EU) **2019/788**;

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Amendment 11

Parliament's Rules of Procedure

Rule 222 — paragraph 3

Present text

3. The Chair of the committee responsible for the subject-matter shall convene the public hearing at an appropriate date within three months of the submission of the initiative to the Commission pursuant to Article 9 of Regulation (EU) **No 211/2011**.

Amendment

3. The Chair of the committee responsible for the subject-matter shall convene the public hearing at an appropriate date within three months of the submission of the initiative to the Commission pursuant to Article **13** of Regulation (EU) **2019/788**.

Amendment 12

Parliament's Rules of Procedure

Rule 222 — paragraph 4 — subparagraph 2

Present text

The committee responsible for the subject matter shall invite a representative group of organisers, including at least one of the contact persons referred to in **the second subparagraph of Article 3(2)** of Regulation (EU) **No 211/2011**, to present the initiative at the hearing.

Amendment

The committee responsible for the subject matter shall invite a representative group of organisers, including at least one of the contact persons referred to in Article **5(3), first subparagraph**, of Regulation (EU) **2019/788**, to present the initiative at the hearing.

Amendment 13

Parliament's Rules of Procedure

Rule 222 — paragraph 8

Present text

8. Parliament shall hold a debate on a citizens' initiative published in the relevant register pursuant to **point (a) of Article 10(1)** of Regulation (EU) **No 211/2011**, at a part-session following the public hearing and shall, when placing the debate on its agenda, decide whether or not to wind up the debate with a resolution. It shall not wind up the debate with a resolution if a report on an identical or similar subject matter is scheduled for the same or the next part-session, unless the President, for exceptional reasons, proposes otherwise. If Parliament decides to wind up a debate with a resolution, the committee responsible for the subject matter or a political group or Members reaching at least the low threshold may table a motion for a resolution. Rule 132(3) to (8) concerning the tabling and voting of motions for resolutions shall apply *mutatis mutandis*.

Amendment

8. Parliament shall hold a debate on a citizens' initiative **for which a notice has been** published in the relevant register pursuant to Article **14(1)** of Regulation (EU) **2019/788**, at a part-session following the public hearing and shall, when placing the debate on its agenda, decide whether or not to wind up the debate with a resolution. It shall not wind up the debate with a resolution if a report on an identical or similar subject matter is scheduled for the same or the next part-session, unless the President, for exceptional reasons, proposes otherwise. If Parliament decides to wind up a debate with a resolution, the committee responsible for the subject matter or a political group or Members reaching at least the low threshold may table a motion for a resolution. Rule 132(3) to (8) concerning the tabling and voting of motions for resolutions shall apply *mutatis mutandis*.

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Amendment 14

Parliament's Rules of Procedure

Rule 223 — paragraph 3

Present text

3. The bureaux of the delegations shall be constituted in accordance with the procedure laid down for the **standing committees** in Rule 213.

Amendment

3. The bureaux of the delegations shall be constituted in accordance with the procedure laid down for the **committee bureaux** in Rule 213. **However, members of the bureaux of the delegations shall be elected for the duration of the parliamentary term.**

Amendment 15

Parliament's Rules of Procedure

Rule 230 — paragraph 1

Present text

1. When Parliament is informed that the Commission has been invited to submit a proposal for a legal act under Article 11 (4) of the Treaty on European Union and in accordance with Regulation (EU) **No 211/2011**, the committee responsible for petitions shall ascertain whether this is likely to affect its work and, if need be, shall inform those petitioners who have addressed petitions on related subjects.

Amendment

1. When Parliament is informed that the Commission has been invited to submit a proposal for a legal act under Article 11 (4) of the Treaty on European Union and in accordance with Regulation (EU) **2019/788**, the committee responsible for petitions shall ascertain whether this is likely to affect its work and, if need be, shall inform those petitioners who have addressed petitions on related subjects.

Amendment 16

Parliament's Rules of Procedure

Rule 230 — paragraph 2

Present text

2. Proposed citizens' initiatives which have been registered in accordance with Article **4** of Regulation (EU) **No 211/2011**, but which cannot be submitted to the Commission in accordance with Article **9** of that Regulation since not all the relevant procedures and conditions laid down have been complied with, may be examined by the committee responsible for petitions if it considers that follow-up is appropriate. Rules 226, 227, 228 and 229 shall apply *mutatis mutandis*.

Amendment

2. Proposed citizens' initiatives which have been registered in accordance with Article **6** of Regulation (EU) **2019/788**, but which cannot be submitted to the Commission in accordance with Article **13** of that Regulation since not all the relevant procedures and conditions laid down have been complied with, may be examined by the committee responsible for petitions if it considers that follow-up is appropriate. Rules 226, 227, 228 and 229 shall apply *mutatis mutandis*.

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Amendment 17**Parliament's Rules of Procedure****Rule 235 — paragraph 1 — subparagraph 1***Present text*

1. Where, in accordance with Article **65(1)** of the Financial Regulation, Parliament decides to reserve to itself the right to authorise expenditure, it shall act through its Bureau.

Amendment

1. Where, in accordance with Article **73(1)** of the Financial Regulation, Parliament decides to reserve to itself the right to authorise expenditure, it shall act through its Bureau.

Amendment 18**Parliament's Rules of Procedure****Annex V — Article 2 — paragraph 1***Present text*

1. Parliament shall consider a report from the committee responsible concerning discharge by **30 April** of the year following the adoption of the Court of Auditors' Annual Report as required by the Financial Regulation.

Amendment

1. Parliament shall consider a report from the committee responsible concerning discharge by **15 May** of the year following the adoption of the Court of Auditors' Annual Report as required by the Financial Regulation.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2021)0318

Streamlining measures for the realisation of the TEN-T *II**

European Parliament legislative resolution of 6 July 2021 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T) (10537/1/2020 — C9-0215/2021 — 2018/0138(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/27)

The European Parliament,

- having regard to the Council position at first reading (10537/1/2020 — C9-0215/2021),
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Senate, the German Bundestag, the Irish Parliament and 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 17 October 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 7 February 2019 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2018)0277),
 - 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 (A9-0223/2021),
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. 269.

⁽²⁾ OJ C 168, 16.5.2019, p. 91.

⁽³⁾ OJ C 449, 23.12.2020, p. 576.

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P9_TA(2021)0319

Use of technologies for the processing of data for the purpose of combating online child sexual abuse (temporary derogation from Directive 2002/58/EC) *I**

European Parliament legislative resolution of 6 July 2021 on the proposal for a regulation of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC of the European Parliament and of the Council as regards as the use of technologies by number-independent interpersonal communications service providers for the processing of personal and other data for the purpose of combatting child sexual abuse online (COM(2020)0568 — C9-0288/2020 — 2020/0259(COD))

(Ordinary legislative procedure: first reading)

(2022/C 99/28)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0568),
 - having regard to Article 294(2) and Articles 16(2) and 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0288/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 29 October 2020 ⁽¹⁾,
 - 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 21 May 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 Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Women's Rights and Gender Equality,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0258/2020),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2020)0259

Position of the European Parliament adopted at first reading on 6 July 2021 with a view to the adoption of Regulation (EU) 2021/... of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combatting online child sexual abuse

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2021/1232.)

⁽¹⁾ OJ C 10, 11.1.2021, p. 63.

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P9_TA(2021)0320

Recognition of third countries certificates in inland navigation *I**

European Parliament legislative resolution of 6 July 2021 on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third countries certificates (COM(2021)0071 — C9-0026/2021 — 2021/0039(COD))

(Ordinary legislative procedure: first reading)

(2022/C 99/29)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0071),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0026/2021),
 - 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 24 March 2021 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 30 June 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 Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A9-0210/2021),
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(2021)0039

Position of the European Parliament adopted at first reading on 6 July 2021 with a view to the adoption of Directive (EU) 2021/... of the European Parliament and of the Council amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third-country certificates

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2021/1233.)

⁽¹⁾ OJ C 220, 9.6.2021, p. 87.

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P9_TA(2021)0321

Draft amending budget No 3/2021: surplus of the financial year 2020**European Parliament resolution of 6 July 2021 on the Council position on Draft amending budget No 3/2021 of the European Union for the financial year 2021 — entering the surplus of the financial year 2020 (09904/2021 — C9-0232/2021 — 2021/0102(BUD))**

(2022/C 99/30)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
 - having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
 - having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁽¹⁾, and in particular Article 44 thereof,
 - having regard to the general budget of the European Union for the financial year 2021, as definitively adopted on 18 December 2020⁽²⁾,
 - 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⁽³⁾ (MFF Regulation),
 - having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European 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⁽⁴⁾,
 - having regard to Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union⁽⁵⁾,
 - having regard to Draft amending budget No 3/2021, which the Commission adopted on 15 April 2021 (COM(2021)0270),
 - having regard to the position on Draft amending budget No 3/2021 which the Council adopted on 21 June 2021 and forwarded to Parliament on the same day (09904/2021 — C9-0232/2021),
 - having regard to Rule 94 and 96 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A9-0218/2021),
- A. whereas Draft amending budget No 3/2021 aims to enter in the 2021 budget the surplus from the 2020 financial year, amounting to EUR 1 768 617 610;
- B. whereas the main components of that surplus are a positive outturn on revenue of EUR 1 647,3 million and an under-spending in expenditure of EUR 121,3 million;
- C. whereas on the revenue side, the surplus is predominantly driven by a higher than expected collection of customs duties;

⁽¹⁾ OJ L 193, 30.7.2018, p. 1.⁽²⁾ OJ L 433 I, 22.12.2020, p. 23.⁽³⁾ OJ L 433 I, 22.12.2020, p. 11.⁽⁴⁾ OJ L 433 I, 22.12.2020, p. 28.⁽⁵⁾ OJ L 424, 15.12.2020, p. 1.

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D. whereas on the expenditure side, under-implementation in payments by the Commission reaches EUR 100,98 million for 2020 (of which EUR 61,7 million under Heading 5 — Administration, attributable to COVID-19 pandemic's impact on missions, meetings, traineeships and recruitments), and EUR 120,38 million the under-implementation by the other institutions;

1. Takes note of Draft amending budget No 3/2021 as submitted by the Commission, which is devoted solely to the budgeting of the 2020 surplus, for an amount of EUR 1 768 617 610, in accordance with Article 18(3) of the Financial Regulation, and of the Council's position thereon;

2. Reiterates its position that all available means and unused money in the Union budget, including the surplus, should be used to swiftly deploy financial assistance to those most affected by the COVID-19 pandemic; calls, in this context, on Member States to devote the expected reductions in their GNI-based contributions stemming from the 2020 surplus entirely to the budgeting of actions related to tackling the impact of the COVID-19 pandemic and to the recovery and resilience of the Union, to ensure an optimal allocation of the funds;

3. Approves the Council position on Draft amending budget No 3/2021;

4. Instructs its President to declare that Amending budget No 2/2021 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

Tuesday 6 July 2021

P9_TA(2021)0322

European Union Agency for Fundamental Rights ***

European Parliament legislative resolution of 6 July 2021 on the draft Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights (09827/2021 — C9-0243/2021 — 2020/0112(APP))

(Special legislative procedure — consent)

(2022/C 99/31)

The European Parliament,

- having regard to the draft Council regulation (09827/2021),
 - having regard to the request for consent submitted by the Council in accordance with Article 352 of the Treaty on the Functioning of the European Union (C9-0243/2021),
 - having regard to the European Parliament resolution of 20 May 2021 on the proposal for a Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights ⁽¹⁾,
 - having regard to Rule 105(1) and (4) and Rule 52(1) of its Rules of Procedure,
 - having regard to the opinion of the Committee on Women's Rights and Gender Equality,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A9-0227/2021),
1. Gives its consent to the draft Council regulation;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Texts adopted, P9_TA(2021)0258.

Tuesday 6 July 2021

P9_TA(2021)0323

Interbus agreement: Protocol on international regular and special regular carriage of passengers by coach and bus ***

European Parliament legislative resolution of 6 July 2021 on the draft Council decision on the conclusion, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (11441/2020 — C9-0027/2021 — 2020/0258(NLE))

(Consent)

(2022/C 99/32)

The European Parliament,

- having regard to the draft Council decision (11441/2020),
 - having regard to the draft Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (11442/2020),
 - having regard to the request for consent submitted by the Council in accordance with Article 91 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C9-0027/2021),
 - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A9-0176/2021),
1. Gives its consent to the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

Tuesday 6 July 2021

P9_TA(2021)0324

Internal Security Fund *II**

European Parliament legislative resolution of 6 July 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 Internal Security Fund (06488/1/2021 — C9-0227/2021 — 2018/0250(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/33)

The European Parliament,

- having regard to the Council position at first reading (06488/1/2021 — C9-0227/2021),
 - having regard to the opinion of the European Economic and Social Committee of 18 October 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0472),
 - 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 (A9-0221/2021),
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. 189.

⁽²⁾ OJ C 23, 21.1.2021, p. 451.

Tuesday 6 July 2021

P9_TA(2021)0325

European Maritime, Fisheries and Aquaculture Fund ***II

European Parliament legislative resolution of 6 July 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 Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (06975/3/2021 — C9-0224/2021 — 2018/0210(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/34)

The European Parliament,

- having regard to the Council position at first reading (06975/3/2021 — C9-0224/2021),
 - 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 16 May 2018 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2018)0390),
 - having regard to Article 294(7) and Article 42, Article 43(2), Article 91(1), Article 100(2), Article 173(3), Article 175, Article 188, Article 192(1), Article 194(2), Article 195(2) and Article 349 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 Fisheries (A9-0222/2021),
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. Takes note of the joint statement by the Council and the Commission as well as the Commission statements annexed to this resolution;
 4. Notes that the act is adopted in accordance with the Council position;
 5. 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;
 6. 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*;
 7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 110, 22.3.2019, p. 104.

⁽²⁾ OJ C 361, 5.10.2018, p. 9.

⁽³⁾ OJ C 116, 31.3.2021, p. 81.

Tuesday 6 July 2021

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint Statement by the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission recognise the need to urgently advance action on the protection and conservation of marine and coastal ecosystems and biodiversity. The three institutions agree that tackling biodiversity loss, protecting and restoring ecosystems and/or maintaining them in good condition will require significant public and private investment at national and European level and that a significant proportion of the EMFAF expenditures should be invested in biodiversity. The three institutions agree that the Commission will work with Member States, in the context of the programming exercise for the EMFAF 2021-2027, to reach the overall ambition of biodiversity spending highlighted in recital 15.

Joint Statement by the Council and the Commission

The Council and the Commission remain committed to trying to avoid an interruption of fishing activities under Sustainable Fisheries Partnership Agreements by striving towards the timely renewal of Sustainable Fisheries Partnership Agreements and their implementing Protocols.

Statement by the Commission

The Commission has accepted the eligibility of investments on board related to fisheries control and enforcement, be they mandatory or not, and for all Union fishing vessels. The Commission considers that these investments will enable Member States to make full use of the financial resources available in the EMFAF for control and enforcement, to fulfil their obligations under the Control Regulation and other rules of the Common Fisheries Policy and to substantially improve the culture of compliance in the fishing sector. Moreover, the Commission expects that — in the context of the ongoing review of the Control Regulation — the European Parliament and the Council will support the modernisation of the existing control tools and the use of new technologies as proposed by the Commission. This means in particular introducing smart solutions for the tracking and catch reporting of small-scale vessels, installing systems for the continuous monitoring of engine power, moving to fully digitised traceability systems covering all fishery products (fresh, frozen and processed), and introducing mandatory remote electronic monitoring systems on board fishing vessels and based on risk assessment, as the only effective means to control the application of the landing obligation and the bycatch and discard of sensitive species.

Statement by the Commission

The Commission takes note of the difficulties encountered up to now to grant state aid for the renewal of the fleets in the outermost regions. With a view to the sustainable development of those regions, the Commission will endeavour to assist the Member States to improve the collection of scientific data necessary to comply with the eligibility condition set in the State aid guidelines with a view to facilitating the application of the guidelines for the examination of State aid to the fishery and aquaculture sector in the Outermost Regions.

Statement by the Commission

The Commission, in the context of the programming exercise for the EMFAF 2021-2027, will actively encourage Member States to maximise the use of measures included in their programmes, in particular under Article 25 (protection of biodiversity and ecosystems), to reach the overall ambition of providing an annual spending under the MFF to tackle biodiversity loss, protect and restore ecosystems and maintain ecosystems in good conditions as follows: 7,5 % of annual spending under the MFF to biodiversity objectives in the year 2024 and 10 % of annual spending under the MFF to biodiversity objectives in 2026 and 2027. The Commission will regularly monitor the level of this spending on the basis of the total eligible expenditure declared by the beneficiaries to the managing authority and on data submitted by the Member State. Where the monitoring shows insufficient progress towards reaching the overall ambition, the Commission will actively engage with Member States in the annual review meeting in order to adopt remedial measures, including a programme amendment.

Tuesday 6 July 2021

P9_TA(2021)0326

Asylum, Migration and Integration Fund 2021-2027 *II**

European Parliament legislative resolution of 6 July 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 Asylum, Migration and Integration Fund (06486/2/2021 — C9-0225/2021 — 2018/0248(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/35)

The European Parliament,

- having regard to the Council position at first reading (06486/2/2021 — C9-0225/2021),
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0471),
 - 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 (A9-0224/2021),
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. 184.

⁽²⁾ OJ C 23, 21.1.2021, p. 356.

Wednesday 7 July 2021

P9_TA(2021)0329

Common system of value added tax: conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions *

European Parliament legislative resolution of 7 July 2021 on the proposal for a Council directive amending Directive 2006/112/EC as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that Directive (COM(2020)0749 — C9-0002/2021 — 2020/0331(CNS))

(Special legislative procedure — consultation)

(2022/C 99/36)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2020)0749),
 - having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0002/2021),
 - 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 Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0201/2021),
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.
-

Wednesday 7 July 2021

P9_TA(2021)0339

Connecting Europe facility ***II

European Parliament legislative resolution of 7 July 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 Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (06115/2/2021 — C9-0214/2021 — 2018/0228(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/37)

The European Parliament,

- having regard to the Council position at first reading (06115/2/2021 — C9-0214/2021),
 - having regard to the opinion of the European Economic and Social Committee of 19 September 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 October 2018 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2018)0438),
 - 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 Industry, Research and Energy and the Committee on Transport and Tourism (A9-0219/2021),
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 440, 6.12.2018, p. 191.

⁽²⁾ OJ C 461, 21.12.2018, p. 173.

⁽³⁾ OJ C 158, 30.4.2021, p. 884.

Wednesday 7 July 2021

P9_TA(2021)0340

Measures necessary for the implementation of the Protocol on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel ***

European Parliament legislative resolution of 7 July 2021 on the draft Council decision amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel (09399/2021 — C9-0242/2021 — 2020/0142(APP))

(Special legislative procedure — consent)

(2022/C 99/38)

The European Parliament,

- having regard to the draft Council decision (09399/2021),
 - having regard to the request for consent submitted by the Council in accordance with the first paragraph of Article 2 of Protocol No 37 on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union (C9-0242/2021),
 - having regard to Rule 105(1) and (4) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Budgets (A9-0229/2021),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Wednesday 7 July 2021

P9_TA(2021)0341

Managing the assets of the ECSC in liquidation and of the Research Fund for Coal and Steel *

European Parliament legislative resolution of 7 July 2021 on the proposal for a Council decision amending Decision 2003/77/EC laying down multiannual financial guidelines for managing the assets of the ECSC in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel (COM(2020)0321 — C9-0216/2020 — 2020/0143(NLE))

(Consultation)

(2022/C 99/39)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2020)0321),
 - having regard to Protocol No 37 on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and in particular the second paragraph of Article 2 thereof, pursuant to which the Council consulted Parliament (C9-0216/2020),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A9-0228/2021),
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 and the Commission.
-

Wednesday 7 July 2021

P9_TA(2021)0342

Visa Information System (VIS): visa processing *II**

European Parliament legislative resolution of 7 July 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 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (05950/1/2021 — C9-0198/2021 — 2018/0152A(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/40)

The European Parliament,

- having regard to the Council position at first reading (05950/1/2021 — C9-0198/2021),
 - having regard to the opinion of the European Economic and Social Committee of 19 September 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0302),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - 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 the decision by the Conference of Presidents of 25 September 2020 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the legislative procedure and to proceed on that basis,
 - having regard to Rules 67 and 40 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A9-0207/2021),
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 440, 6.12.2018, p. 154.

⁽²⁾ OJ C 23, 21.1.2021, p. 286.

Wednesday 7 July 2021

P9_TA(2021)0343

Visa Information System (VIS): conditions for accessing other EU information systems for VIS purposes *II**

European Parliament legislative resolution of 7 July 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 amending Regulations (EU) No 603/2013, (EU) 2016/794, (EU) 2018/1862, (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the Visa Information System (05951/1/2021 — C9-0199/2021 — 2018/0152B(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/41)

The European Parliament,

- having regard to the Council position at first reading (05951/1/2021 — C9-0199/2021),
 - having regard to the opinion of the European Economic and Social Committee of 19 September 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0302),
 - 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 the decision by the Conference of Presidents of 25 September 2020 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the legislative procedure and to proceed on that basis,
 - 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 (A9-0208/2021),
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 440, 6.12.2018, p. 154.

⁽²⁾ OJ C 23, 21.1.2021, p. 286.

Wednesday 7 July 2021

P9_TA(2021)0344

Integrated Border Management Fund: Instrument for Financial Support for Border Management and Visa Policy 2021-2027 *II**

European Parliament legislative resolution of 7 July 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, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (06487/2/2021 — C9-0226/2021 — 2018/0249(COD))

(Ordinary legislative procedure: second reading)

(2022/C 99/42)

The European Parliament,

- having regard to the Council position at first reading (06487/2/2021 — C9-0226/2021),
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0473),
 - 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 (A9-0220/2021),
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. 184.

⁽²⁾ OJ C 23, 21.1.2021, p. 406.

Thursday 8 July 2021

P9_TA(2021)0351

European Medicines Agency ***I

Amendments adopted by the European Parliament on 8 July 2021 on the proposal for a regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (COM(2020)0725) — C9-0365/2020 — 2020/0321(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2022/C 99/43)

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) *The COVID-19 pandemic has highlighted the risks to human health posed by the over-exploitation of wildlife and other natural resources and the accelerated loss of biodiversity on earth. Approximately 70 % of emerging diseases and almost all known pandemics (influenza, HIV/AIDS and COVID-19) are zoonoses. Those diseases have increased globally over the past 60 years and there are more and more zoonotic pathogens as a result of human activity and its ecological footprint. Changes in land use, deforestation, urbanisation, agricultural expansion and intensification, wildlife trafficking and consumption patterns are contributing dramatically to that increase. Zoonotic pathogens can be bacterial, viral or parasitic, or can involve unconventional agents, with the possibility of spreading to humans through direct contact or through food, water or the environment. Some diseases, such as HIV/AIDS, begin as a zoonosis but later mutate into human-only strains. Other zoonoses can cause recurring disease outbreaks, such as the Ebola virus disease and salmonellosis. Still others, such as the coronavirus that causes COVID-19, have the potential to cause global pandemics. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), an estimated 1,7 million currently undiscovered viruses are thought to exist in mammal and avian hosts. Of those viruses, between 631,000 and 827,000 could have the ability to infect humans.*

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0216/2021).

Thursday 8 July 2021

Amendment 2
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *As recognised by the World Health Organization, many of the same microbes infect animals and humans, so efforts by just one sector cannot prevent or eliminate the problem. Diseases may be transmitted from humans to animals or vice versa and must therefore be tackled in both, taking advantage of potential synergies in research and treatments. The COVID-19 pandemic is a clear example of the need to reinforce the application of the One Health approach in the Union to achieve better public health outcomes, since, as stated in the EU4Health Programme established by Regulation (EU) 2021/522 of the European Parliament and of the Council ^(1a), human health is connected to animal health and the environment and actions to tackle threats to health must take into account those three dimensions.*

^(1a) *Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1).*

Thursday 8 July 2021

Amendment 3
Proposal for a regulation
Recital 2

Text proposed by the Commission

- (2) The unprecedented experience of the COVID-19 pandemic has demonstrated **that the Union should** be more effective in managing the availability of medicinal products and medical devices and in developing medical countermeasures to address the threats posed to public health. The Union's ability to do so has been severely impeded by the absence of a clearly defined legal framework for managing its response to the pandemic, and also by the limited degree of Union preparedness in case of a public health emergency impacting a majority of Member States.

Amendment

- (2) The unprecedented experience of the COVID-19 pandemic has **also highlighted the difficulties of the Union and the Member States to cope with such a public health emergency and has demonstrated the need to strengthen the Union's role in order to** be more effective in managing the availability of medicinal products and medical devices and in developing medical countermeasures to address the threats posed to public health **from an early stage in a harmonised way ensuring cooperation and coordination between Union, national and regional competent authorities, industry and other actors of the pharmaceutical and medical devices supply chains, including healthcare professionals. The Union needs to give a higher priority to health, to ensure the continued provision of high quality healthcare services, and to be prepared to cope with epidemics and other health threats.** The Union's ability to do so has been severely impeded by the absence of a clearly defined legal framework for managing its response to the pandemic, **inadequate mandates and resources of its health agencies,** and also by the limited degree of Union **and Member States** preparedness in case of a public health emergency impacting a majority of Member States.

Amendment 4
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) **Shortages consist of different and complex root causes which need to be further mapped, understood and analysed together with all different stakeholders in order to be comprehensively addressed. A better understanding of the shortages should include identification of bottlenecks in the supply chain. In the specific case of the COVID-19 pandemic, the shortage of adjuvant treatments for the disease had a variety of causes, ranging from production difficulties in third countries, to logistical or production difficulties within the Union, where the shortage of vaccines was due to a rarer cause, namely an unexpectedly high and rising demand.**

Thursday 8 July 2021

Amendment 5
Proposal for a regulation
Recital 3

Text proposed by the Commission

- (3) The often complex supply chains of medicinal products and medical devices, national export restrictions and bans, border closures impeding the free movement of those goods, **and** uncertainty related to their supply and demand in the context of the COVID-19 pandemic have led to significant impediments to the smooth functioning of the single market and to addressing the serious threats to public health across the Union.

Amendment

- (3) **Disruptions to** the often complex supply chains of medicinal products and medical devices, national export restrictions and bans, border closures impeding the free movement of those goods, uncertainty related to their supply and demand in the context of the COVID-19 pandemic, **and the lack of production in the Union of certain essential medicinal products or chemical active ingredients** have led to significant impediments to the smooth functioning of the single market and to addressing the serious threats to public health across the Union, **with dire consequences for its citizens.**

Amendment 6
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) **Dealing with the issue of** shortages of medicinal products has been a long-standing priority for the Member States and European Parliament as illustrated by several reports from the European Parliament⁽¹⁾ as well as discussions under recent Presidencies of the Council of the European Union.

Amendment

- (4) **Addressing the** shortages of medicinal products has been a long-standing priority, **but unresolved**, for the Member States and European Parliament as illustrated by several reports from the European Parliament⁽¹⁾ as well as discussions under recent Presidencies of the Council of the European Union.

⁽¹⁾ European Parliament resolution of 17 September 2020 on the shortage of medicines — how to address an emerging problem (2020/2071(INI))

⁽¹⁾ European Parliament resolution of 17 September 2020 on the shortage of medicines — how to address an emerging problem (2020/2071(INI)).

Thursday 8 July 2021

Amendment 7
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) Shortages of medicinal products represent a growing threat to public health, with a serious impact on health care systems and on patients' right to access adequate medical treatment. Increased global demand exacerbated by the COVID-19 pandemic has led to further shortages of medicinal products, weakening the healthcare systems in Member States and posing significant risks to patients' health and care, particularly in terms of disease progression and worsening of symptoms, longer delays or interruptions in care or therapy, longer periods of hospitalisations, increased exposure to falsified medicinal products, medication errors, adverse effects as a result of substitution of unavailable medicinal products with alternative ones, significant psychological distress for patients and increased costs for the healthcare systems.

Amendment 8
Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

- (5) The COVID-19 pandemic has exacerbated the problem of shortages for certain medicinal products considered as critical in addressing the pandemic, and has highlighted the structural limitations in the Union's ability to rapidly and effectively react to such challenges during public health crises.
- (5) The COVID-19 pandemic has exacerbated the **already existing** problem of shortages for certain medicinal products considered as critical in addressing the pandemic, and has highlighted the **Union's external dependence in terms of domestic production of medicinal products and medical devices, the lack of coordination and the** structural limitations in the Union's **and Member States'** ability to rapidly and effectively react to such challenges during public health crises, **the need to support and strengthen the industrial fabric through appropriate policies, as well as the need for a more active and extended involvement of the Union institutions, bodies, offices and agencies addressing the health of the Union citizens.**

Thursday 8 July 2021

Amendment 9
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) The rapid evolution of COVID-19 and the spread of the virus led to a sharp increase in demand for medical devices such as ventilators, surgical masks, and COVID-19 test kits while disruption of production or limited capacity to rapidly increase production and the complexity and global nature of the supply chain for medical devices, led to **a negative impact on** supply. Those issues resulted in new entities being involved in the production of those products, which subsequently resulted in bottlenecks in conformity assessment, as well as the prevalence of non-compliant, unsafe, and in some cases counterfeit products. It is therefore appropriate to establish long-term structures within an appropriate Union body to ensure monitoring of shortages of medical devices **resulting from** a public health emergency.

Amendment

- (6) The rapid evolution of COVID-19 and the spread of the virus led to a sharp increase in demand for medical devices such as ventilators, surgical masks, and COVID-19 test kits while disruption of production or limited capacity to rapidly increase production and the complexity and global nature of the supply chain for medical devices, led to **severe supply difficulties and, at certain times, serious stock-outs, and placed Member States in competition with each other to respond to the legitimate needs of their citizens, contributing to uncoordinated actions at national levels such as national hoarding and stockpiling.** Those issues **further** resulted in new entities being involved in the **rushed** production of those products, which subsequently resulted in bottlenecks in conformity assessment, as well as the prevalence of **over-priced**, non-compliant, unsafe, and in some cases counterfeit products. It is therefore appropriate **and urgent** to establish long-term structures within an appropriate Union body to ensure **a more solid and effective coordination and** monitoring of shortages of medical devices **that can occur during** a public health emergency, **as well as increased and early dialogue with the medical devices industry and healthcare professionals to prevent and mitigate those shortages.**

Amendment 10
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **The COVID-19 outbreak and the subsequent health crisis revealed the need for a more coordinated Union approach in crisis management. Although the emergency of the situation explains the lack of an impact assessment, sufficient allocation of resources in terms of staff and funding should be secured, taking into account the specificities of the health sector in the different Member States.**

Thursday 8 July 2021

Amendment 11
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) Uncertainty of supply and demand and the risk of shortages of essential medicinal products and medical devices during a public health emergency like the COVID-19 pandemic can trigger export restrictions amongst Member States and other national protective measures, which can seriously impact the functioning of the internal market. Furthermore, shortages of medicinal products can result in serious risks to the health of patients in the Union due to their lack of availability, which can cause, medication errors, increased duration of hospital stays, **and** adverse reactions caused by the administration of unsuitable products used as a substitute for unavailable ones. With respect to medical devices, shortages can lead to a lack of diagnostic resources with negative consequences for public health measures, a lack of treatment or deterioration of the disease and may also prevent health professionals from adequately carrying out their tasks. Those shortages can also have a significant impact on controlling the spread of a given pathogen caused by, for example, an insufficient supply of COVID-19 test kits. It is therefore important to address the question of shortages and to reinforce and formalise monitoring of critical medicinal products and medical devices.

Amendment

- (7) Uncertainty of supply and demand and the risk of shortages of essential medicinal products and medical devices during a public health emergency like the COVID-19 pandemic can trigger export restrictions amongst Member States and other national protective measures, which can seriously impact the functioning of the internal market **aggravating the consequences for public health, as well as lead to the need for temporary export transparency and export authorisation mechanisms.** Furthermore, shortages of medicinal products can result in serious risks to the health of patients in the Union due to their lack of availability, which can cause, medication errors, increased duration of hospital stays, adverse reactions **and fatalities** caused by the administration of unsuitable products used as a substitute for unavailable ones. With respect to medical devices, shortages can lead to a lack of diagnostic resources with negative consequences for public health measures, a lack of treatment or deterioration of the disease and may also prevent health professionals from adequately carrying out their tasks **or being protected when doing so, as evidenced during the COVID-19 pandemic, with serious consequences for the health of health professionals.** Those shortages can also have a significant impact on controlling the spread of a given pathogen caused by, for example, an insufficient supply of COVID-19 test kits. It is therefore important **to have an appropriate framework at Union level to coordinate the response of Member States** to address the question of shortages and to reinforce and formalise monitoring of critical medicinal products and medical devices **in the most efficient way and so as to avoid creating unnecessary burdens for stakeholders which may strain resources and cause additional delays.**

Thursday 8 July 2021

Amendment 12
Proposal for a regulation
Recital 8

Text proposed by the Commission

- (8) Safe and efficacious medicinal products that treat, prevent or diagnose diseases which cause public health emergencies, should be developed and made available **within the** Union as soon as possible during such emergencies. The COVID-19 pandemic has also highlighted sub-optimal coordination and decision-making as regards multinational clinical trials, and Union-level advice on the use of medicinal products in national compassionate use programmes or outside of their authorised indications in the Union, causing delays in the adoption of research outcomes and in the development and availability of new or repurposed medicines.

Amendment

- (8) Safe and efficacious medicinal products that treat, prevent or diagnose diseases which cause public health emergencies, should be **identified**, developed, **notably through joint efforts of public authorities, private sector and academia**, and made available **to** Union **citizens** as soon as possible during such emergencies. The COVID-19 pandemic has also highlighted sub-optimal coordination and decision-making as regards multinational clinical trials, and Union-level advice on the use of medicinal products in national compassionate use programmes or outside of their authorised indications in the Union, causing delays in the adoption of research outcomes and in the development and availability of new or repurposed medicines.

Amendment 13
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) During the COVID-19 pandemic ad hoc solutions, including contingent arrangements between the Commission, the European Medicines Agency ('the Agency'), marketing authorisation holders, manufacturers and Member States, had to be found to achieve the objective of making available safe and efficacious medicinal products to treat COVID-19 or prevent its spread, and to facilitate and speed up the development and marketing authorisation of treatments and vaccines.

Amendment

- (9) During the COVID-19 pandemic ad hoc solutions, including contingent arrangements between the Commission, the European Medicines Agency ('the Agency'), marketing authorisation holders, manufacturers **or other actors in the pharmaceutical supply chain** and Member States, had to be found to achieve the objective of making available safe and efficacious medicinal products to treat COVID-19 or prevent its spread, and to facilitate and speed up the development and marketing authorisation of treatments and vaccines.

Thursday 8 July 2021

Amendment 14
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) In order to ensure a better functioning of the internal market of those products and contribute to a high level of human health protection, it is therefore appropriate to approximate the rules on monitoring of shortages of medicinal products and medical devices, and to facilitate the research and development of medicinal products, which may have the potential to treat, prevent, or diagnose diseases that cause public health crises.

Amendment

- (10) In order to ensure a better functioning of the internal market of those products and contribute to a high level of human health protection, it is therefore appropriate to approximate **and strengthen** the rules on monitoring of shortages of medicinal products and medical devices, and to facilitate the research and development of medicinal products, which may have the potential to treat, prevent, or diagnose diseases that cause public health crises, **with a view to strategically complementing the efforts of the Commission and Union agencies to that end, as well as that of future key agencies such as the proposed European Health Emergency Preparedness and Response Authority (HERA).**

Amendment 15
Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

- (10a) ***In order to ensure effective health systems, stress tests should be introduced to assess the resilience of health systems in emergencies with a view to providing an effective means of countering shortages in the event of pandemics and identifying structural risk factors that create shortages.***

Amendment 16
Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission

Amendment

- (10b) ***In order to ensure a better functioning of the internal market of medicinal products and contribute to a high level of human health protection, it is appropriate to facilitate the research and development of medicinal products, which may have the potential to treat, prevent, or diagnose diseases that cause public health crises.***

Thursday 8 July 2021

Amendment 17
Proposal for a regulation
Recital 11

Text proposed by the Commission

- (11) This Regulation aims to ensure the smooth functioning of the internal market as regards medicinal products and medical devices, **with a high level of human health protection being fundamental in those aims**. Moreover, this Regulation aims to ensure the quality, safety and efficacy of medicinal products with the potential to address public health emergencies. Both objectives are being pursued simultaneously and are inseparably linked whilst one not being secondary to the other. As regards Article 114 TFEU, this Regulation establishes a framework for the monitoring and reporting on shortages of medicinal products and medical devices during public health crises. As regards Article 168(4)(c) TFEU, this Regulation provides for a strengthened Union framework ensuring the quality and safety of medicinal products and medical devices.

Amendment

- (11) This Regulation aims to ensure **a high level of human health protection by ensuring** the smooth functioning of the internal market as regards medicinal products and medical devices. Moreover, this Regulation aims to ensure the quality, safety and efficacy of medicinal products with the potential to address public health emergencies. Both objectives are being pursued simultaneously and are inseparably linked whilst one not being secondary to the other. As regards Article 114 TFEU, this Regulation establishes a framework for the monitoring and reporting on shortages of medicinal products and medical devices during public health crises. As regards Article 168(4)(c) TFEU, this Regulation provides for a strengthened Union framework ensuring the quality and safety of medicinal products and medical devices.

Amendment 18
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11a) **This Regulation establishes a framework to address the problem of shortages during public health emergencies and major events. However, shortages of medicinal products and medical devices are a persistent problem that has been increasingly affecting health and lives of Union citizens for decades. Therefore, this Regulation should be a first step towards improving the Union response to this long-lasting issue. The Commission should subsequently propose the expansion of this framework to ensure that the issue of shortages is broadly and permanently tackled in the upcoming revision of Regulation (EC) No 726/2004 of the European Parliament and of the Council^(1a) and Directive 2001/83/EC of the European Parliament and of the Council^(1b).**

^(1a) 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).

^(1b) ^{1b} 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 (OJ L 311, 28.11.2001, p. 67).

Thursday 8 July 2021

Amendment 19
Proposal for a regulation
Recital 12

Text proposed by the Commission

- (12) In order to improve crisis preparedness and management for medicinal products and medical devices and increase resilience and solidarity across the Union, the procedures and the respective roles and obligations of different concerned entities involved should be clarified. The framework should build on the ad hoc solutions identified so far in the response to the COVID-19 pandemic.

Amendment

- (12) In order to improve crisis preparedness and management for medicinal products and medical devices and increase resilience and solidarity across the Union, the procedures and the respective roles and obligations of different concerned entities involved should be clarified. The framework should build on the ad hoc solutions identified so far in the response to the COVID-19 pandemic ***that have proven effective, and on experience and examples in other countries, while remaining flexible enough to tackle any future health crisis in the most efficient way to the benefit of public health and patients.***

Amendment 20
Proposal for a regulation
Recital 13

Text proposed by the Commission

- (13) A harmonised system of monitoring of shortages of medicinal products and medical devices should be established, which will facilitate appropriate access to critical medicinal products and medical devices during public health emergencies ***and*** major events, which may have a serious impact on public health. That system should be complemented with improved structures to ensure appropriate management of public health crises and coordinate and provide advice on the research and development of medicinal products which may have the potential to ***address*** public health emergencies. In order to facilitate the monitoring and reporting on potential or actual shortages of medicinal products and medical devices, the Agency should be able to ask and obtain information and data from the concerned marketing authorisation holders, manufacturers and Member States through designated points of contact.

Amendment

- (13) A harmonised system of monitoring of shortages of medicinal products and medical devices should be established, which will facilitate appropriate access to critical medicinal products and medical devices during public health emergencies, major events, which may have a serious impact on public health. That system should be complemented with improved structures to ensure appropriate management of public health crises and coordinate and provide advice on the research and development of medicinal products which may have the potential to ***mitigate*** public health emergencies. In order to facilitate the monitoring and reporting on potential or actual shortages of medicinal products and medical devices, the Agency should be able to ask and obtain information and data from the concerned marketing authorisation holders, manufacturers and Member States through designated points of contact, ***while avoiding any duplication of the information requested and submitted.***

Thursday 8 July 2021

Amendment 21
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) *In order to facilitate the prevention, monitoring and reporting of shortages of medicinal products, it would be necessary for the Union and Member States to set up an electronic platform capable of determining the volume of stocks existing at any given moment, and detecting, predicting and preventing shortages of medicinal products. To facilitate the development of such a system, lessons could be learnt from projects such as CISMED, funded by the Union through Horizon Europe. The platform should provide the national competent authorities with real-time access to information on unmet demands from wholesale distributors, community pharmacies and hospital pharmacies, providing accurate data in order to understand the functioning of the supply chain and anticipate potential shortages of medicinal products. The platform should also act as the sole portal for marketing authorisation holders and wholesale distributors to provide the information required during major events and public health emergencies once fully implemented, with a view to increasing efficiency, predictability during crises, and accelerate the decision-making process while avoiding duplication of efforts and an unjustified burden on all stakeholders. In order to facilitate the coordination role of the Agency, Member States' supply monitoring platforms should be interoperable and replicate their information in the Union database managed by the Agency. To accelerate the implementation of the system at Union and national level, its development and implementation should be supported by Union funding from, inter alia, the EU4Health Programme or the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and of the Council ^(1a).*

^(1a) Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

Thursday 8 July 2021

Amendment 22
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) With respect to medicinal products, an executive steering group should be established within the Agency to ensure a robust response to major events and to coordinate urgent actions within the Union in relation to the management of issues relating to the supply of medicinal products. The Steering Group should establish lists of critical medicinal products to ensure monitoring of those products and it should be able to provide advice on the necessary action to take to safeguard the quality, safety, and efficacy of medicinal products and ensure a high level of human health protection.

Amendment

- (15) With respect to medicinal products, an executive steering group should be established within the Agency to ensure a robust response to major events and to coordinate urgent actions within the Union in relation to the management of issues relating to the supply of medicinal products. The Steering Group should establish lists of critical medicinal products to ensure monitoring of those products and it should be able to provide advice **and recommendations** on the necessary action to take to safeguard the quality, safety, and efficacy of medicinal products **as well as their supply** and ensure a high level of human health protection.

Amendment 23
Proposal for a regulation
Recital 18

Text proposed by the Commission

- (18) The work of the Emergency Task Force should be separate from the work of the scientific committees of the Agency and should be carried out without prejudice to the scientific assessments of those committees. The Emergency Task Force should provide recommendations with regard to the use of medicinal products in the fight **against the disease that is responsible for** the public health crisis. The Committee for Medicinal Products for Human Use should be able to use those recommendations when preparing scientific opinions on compassionate or other early use of a medicinal product prior to marketing authorisation.

Amendment

- (18) The work of the Emergency Task Force should be separate from the work of the scientific committees of the Agency and should be carried out without prejudice to the scientific assessments of those committees. The Emergency Task Force should provide recommendations with regard to the use of medicinal products in the fight **to overcome** the public health crisis. The Committee for Medicinal Products for Human Use should be able to use those recommendations when preparing scientific opinions on compassionate or other early use of a medicinal product prior to marketing authorisation. **The Executive Steering Group on Shortages and Safety of Medicinal Products could also draw on the work of the Emergency Task Force when developing the critical medicines lists.**

Thursday 8 July 2021

Amendment 24
Proposal for a regulation
Recital 19

Text proposed by the Commission

- (19) The establishment of the Emergency Task Force should build on the support provided by the Agency during the COVID-19 pandemic, notably as regards scientific advice on clinical trials design and product development as well as the 'rolling' review i.e. on an on-going basis, of emerging evidence to allow a more efficient assessment of medicinal products including vaccines during public health emergencies.

Amendment

- (19) The establishment of the Emergency Task Force should build on the support provided by the Agency during the COVID-19 pandemic, notably as regards scientific advice on clinical trials design and product development as well as the 'rolling' review i.e. on an on-going basis, of emerging evidence to allow a more efficient assessment of medicinal products including vaccines during public health emergencies, **while guaranteeing a high level of human health protection.**

Amendment 25
Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

- (19a) **Experience with clinical trials during the COVID-19 pandemic revealed a tremendous amount of duplication of investigations on the same interventions, many small trials, under-representation of important population subgroups, based on gender, age, ethnicity or medical comorbidities, and a lack of collaboration, posing a risk of research waste. To improve the clinical research agenda, international regulators pointed out the need for robust evidence on quality, efficacy and safety of medicinal products. The main way to obtain reliable evidence is through coordinated, well-designed, adequately powered large randomised controlled trials. Clinical trial results and data should be made public.**

Thursday 8 July 2021

Amendment 26
Proposal for a regulation
Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) *The clinical trials phase during which the safety, efficacy and quality of medicinal product candidates is studied in humans, is a key step in the development of medicinal products, including vaccines. It is therefore important that Regulation (EU) No 536/2014 of the European Parliament and of the Council ^(1a) is fully applied, in particular as regards the launch of a functioning clinical trials information system.*

^(1a) *Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1).*

Thursday 8 July 2021

Amendment 27
Proposal for a regulation
Recital 20

Text proposed by the Commission

- (20) Individual research entities may agree together, or with another party, to act as a sponsor in order to prepare one harmonised Union-wide clinical trial protocol, yet experience during the COVID-19 pandemic has shown that initiatives to set up large multinational trials struggle to materialise due to the lack of a single entity that can undertake all the responsibilities and activities of a sponsor within the Union, while interacting with multiple Member States. It is therefore **appropriate** for the Agency to identify and facilitate such initiatives by giving advice on the possibilities to act as a sponsor or, where applicable, to define respective responsibilities as co-sponsors in accordance with Article 72 of Regulation (EU) 536/2014. Such an approach would strengthen the research environment in the Union, and promote harmonisation and avoid subsequent delays in integrating the results of research to a marketing authorisation. A Union sponsor could benefit from Union research funding available at the time of the public health emergency as well as existing clinical trial networks to facilitate the development, application, submission, and running of the trial. This may be particularly valuable for trials established by Union or international public health or research organisations.

Amendment

- (20) Individual research entities may agree together, or with another party, to act as a sponsor in order to prepare one harmonised Union-wide clinical trial protocol, yet experience during the COVID-19 pandemic has shown that initiatives to set up large multinational trials struggle to materialise due to the lack of a single entity that can undertake all the responsibilities and activities of a sponsor within the Union, while interacting with multiple Member States. ***In that regard, a new Union wide and Union funded vaccine trial network called VACCELERATE was launched in light of the Commission communication of 17 February 2021 entitled 'HERA Incubator: Anticipating together the threat of COVID-19 variants'. The Emergency Task Force should build on that trial network and other established networks such as the Heads of Medicines Agencies, the Clinical Trials Facilitation and Coordination Group and the European Clinical Research Infrastructure Network to ensure that adequate data on new medicinal products in light of a possible public health emergency is expediently generated.*** It is therefore ***imperative*** for the Agency to identify and facilitate such initiatives by giving advice on the possibilities to act as a sponsor or, where applicable, to define respective responsibilities as co-sponsors in accordance with Article 72 of Regulation (EU) No 536/2014 ***and coordinate the development of clinical trial protocols. The Emergency Task Force should define the most clinically relevant performance targets for vaccines and treatments to be measured in clinical trials, so that they can meet the criteria for effective public health interventions.*** Such an approach would strengthen the research environment in the Union, and promote harmonisation and avoid subsequent delays in integrating the results of research to a marketing authorisation. A Union sponsor could benefit from Union research funding available at the time of the public health emergency as well as existing clinical trial networks to facilitate the development, application, submission, and running of the trial. This may be particularly valuable for trials established by Union or international public health or research organisations.

Thursday 8 July 2021

Amendment 28
Proposal for a regulation
Recital 22

Text proposed by the Commission

- (22) This Regulation also provides the Agency with a role to support the expert panels on medical devices designated under Commission Implementing Decision (EU) 2019/1396⁽¹²⁾ to provide independent scientific and technical assistance to the Member States, the Commission, the Medical Device Coordination Group (MDCG), notified bodies and manufacturers.

⁽¹²⁾ Commission Implementing Decision (EU) 2019/1396 of 10 September 2019 laying down the rules for the application of Regulation (EU) 2017/745 of the European Parliament and of the Council as regards the designation of expert panels in the field of medical devices OJ L 234, 11.9.2019, p. 23

Amendment

- (22) This Regulation also provides the Agency with a role to support the expert panels on medical devices designated under Commission Implementing Decision (EU) 2019/1396⁽¹²⁾ to provide independent scientific and technical assistance to the Member States, the Commission, the Medical Device Coordination Group (MDCG), notified bodies and manufacturers, **while upholding maximum transparency as a condition for fostering trust and confidence in the Union regulatory system.**

⁽¹²⁾ Commission Implementing Decision (EU) 2019/1396 of 10 September 2019 laying down the rules for the application of Regulation (EU) 2017/745 of the European Parliament and of the Council as regards the designation of expert panels in the field of medical devices OJ L 234, 11.9.2019, p. 23

Amendment 29
Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

- (22a) **The Emergency Task Force should review clinical trial protocols and advice developers on clinical trials that are conducted in the Union, providing guidance on clinically relevant endpoints and targets for vaccines and treatments in order to guide clinical trial design toward meeting the criteria for effective public health interventions.**

Thursday 8 July 2021

Amendment 30
Proposal for a regulation
Recital 24

Text proposed by the Commission

- (24) Given the Agency's long-standing and proven record of expertise in the field of medicinal products and considering the Agency's experience from working with a multitude of groups of experts, it is appropriate to establish the appropriate structures within the Agency to monitor potential shortages of medical devices in the context of a public health emergency and to provide the Agency with a mandate to host the expert panels on medical devices. This would allow for long-term sustainability for the functioning of the panels and provide clear synergies with related crisis preparedness work for medicinal products. Those structures would in no way change the regulatory system or the decision-making procedures in the area of medical devices already in place in the Union, which should remain clearly distinct from the one for medicinal products.

Amendment

- (24) Given the Agency's long-standing and proven record of expertise in the field of medicinal products and considering the Agency's experience from working with a multitude of groups of experts, it is appropriate to establish the appropriate structures within the Agency to monitor potential shortages of medical devices in the context of a public health emergency and to provide the Agency with a mandate to host the expert panels on medical devices. ***In light of this, all national and, eventually, Union entities engaged in stockpiling of medical devices, should report their stocks to the Agency.*** This would allow for long-term sustainability for the functioning of the panels and provide clear synergies with related crisis preparedness work for medicinal products. Those structures would in no way change the regulatory system or the decision-making procedures in the area of medical devices already in place in the Union, which should remain clearly distinct from the one for medicinal products.

Amendment 31
Proposal for a regulation
Recital 25

Text proposed by the Commission

- (25) In order to facilitate the work and the exchange of information under this Regulation, provision should be made for the establishment and management of IT infrastructures and synergies with other existing IT systems or systems under development, including the EUDAMED IT platform for medical devices. That work should also be facilitated by, where appropriate, emerging digital technologies such as computational models and simulations for clinical trials, as well as data from the EU Space Programme such as the Galileo geolocation services, and Copernicus earth observation data.

Amendment

- (25) In order to facilitate the work and the exchange of information under this Regulation, provision should be made for the establishment and management of IT infrastructures and synergies with other existing IT systems or systems under development, including the EUDAMED IT platform for medical devices, ***alongside enhanced protection of data infrastructure and deterrence from possible cyberattacks.*** That work should also be facilitated by, where appropriate, emerging digital technologies such as computational models and simulations for clinical trials, as well as data from the EU Space Programme such as the Galileo geolocation services, and Copernicus earth observation data.

Thursday 8 July 2021

Amendment 32
Proposal for a regulation
Recital 26

Text proposed by the Commission

- (26) Rapid access and exchange of health data, including real world data i.e. health data generated outside of clinical studies, is essential to ensure effective management of public health emergencies and other major events. This Regulation should allow the Agency to use and facilitate such exchange and be part of the establishment and operation of the European Health Data Space infrastructure.

Amendment

- (26) Rapid access and exchange of health data, including real world data i.e. health data generated outside of clinical studies, is essential to ensure effective management of public health emergencies and other major events. This Regulation should allow the Agency to use and facilitate such exchange and be part of the establishment and operation of the European Health Data Space ***interoperable*** infrastructure, ***taking advantage of all the potential of supercomputing, artificial intelligence and big data science to develop predicting models and take better and more timely-effective decisions, without compromising the privacy rights.***

Amendment 33
Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

- (26a) ***In order to facilitate the reliable exchange of medicinal product information in a robust and consistent manner, identification of human medicinal products will be based on International Organization for Standardization (ISO) for the identification of medicinal products for human use (IDMP) standards.***

Thursday 8 July 2021

Amendment 34
Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission

Amendment

- (26b) *The handling of sensitive data, crucial for dealing with potential public health emergencies, requires a high level of protection against cyber-attacks. Health care organisations have been also facing heightened cyber-security threats in the midst of the COVID-19 pandemic. The Agency itself has been the target of a cyber-attack that resulted in some of the unlawfully accessed documents related to COVID-19 medicines and vaccines belonging to third parties being leaked on the internet. There is therefore the need for the Agency to be equipped with a high level of security against cyber-attacks to ensure the normal functioning of the Agency at all times and especially during public health emergencies. To that end, the Agency should establish a plan to prevent, detect, mitigate and respond to cyber-attacks so that its operation is secured at all times, while preventing any illegal access to documentation held by the Agency.*

Thursday 8 July 2021

Amendment 35
Proposal for a regulation
Recital 26 c (new)

Text proposed by the Commission

Amendment

(26c) *Due to the sensitive nature of health data, the Agency should safeguard and guarantee its processing operations respect the data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality. Where it is necessary for the purposes of this Regulation to process personal data, this should be done in accordance with Union law on the protection of personal data. Any processing of personal data based on this Regulation should take place in accordance with Regulations (EU) 2016/679^(1a) and (EU) 2018/1725^(1b) of the European Parliament and of the Council*

^(1a) *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).*

^(1b) *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).*

Thursday 8 July 2021

Amendment 36
Proposal for a regulation
Recital 26 d (new)

Text proposed by the Commission

Amendment

- (26d) *It is imperative to have in place robust transparency measures and standards regarding the Agency's regulatory activities on medicinal products and medical devices falling under the scope of this Regulation. Those measures should include timely publication of all relevant information on approved products and clinical data, including full clinical trial protocols. The Agency should apply high degree of transparency on the membership, recommendations, opinions and decisions of the newly established Steering Groups and the Emergency Task Force. Members of the Steering Groups and the Emergency Task Force should have no financial or other interests in the pharmaceutical or medical device industry which could affect their impartiality.*

Amendment 37
Proposal for a regulation
Recital 26 e (new)

Text proposed by the Commission

Amendment

- (26e) *Credibility of the Agency and public trust in its decisions relies on a high degree of transparency. Therefore, proactive engagement of adequate communication tools with the general public should be foreseen. In addition, strengthened and accelerated transparency standards and measures regarding the Agency's working bodies and clinical data assessed for the evaluation and surveillance of medicinal products and medical devices are paramount to gain and uphold public trust. This Regulation establishes a framework for those strengthened transparency standards and measures, based on the Agency's efforts, standards and measures put in place during the COVID-19 pandemic.*

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Amendment 38
Proposal for a regulation
Recital 27

Text proposed by the Commission

- (27) During a public health emergency or in relation to a major event, the Agency should ensure cooperation with the European Centre for Disease Prevention and Control and other Union Agencies as appropriate. Such cooperation should include data sharing, including data on epidemiological forecasting, regular communication at an executive level, and invitations to representatives of the European Centre for Disease Prevention and Control and other Union Agencies to attend meetings of the Emergency Task Force, the Medicines Steering Group, and the Medical Devices Steering Group, as appropriate.

Amendment

- (27) During a public health emergency or in relation to a major event, the Agency should ensure cooperation with the European Centre for Disease Prevention and Control and other Union Agencies as appropriate. Such cooperation should include data sharing, including data on epidemiological forecasting, regular communication at an executive level, and invitations to representatives of the European Centre for Disease Prevention and Control and other Union Agencies to attend meetings of the Emergency Task Force, the Medicines Steering Group, and the Medical Devices Steering Group, as appropriate. ***This cooperation should also include strategic discussions with relevant entities of the Union in a position to boost the research and development of appropriate solutions and technologies to mitigate the effects of the public health emergency or major event, or prevent future similar public health emergencies or major events, such as the proposed HERA.***

Amendment 39
Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

- (27a) ***During a public health emergency or in relation to a major event, the Agency should enable regular exchanges of information with the industry, relevant actors of the pharmaceutical supply chain, representatives of healthcare professionals, patients and consumers, to guarantee early discussions on potential drug shortages in the market and supply constraints, so as to allow better coordination and synergies to mitigate and respond to the public health emergency or the major event.***

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Amendment 40
Proposal for a regulation
Recital 27 b (new)

Text proposed by the Commission

Amendment

- (27b) *Taking into account that the COVID-19 pandemic has not come to an end, and that the duration and evolution of health crises, such as pandemics, are uncertain, provision should be made for a review of the effectiveness of the functioning of the structures and mechanisms established in accordance with this Regulation. In light of that review, the structures and mechanisms should be amended, if appropriate.*

Amendment 41
Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

- (29) In order to ensure that sufficient resources are available for the work provided for under this Regulation, expenditure of the Agency should be covered by the contribution from the Union to the Agency's revenue.
- (29) In order to ensure that sufficient resources, **including appropriate staffing and adequate expertise**, are available for the work provided for under this Regulation, expenditure of the Agency should be covered by the contribution from the Union to the Agency's revenue.

Amendment 42
Proposal for a regulation
Article 1 — paragraph 1 — point a

Text proposed by the Commission

Amendment

- (a) prepare for and manage the impact of major events on medicinal products for human use and of public health emergencies on medicinal products for human use and on medical devices;
- (a) **prevent**, prepare for, **coordinate** and manage **at Union level** the impact of major events on medicinal products for human use and of public health emergencies on medicinal products for human use and on medical devices;

Amendment 43
Proposal for a regulation
Article 1 — paragraph 1 — point b

Text proposed by the Commission

Amendment

- (b) monitor and report on shortages of medicinal products for human use and medical devices;
- (b) **prevent**, monitor and report on shortages of medicinal products for human use and **critical** medical devices;

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Amendment 44**Proposal for a regulation****Article 1 — paragraph 1 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) *set up an interoperable and digital database at Union level to monitor and report on shortages of medicinal products;*

Amendment 45**Proposal for a regulation****Article 2 — paragraph 1 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) *‘veterinary medicinal product’ means a veterinary medicinal product as defined in point (1) of Article 4 of Regulation(EU) 2019/6 of the European Parliament and the Council ^(1a);*

^(1a) *Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).*

Amendment 46**Proposal for a regulation****Article 2 — paragraph 1 — point c a (new)**

Text proposed by the Commission

Amendment

(ca) *‘supply’ refers to the total volume of stock of an individual medicinal product or medical device that is placed on the market by a marketing authorisation holder or a manufacturer;*

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Amendment 47

Proposal for a regulation

Article 2 — paragraph 1 — point c b (new)

Text proposed by the Commission

Amendment

- (cb) *'demand' relates to the request for a medicinal product or a medical device by a healthcare professional or patient in response to a clinical need. For demand to be satisfactorily met, the medicinal product or the medical device will need to be acquired in time and sufficient quantity to allow continuity of best care of patients. Wholesalers are usually a key supply link between marketing authorisation holders or manufacturers and the users of medicinal products or medical devices, respectively, and in those cases, in order to estimate demand, the quantity requested in wholesale orders should be considered;*

Amendment 48

Proposal for a regulation

Article 2 — paragraph 1 — point d

Text proposed by the Commission

Amendment

- (d) 'shortage' means that supply of a medicinal product for human use or a medical device does not meet demand for that medicinal product or medical device;
- (d) 'shortage' means that supply of a medicinal product for human use or a medical device does not meet demand for that medicinal product or medical device **at a national level, whatever the cause;**

Amendment 49

Proposal for a regulation

Article 2 — paragraph 1 — point f

Text proposed by the Commission

Amendment

- (f) 'major event' means an event which is likely to pose a serious risk to public health in relation to medicinal products in more than one Member State. Such an event concerns a deadly threat or otherwise serious threat to health of biological, chemical, environmental or other origin or incident that can affect the supply or quality, safety, and efficacy of medicinal products. Such an event may lead to shortages of medicinal products in more than one Member State and necessitates urgent coordination at Union level in order to ensure a high level of human health protection.
- (f) 'major event' means an event which is likely to pose a serious risk to public health in relation to medicinal products in more than one Member State. Such an event concerns a deadly threat or otherwise serious threat to health of biological, chemical, environmental or other origin or incident that can affect the **manufacturing, supply, demand** or quality, safety, and efficacy of medicinal products. Such an event may lead to shortages of medicinal products in more than one Member State and necessitates urgent coordination at Union level in order to ensure a high level of human health protection. **Recurrent problems of supply of medicinal products are excluded from the scope of this definition.**

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Amendment 50

Proposal for a regulation

Article 3 — paragraph 1

Text proposed by the Commission

1. The Executive Steering Group on Shortages and Safety of Medicinal Products ('the Medicines Steering Group') is hereby established as part of the Agency. It shall meet either in person or remotely, in preparation for or during a public health emergency or following a request for assistance referred to in Article 4(3). The Agency shall provide its secretariat.

Amendment

1. The Executive Steering Group on Shortages and Safety of Medicinal Products ('the Medicines Steering Group') is hereby established as part of the Agency. It shall meet **at regular intervals** either in person or remotely, **and whenever the situation requires**, in preparation for or during a public health emergency or following a request for assistance referred to in Article 4(3). The Agency shall provide its secretariat.

Amendment 51

Proposal for a regulation

Article 3 — paragraph 2

Text proposed by the Commission

2. The Medicines Steering Group shall be composed of a representative of the Agency, a representative of the Commission and one senior representative per Member State. Each Member State shall appoint their representative. Members may be accompanied by experts in specific scientific or technical fields.

Amendment

2. The Medicines Steering Group shall be composed of a representative of the Agency, a representative of the Commission and one **authorised** senior representative per Member State. Each Member State shall appoint their representative. Members may be accompanied by experts in specific scientific or technical fields. **The Medicines Steering Group shall also include a representative of the Agency's Patients' and Consumers' Working Party (PCWP) and a representative of the Agency's Healthcare Professionals' Working Party (HCPWP) as observers. The list of the members of the Medicines Steering Group shall be transparent and made public on the Agency's web-portal.**

Thursday 8 July 2021

Amendment 52

Proposal for a regulation

Article 3 — paragraph 3

Text proposed by the Commission

3. The Medicines Steering Group shall be chaired by the Agency. The Chair **may** invite third parties, including representatives of medicinal product interest groups **and** marketing authorisation holders to attend its meetings.

Amendment

3. The Medicines Steering Group shall be chaired by the Agency. **Any member of the Medicines Steering Group may propose to** the Chair **to** invite third parties, including representatives of medicinal product interest groups, marketing authorisation holders, **wholesale distributors, or any other appropriate actor in the pharmaceutical supply chain, representatives of healthcare professionals, patients and consumers** to attend its meetings **when their contribution may inform the discussions of the Medicines Steering Group**.

Amendment 53

Proposal for a regulation

Article 3 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Medicines Steering Group shall guarantee an open communication and close cooperation with marketing authorisation holders, manufacturers, relevant actors of the pharmaceutical supply chain, and representatives of healthcare professionals, patients and consumers with a view to enabling early notification or identification of potential or actual shortages of medicinal products considered as critical during a major event or a public health emergency as provided for in Article 6.

Amendment 54

Proposal for a regulation

Article 3 — paragraph 6

Text proposed by the Commission

6. The Medicines Steering Group shall be responsible for fulfilling the tasks referred to in Article 4(4) and Articles 5 to 8.

Amendment

6. The Medicines Steering Group shall be responsible for fulfilling the tasks referred to in Article **4(3) and** (4) and Articles 5 to 8.

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Amendment 55

Proposal for a regulation

Article 3 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Medicines Steering Group may consult with the Committee for Medicinal Products for Veterinary Use whenever it deems it necessary to deal with public health emergencies and major events related to zoonoses or diseases affecting only animals that have or may have a major impact on human health.

Amendment 56

Proposal for a regulation

Article 3 — paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Members of the Medicines Steering Group shall not have financial or other interests in the pharmaceutical industry that could affect their impartiality. They shall act in the public interest and in an independent manner and make an annual declaration of their financial interests and update it whenever a relevant change occurs. All indirect interests which could relate to the pharmaceutical industry shall be entered in a register held by the Agency and upon request shall be accessible to the public. The declaration of interests shall be made publicly available on the Agency's web-portal.

Amendment 57

Proposal for a regulation

Article 4 — paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall continuously monitor any event that is likely to lead to a major event or a public health emergency.

1. The Agency shall continuously monitor any event that is likely to lead to a major event or a public health emergency **in coordination with the national competent authorities. In that regard, the Agency shall cooperate closely with the European Centre for Disease Prevention and Control (ECDC) and other Union agencies, where relevant.**

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Amendment 58
Proposal for a regulation
Article 4 — paragraph 2

Text proposed by the Commission

2. To facilitate the monitoring task referred to in paragraph 1, the national competent authorities, through the single points of contact referred to in Article 3(5), shall, based on the reporting criteria specified by the Agency pursuant to Article 9(1)(b), report to the Agency on any event, including a shortage of a medicinal product in a given Member State, that is likely to lead to a major event or a public health emergency. Where a national competent authority informs the Agency of a shortage of a medicinal product in a given Member State, it shall provide the Agency with any information received from the marketing authorisation holder pursuant to Article 23a of Directive 2001/83/EC. Based on a report of an event from a national competent authority and in order to understand the impact of the event in other Member States, the Agency may request information from the national competent authorities, through the working party referred to in Article 3(5).

Amendment

2. To facilitate the monitoring task referred to in paragraph 1, the national competent authorities, through the single points of contact referred to in Article 3(5) **or the database referred to in Article 12a, once fully functional**, shall, based on the reporting criteria specified by the Agency pursuant to Article 9(1)(b), report **without delay** to the Agency on any event, including a shortage of a medicinal product in a given Member State, that is likely to lead to a major event or a public health emergency. Where a national competent authority informs the Agency of a shortage of a medicinal product in a given Member State, it shall provide the Agency with any information received from the marketing authorisation holder pursuant to Article 23a of Directive 2001/83/EC. Based on a report of an event from a national competent authority and in order to understand the impact of the event in other Member States, the Agency may request information from the national competent authorities, through the working party referred to in Article 3(5).

Amendment 59
Proposal for a regulation
Article 4 — paragraph 3

Text proposed by the Commission

3. Where the Agency considers that an actual or imminent major event needs to be addressed, it shall inform the Commission and the Member States thereof. The Commission, on its own initiative or following a request from one or more Member States, or the Executive Director of the Agency **may** request the assistance of the Medicines Steering Group to **address** the major event.

Amendment

3. Where the Agency considers that an actual or imminent major event needs to be addressed, it shall inform the Commission and the Member States thereof. The Commission, on its own initiative or following a request from one or more Member States, or the Executive Director of the Agency **shall then** request the assistance of the Medicines Steering Group to **analyse the available information. Based on the analysis of the information, the Medicines Steering Group may propose to the Commission to formally recognise** the major event **and, pursuant to Article 5, it shall provide recommendations to address such an event.**

Amendment 60
Proposal for a regulation
Article 5 — paragraph 2

Text proposed by the Commission

The Medicines Steering Group shall provide advice to the Commission and Member States on any appropriate action it believes should be taken at Union level on the medicinal products concerned in accordance with the provisions of Directive 2001/83/EC or Regulation (EC) No 726/2004 ⁽¹⁸⁾.

⁽¹⁸⁾ Regulation (EC) No 726/2004

Amendment

The Medicines Steering Group shall provide advice **and recommendations** to the Commission and Member States on any appropriate action it believes should be taken at Union level on the medicinal products concerned in accordance with the provisions of Directive 2001/83/EC or Regulation (EC) No 726/2004 ⁽¹⁸⁾.

⁽¹⁸⁾ Regulation (EC) No 726/2004

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Amendment 61

Proposal for a regulation

Article 5 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission and Member States shall provide a substantiated justification in the event that the recommendations provided by the Medicines Steering Group are not taken into account. The recommendations provided by the Medicines Steering Group, as well as any substantiated justifications provided by the Commission and Member States, shall be made publicly available via the web-portal as referred to in Article 13.

Amendment 62

Proposal for a regulation

Article 5 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

Where a link is established with zoonoses or diseases affecting only animals that have or may have a major impact on human health or where the use of active ingredients of veterinary medicinal products may be useful to address the public health emergency or the major event, or otherwise whenever necessary, the Medicines Steering Group may liaise with the Committee for Medicinal Products for Veterinary Use.

Amendment 63

Proposal for a regulation

Article 6 — paragraph 1

Text proposed by the Commission

Amendment

1. Following a request for assistance referred to in Article 4(3) and after consultation of its working party, the Medicines Steering Group shall adopt a list of medicinal products authorised in accordance with Directive 2001/83/EC or Regulation (EC) No 726/2004 which it considers as critical during the major event ('the major event critical medicines list'). The list shall be updated whenever necessary until the major event has been sufficiently addressed.

1. Following a request for assistance referred to in Article 4(3) and after consultation of its working party, the Medicines Steering Group shall adopt a list of medicinal products authorised in accordance with Directive 2001/83/EC or Regulation (EC) No 726/2004 which it considers as critical during the major event ('the major event critical medicines list'). The list shall be updated whenever necessary until the major event has been sufficiently addressed **and it has been confirmed that the assistance of the Medicines Steering Group is no longer needed as referred to in Article 4(4) of this Regulation.**

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Amendment 64**Proposal for a regulation****Article 6 — paragraph 2***Text proposed by the Commission*

2. Immediately following the recognition of a public health emergency and after consultation of its working party, the Medicines Steering Group shall adopt a list of medicinal products authorised in accordance with Directive 2001/83/EC or Regulation (EC) No 726/2004 which it considers as critical during the public health emergency ('the public health emergency critical medicines list'). The list shall be updated whenever necessary until the termination of the recognition of the public health emergency.

Amendment

2. Immediately following the recognition of a public health emergency and after consultation of its working party, the Medicines Steering Group shall adopt a list of medicinal products authorised in accordance with Directive 2001/83/EC or Regulation (EC) No 726/2004 which it considers as critical during the public health emergency ('the public health emergency critical medicines list'). The list shall be updated whenever necessary until the termination of the recognition of the public health emergency. ***The list may be updated in accordance with the outcomes of the review process under Article 16 of this Regulation, where appropriate, for which the Medicines Steering Group shall liaise with the Emergency Task Force.***

Amendment 65**Proposal for a regulation****Article 6 — paragraph 3***Text proposed by the Commission*

3. The Medicines Steering Group shall adopt a set of information necessary to monitor the supply and demand of medicinal products included on the lists referred to in paragraphs 1 and 2 ('the critical medicines lists') and inform its working party thereof.

Amendment

3. The Medicines Steering Group shall adopt a set of information ***and actions*** necessary to monitor the supply and demand of medicinal products included on the lists referred to in paragraphs 1 and 2 ('the critical medicines lists') and inform its working party thereof. ***Union or national entities that are engaged in stockpiling of medicinal products shall be informed accordingly. The Medicines Steering Group shall report to the Agency and to the Commission in due time on the monitoring and shall notify immediately on any major event or shortage in the supply.***

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Amendment 66

Proposal for a regulation

Article 6 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Agency shall establish a publicly accessible webpage with information on actual shortages of critical medicinal products. Reference to national registries on medicinal products shortages shall also be included. The webpage shall contain information on, but not limited to:

- (a) trade name and international non-proprietary name;**
- (b) indication;**
- (c) reason for the shortage;**
- (d) start and end dates;**
- (e) Member States affected;**
- (f) information for healthcare professionals and patients, including information on alternative treatments.**

Amendment 67

Proposal for a regulation

Article 7 — paragraph 1

Text proposed by the Commission

Amendment

On the basis of the critical medicines lists and the information and data provided in accordance with Articles 10 and 11, the Medicines Steering Group shall monitor supply and demand of medicinal products included on those lists with a view to identifying any potential or actual shortages of those medicinal products. As part of that monitoring, the Medicines Steering Group shall liaise, where relevant, with the Health Security Committee established in Article 4 of Regulation (EU) 2020/[...] ⁽¹⁹⁾ and, in the case of a public health emergency, the Advisory Committee on public health emergencies established pursuant to Article 24 of that Regulation.

⁽¹⁹⁾ [insert reference to adopted text referred to in footnote 4]

On the basis of the critical medicines lists and the information and data provided in accordance with Articles 10 and 11, **and the database established in accordance with Article 12a, once fully functional**, the Medicines Steering Group shall monitor supply and demand of medicinal products included on those lists with a view to identifying any potential or actual shortages of those medicinal products. As part of that monitoring, the Medicines Steering Group shall liaise, where relevant, with the Health Security Committee established in Article 4 of Regulation (EU) 2020/[...] ⁽¹⁹⁾ and, in the case of a public health emergency, the Advisory Committee on public health emergencies established pursuant to Article 24 of that Regulation, **as well as with the ECDC**.

⁽¹⁹⁾ [insert reference to adopted text referred to in footnote 4]

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Amendment 68

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission

1. For the duration of a public health emergency or following a request for assistance referred to in Article 4(3) and until its closure, the Medicines Steering Group shall regularly report the results of its monitoring to the Commission and the sub-network referred to in Article 9(2), and, in particular, signal any potential or actual shortages of medicinal products included on the critical medicines lists.

Amendment

1. For the duration of a public health emergency or following a request for assistance referred to in Article 4(3) and until its closure, the Medicines Steering Group shall regularly report the results of its monitoring to the Commission and the sub-network referred to in Article 9(2), and, in particular, signal any potential or actual shortages of medicinal products included on the critical medicines lists. ***Those reports may also be made available to other actors in the pharmaceutical supply chain, where relevant.***

Amendment 69

Proposal for a regulation

Article 8 — paragraph 2

Text proposed by the Commission

2. Where requested by the Commission or the sub-network referred to in Article 9(2), the Medicines Steering Group shall provide aggregated data and forecasts of demand to substantiate its findings. In that regard, the Medicines Steering Group shall liaise with the European Centre for Disease Prevention and Control to obtain epidemiological data to help forecast medicinal product needs, and with the Executive Steering Group on Shortages of Medical Devices referred to in Article 19 where medicinal products included on the critical medicines lists are administered with a medical device.

Amendment

2. Where requested by the Commission, ***one or more national competent authorities*** or the sub-network referred to in Article 9(2), the Medicines Steering Group shall provide aggregated data and forecasts of demand to substantiate its findings. In that regard, the Medicines Steering Group shall ***use data from the database established in accordance with Article 12a, once fully functional, and shall*** liaise with the European Centre for Disease Prevention and Control to obtain epidemiological data, ***models and development scenarios*** to help forecast medicinal product needs, and with the Executive Steering Group on Shortages of Medical Devices referred to in Article 19 where medicinal products included on the critical medicines lists are administered with a medical device. ***The aggregated data and forecasts of demand may also be made available to other actors in the pharmaceutical supply chain, where relevant, with a view to better prevent or mitigate potential or actual shortages. The Medicines Steering Group shall also share its findings and conclusions with Union and national actors engaged with stockpiling of medicinal products and medical devices.***

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Amendment 70

Proposal for a regulation

Article 8 — paragraph 3

Text proposed by the Commission

3. As part of that reporting, the Medicines Steering Group may also provide recommendations on measures, which may be taken by the Commission, Member States, marketing authorisation holders and other entities to prevent or mitigate potential or actual shortages. In that regard the Group shall liaise, as relevant, with the Health Security Committee and, in the case of a public health emergency, the Advisory Committee on public health emergencies.

Amendment

3. As part of that reporting, the Medicines Steering Group may also provide recommendations on measures, which may be taken by the Commission, Member States, marketing authorisation holders and other entities, **including representatives of healthcare professionals and patient organisations**, to prevent or mitigate potential or actual shortages. In that regard the Group shall liaise, as relevant, with the Health Security Committee and, in the case of a public health emergency, the Advisory Committee on public health emergencies.

Amendment 71

Proposal for a regulation

Article 8 — paragraph 4

Text proposed by the Commission

4. The Medicines Steering Group may, on its own initiative or upon request from the Commission, provide recommendations on measures, which may be taken by the Commission, Member States, marketing authorisation holders and other entities to ensure preparedness to deal with potential or actual shortages of medicinal products caused by public health emergencies or major events.

Amendment

4. The Medicines Steering Group may, on its own initiative or upon request from the Commission, provide recommendations on measures, which may be taken by the Commission, Member States, marketing authorisation holders, **representatives of healthcare professionals** and other entities to ensure preparedness to deal with potential or actual shortages of medicinal products caused by public health emergencies or major events.

Amendment 72

Proposal for a regulation

Article 8 — paragraph 5

Text proposed by the Commission

5. The Medicines Steering Group may upon request from the Commission coordinate measures, where relevant, between the national competent authorities, the marketing authorisation holders and other entities to prevent or mitigate potential or actual shortages in the context of a major event or public health emergency.

Amendment

5. The Medicines Steering Group may upon request from the Commission coordinate measures, where relevant, between the national competent authorities, the marketing authorisation holders and other entities, **including representatives of healthcare professionals and patient organisations**, to prevent or mitigate potential or actual shortages in the context of a major event or public health emergency.

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Amendment 73

Proposal for a regulation

Article 8 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where the recommendations referred to in paragraphs 3 and 4 are not taken into account or are not implemented, the Commission, Member States and marketing authorisation holders shall provide, where appropriate, a substantiated justification.

Amendment 74

Proposal for a regulation

Article 9 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) specify the procedures for establishing the critical medicines lists;

(a) specify the procedures **and criteria** for establishing **and reviewing** the critical medicines lists, **ensuring adequate consultation with marketing authorisation holders and other relevant actors in the pharmaceutical supply chain as well as with healthcare professionals, consumers and patients;**

Amendment 75

Proposal for a regulation

Article 9 — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) specify the methods of and criteria for the monitoring, data collection and reporting provided for in Articles 4, 7 and 8;

(b) specify the methods of and criteria for the monitoring, data collection and reporting provided for in Articles 4, 7 and 8 **with a basic minimum data set;**

Amendment 76

Proposal for a regulation

Article 9 — paragraph 1 — point c

Text proposed by the Commission

Amendment

(c) develop streamlined electronic monitoring and reporting systems;

(c) develop streamlined electronic monitoring and reporting systems **in coordination with the national competent authorities until the database provided for in Article 12a is fully functional, based on harmonised data fields across Member States;**

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Amendment 77

Proposal for a regulation

Article 9 — paragraph 1 — point f a (new)

Text proposed by the Commission

Amendment

(fa) **publish information referred to in points (a), (b) and (f) of this paragraph on its web-portal.**

Amendment 78

Proposal for a regulation

Article 9 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) request information from the points of contact included in the sub-network referred to in point (a) and set a deadline for its submission;

(b) request information, **including on the supply of the critical medicines lists**, from the points of contact included in the sub-network referred to in point (a) and set a deadline for its submission **if that information is not available in the database provided for in Article 12a;**

Amendment 79

Proposal for a regulation

Article 9 — paragraph 2 — point c

Text proposed by the Commission

Amendment

(c) request information from the single points of contact from Member States' national competent authorities based on the set of information agreed on by the Medicines Steering Group and set a deadline for its submission.

(c) request information from the single points of contact from Member States' national competent authorities based on the set of information agreed on by the Medicines Steering Group and set a deadline for its submission **if that information is not available in the database provided for in Article 12a.**

Amendment 80

Proposal for a regulation

Article 9 — paragraph 3 — point d

Text proposed by the Commission

Amendment

(d) details of the potential or actual shortage such as actual or estimated start and end dates and suspected or known cause;

(d) details of the potential or actual shortage such as actual or estimated start and end dates and suspected or known cause **as well as information on potential bottlenecks in the supply chain;**

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Amendment 81**Proposal for a regulation****Article 9 — paragraph 3 — point e a (new)**

Text proposed by the Commission

Amendment

(ea) available stocks;**Amendment 82****Proposal for a regulation****Article 9 — paragraph 3 — point e b (new)**

Text proposed by the Commission

Amendment

(eb) quantities already delivered;**Amendment 83****Proposal for a regulation****Article 9 — paragraph 3 — point e c (new)**

Text proposed by the Commission

Amendment

(ec) projected deliveries;**Amendment 84****Proposal for a regulation****Article 9 — paragraph 3 — point g**

Text proposed by the Commission

Amendment

(g) mitigation plans including production and supply capacity;

(g) *prevention and* mitigation plans including *information on* production and supply capacity, *production sites of the finished pharmaceutical product and of active pharmaceutical ingredients, potential alternative production sites or minimum stock levels, with a view to guarantee continued supply and prevent shortages of medicinal products included on the critical medicines lists.***Amendment 85****Proposal for a regulation****Article 9 — paragraph 3 — point h**

Text proposed by the Commission

Amendment

(h) *information from the wholesale distributors and legal person entitled to supply the medicinal product to the public*

deleted

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Amendment 86

Proposal for a regulation

Article 10 — paragraph 2

Text proposed by the Commission

2. Marketing authorisation holders of medicinal products authorised in the Union shall, within 6 months from the date of application of this Regulation, provide the information required pursuant to Article 9(1)(e) in the form of an electronic submission in the database referred to in Article 57(1)(l) of Regulation (EC) No 726/2004. Those marketing authorisation holders shall update their submission wherever necessary.

Amendment

2. Marketing authorisation holders of medicinal products authorised in the Union shall, within 6 months from the date of application of this Regulation, provide the information required pursuant to Article 9(1)(e) in the form of an electronic submission in the database referred to in Article 57(1)(l) of Regulation (EC) No 726/2004 **and in compliance with the standards developed by the International Organization for Standardization (ISO) for the identification of medicinal products for human use (IDMP)**. Those marketing authorisation holders shall update their submission wherever necessary.

Amendment 87

Proposal for a regulation

Article 10 — paragraph 4

Text proposed by the Commission

4. Where marketing authorisation holders for medicinal products included on the critical medicines lists indicate that the submitted information contains information of a commercially confidential nature, they shall identify the relevant parts and clarify the reasons for such an indication. The Agency shall assess the merits of each request and protect commercially confidential information against unjustified disclosure.

Amendment

4. Where marketing authorisation holders for medicinal products included on the critical medicines lists indicate that the submitted information **requested by the Agency or the national competent authorities** contains information of a commercially confidential nature, they shall identify the relevant parts and clarify the reasons for such an indication. The Agency shall assess the merits of each request and protect commercially confidential information against unjustified disclosure.

Amendment 88

Proposal for a regulation

Article 10 — paragraph 5

Text proposed by the Commission

5. Where marketing authorisation holders for medicinal products included on the critical medicines lists are in possession of any additional information, which provides evidence of a potential or actual shortage they shall immediately provide such information to the Agency.

Amendment

5. Where marketing authorisation holders for medicinal products included on the critical medicines lists **and/or other relevant actors in the pharmaceutical supply chain** are in possession of any additional information, which provides evidence of a potential or actual shortage they shall immediately provide such information to the Agency.

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Amendment 89

Proposal for a regulation

Article 10 — paragraph 6 — point c

Text proposed by the Commission

(c) inform the Medicines Steering Group of any measures taken and report on the results of those measures, including information on the resolution of the potential or actual shortage.

Amendment

(c) inform the Medicines Steering Group of any measures taken and report on the **monitoring and** results of those measures, including information on the resolution of the potential or actual shortage.

Amendment 90

Proposal for a regulation

Article 10 — paragraph 6 a (new)

*Text proposed by the Commission**Amendment*

6a. In order to supplement the shortage prevention and mitigation plans of critical medicinal products, the Agency and national competent authorities may request additional information from wholesale distributors and other relevant actors regarding any logistical challenges incurred by the wholesale supply chain.

Amendment 91

Proposal for a regulation

Article 11 — paragraph 1 — introductory part

Text proposed by the Commission

1. In order to facilitate the monitoring referred to in Article 7 and following a request from the Agency, Member States shall, by the deadline set by the Agency:

Amendment

1. In order to facilitate the monitoring referred to in Article 7 and following a request from the Agency, Member States shall, by the deadline set by the Agency, **submit the following information provided that it is not available in the database established in Article 12a:**

Amendment 92

Proposal for a regulation

Article 11 — paragraph 2

Text proposed by the Commission

2. Where necessary to fulfil their reporting obligations set out in paragraph 1, Member States, with the support of the Agency, shall gather information and data on stock levels from wholesale distributors and other legal entities entitled to supply the public with medicinal products included on the critical medicines lists.

Amendment

2. Where necessary to fulfil their reporting obligations set out in paragraph 1, Member States, with the support of the Agency, shall gather **relevant** information and data, **including** on stock levels, from wholesale distributors and other legal entities **and persons authorised or** entitled to supply the public with medicinal products included on the critical medicines lists.

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Amendment 93

Proposal for a regulation

Article 11 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. National competent authorities for medicinal products shall facilitate online data collection on the impact of medicine shortages on patients and consumers. Relevant aggregated data from those surveys shall be shared by the sub-network of single points of contact from national competent authorities referred to in Article 3(5) with the Medicines Steering Group to inform recommendations on medicinal products shortage management.

Amendment 94

Proposal for a regulation

Article 12 — paragraph 1 — point a a (new)

Text proposed by the Commission

Amendment

(aa) facilitate the coordination between manufacturers and other relevant stakeholders to address demand surges;

Amendment 95

Proposal for a regulation

Article 12 — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) consider the need for guidelines addressed to Member States, marketing authorisation holders, and other entities;

(b) consider the need for guidelines **and recommendations** addressed to Member States, marketing authorisation holders, and other entities, **including from the pharmaceutical supply chain as well as healthcare professionals, to support them in their work and in the communication with patients;**

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Amendment 96**Proposal for a regulation****Article 12 — paragraph 1 — point f***Text proposed by the Commission*

(f) liaise with third countries and relevant international organisations, as appropriate, to mitigate potential or actual shortages of medicinal products included on the critical medicines list or their active pharmaceutical ingredients, where those products or ingredients are imported into the Union and where such potential or actual shortages have international implications.

Amendment

(f) liaise with third countries and relevant international organisations, as appropriate, to mitigate potential or actual shortages of medicinal products included on the critical medicines list or their active pharmaceutical ingredients, where those products or ingredients are imported into the Union and where such potential or actual shortages have international implications, **and report those actions as well as the results obtained to the Medicines Steering Group.**

Amendment 97**Proposal for a regulation****Article 12 a (new)***Text proposed by the Commission**Amendment***Article 12a****European Medicines Supply Database**

1. The Agency shall, in collaboration with the Commission and Member States, set up, maintain and manage the European medicines supply database (EUMSD) for the following purposes:

- (a) to enable the monitoring of supply and demand of medicinal products at Union and Member State level;**
- (b) to enable the monitoring and reporting of shortages of medicinal products at Union and Member State level;**
- (c) to enable marketing authorisation holders and wholesale distributors to comply with the information obligations laid down in Article 10;**
- (d) to enable the Commission, the Agency and the national competent authorities to carry out their tasks in accordance with this Regulation on a well-informed basis and to enhance the cooperation between them.**

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Text proposed by the Commission

Amendment

The EUMSD, which shall be functional not only during public health emergencies and major events but also under normal circumstances, shall function as an interoperable and digital database at Union level, based on the data reported through the national electronic platforms established pursuant to paragraph 2. The database shall allow the Agency and the national competent authorities to simultaneously access and share the information provided in the database.

2. Each Member State shall develop an electronic platform with a view to establishing real-time monitoring of the supply of medicinal products, capable of determining the volume of supply of each medicinal product existing at any given moment, and detecting, predicting and preventing shortages of medicinal products. Those platforms, which shall be managed by the national competent authorities, shall be fully operational at Member State level by... [30 months after the date of entry into force of this Regulation].

Data on supply and demand shall be reported at Member State level by the following entities:

- (a) marketing authorisation holders
- (b) wholesale distributors
- (c) community and hospital pharmacies.

3. In addition to paragraph 2, the electronic platforms shall provide the national competent authorities with real-time access to information on unmet demands from wholesale distributors, community pharmacies and hospital pharmacies at national level. Those platforms shall also allow marketing authorisation holders to report any medicinal products supply problems, including manufacturing problems.

4. Member State platforms shall be interoperable and shall replicate their information in the EUMSD managed by the Agency, thereby preventing any duplication of the reporting process by the single points of contact established in Article 9 (2).

5. The data generated by the Member State platforms and consequently by the EUMSD shall make it possible to identify any supply problems along the supply chain and, through the application of big data techniques and, where appropriate, artificial intelligence, shall be able to forecast supply problems in advance.

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Text proposed by the Commission

Amendment

6. The data submitted shall be compliant with the standards developed by the ISO for IDMP and be based on the four domains of master data in pharmaceutical regulatory processes: substance, product, organisation and referential data.

7. The Agency shall, in collaboration with the Commission and Member States, draw up the functional specifications for the database, together with a plan for the implementation of the EUMSD and the Member State platforms by... [6 months after the date of entry into force of this Regulation]. That plan shall seek to ensure that the EUMSD is fully functional by ... [48 months after the date of entry into force of this Regulation].

8. Where a national competent authority indicates that the submitted information contains information of a commercially confidential nature, it shall identify the relevant parts and clarify the reasons for such an indication. The Agency shall assess the merits of each request and protect commercially confidential information against unjustified disclosure.

9. In view of the commercially sensitive nature of the data provided to the EUMSD, access to the database shall be limited to the Commission, the Agency, national competent authorities reporting the data to the database and the Medicines Steering Group.

Amendment 98

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission

The Agency shall, via its web-portal and other appropriate means, in conjunction with national competent authorities, inform the public and interest groups with regard to the work of the Medicines Steering Group.

Amendment

The Agency shall, via **a dedicated space on** its web-portal and other appropriate means, in conjunction with national competent authorities, inform the public and interest groups **in a timely manner** with regard to the work of the Medicines Steering Group, **and respond to disinformation targeting the work of the Medicines Steering Group as appropriate.**

Amendment 99

Proposal for a regulation

Article 13 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceedings undertaken by the Medicines Steering Group shall be transparent. The agenda and minutes of the Medicines Steering Group as well as the rules of procedure and recommendations and, where appropriate, votes shall be documented and made publicly available, including any dissensions.

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Amendment 100

Proposal for a regulation

Article 14 — paragraph 1

Text proposed by the Commission

1. The Emergency Task Force is hereby established as part of the Agency. It shall be convened during public health emergencies, either in person or remotely. The Agency shall provide its secretariat.

Amendment

1. The Emergency Task Force is hereby established as part of the Agency. It shall be convened **in preparation for and** during public health emergencies, either in person or remotely. The Agency shall provide its secretariat.

Amendment 101

Proposal for a regulation

Article 14 — paragraph 2 — point f

Text proposed by the Commission

(f) cooperating with Union bodies and agencies, the World Health Organization, third countries, and international scientific organisations on scientific and technical issues relating to the public health emergency and to medicinal products which may have the potential to address public health emergencies, as necessary.

Amendment

(f) cooperating with **national competent authorities**, Union bodies and agencies, the World Health Organization, third countries, and international scientific organisations on scientific and technical issues relating to the public health emergency and to medicinal products which may have the potential to address public health emergencies, as necessary.

Amendment 102

Proposal for a regulation

Article 14 — paragraph 3

Text proposed by the Commission

3. The Emergency Task Force shall be composed of representatives of the scientific committees, working parties, and staff members of the Agency, the coordination group established in accordance with Article 27 of Directive 2001/83/EC, and the Clinical Trials Coordination and Advisory Group established in accordance with Article 85 of Regulation (EU) 536/2014⁽²¹⁾. External experts may be appointed and representatives of other Union bodies and agencies be invited on an ad hoc basis, as necessary. It shall be chaired by the Agency.

⁽²¹⁾ Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC, OJ L 158, 27.5.2014, p. 1

Amendment

3. The Emergency Task Force shall be composed of representatives of the scientific committees, working parties, **including representatives of the PCWP and the HCPWP**, and staff members of the Agency, the coordination group established in accordance with Article 27 of Directive 2001/83/EC, and the Clinical Trials Coordination and Advisory Group established in accordance with Article 85 of Regulation (EU) **No** 536/2014⁽²¹⁾. External experts may be appointed and representatives of other Union bodies and agencies be invited on an ad hoc basis, as necessary. It shall be chaired by the Agency.

⁽²¹⁾ Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC, OJ L 158, 27.5.2014, p. 1

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Amendment 103**Proposal for a regulation****Article 14 — paragraph 5**

Text proposed by the Commission

5. The Chair may invite representatives of Member States, members of scientific committees of the Agency and working parties, and third parties, including representatives of medicinal product interest groups, marketing authorisation holders, developers of medicinal products, clinical trial sponsors, representatives of clinical trial networks, and interest groups representing patients and healthcare professionals to attend its meetings.

Amendment

5. The Chair may invite representatives of Member States, members of scientific committees of the Agency and working parties, and third parties, including representatives of medicinal product interest groups, marketing authorisation holders, developers of medicinal products, clinical trial sponsors, representatives of clinical trial networks, **independent clinical trial experts and researchers**, and interest groups representing patients and healthcare professionals to attend its meetings.

Amendment 104**Proposal for a regulation****Article 14 — paragraph 8**

Text proposed by the Commission

8. Article 63 of Regulation (EC) No 726/2004 shall apply to the Emergency Task Force as regards transparency and the independence of its members.

Amendment

8. Article 63 of Regulation (EC) No 726/2004 shall apply to the Emergency Task Force as regards transparency and the independence of its members. **Members of the Emergency Task Force shall update the annual declaration of their financial interests provided for in Article 63 of Regulation (EC) No 726/2004 whenever a relevant change occurs.**

Amendment 105**Proposal for a regulation****Article 15 — paragraph 3**

Text proposed by the Commission

3. The Emergency Task Force shall establish procedures for the request and submission of the set of information and data required, including information on the Member State or States where an application for authorisation of a clinical trial is submitted or is intended to be submitted.

Amendment

3. The Emergency Task Force shall establish procedures **and guidance** for the request and submission of the set of information and data required, including information on the Member State or States where an application for authorisation of a clinical trial is submitted or is intended to be submitted.

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Amendment 106

Proposal for a regulation

Article 15 — paragraph 5

Text proposed by the Commission

5. When authorising a clinical trial application for which scientific advice has been given, Member States shall take that advice duly into account.

Amendment

5. When authorising a clinical trial application for which scientific advice has been given, Member States shall take that advice duly into account. ***The scientific advice provided by the Emergency Task Force shall be without prejudice to the ethical review provided for in Regulation (EU) No 536/2014.***

Amendment 107

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment**Article 15a****Public information about clinical trials and marketing authorisation decisions**

1. For the duration of a public health emergency, the sponsors of clinical trials conducted in the Union shall:

- (a) publish the study protocol at the start of the trial through the EU clinical trials register;**
- (b) publish the summary of the results through the EU clinical trials register within a timeline set by the Agency that is shorter than the timeline laid down in Article 37 of Regulation (EU) No 536/2014.**

2. Where a medicinal product receives a marketing authorisation, the Agency shall publish:

- (a) the product information with details of the conditions of use at the time of marketing authorisation;**
- (b) the European public assessment reports as soon as possible and, where possible, within seven days of marketing authorisation;**
- (c) the clinical data submitted to the Agency in support of the application where possible within two months of authorisation by the Commission, and after personal data have been anonymised and commercially confidential information redacted;**
- (d) the full body of the Risk Management Plan and any updated versions.**

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Amendment 108**Proposal for a regulation****Article 16 — paragraph 1***Text proposed by the Commission*

1. Following the recognition of a public health emergency, the Emergency Task Force shall undertake a review of the available scientific data on medicinal products, which may have the potential to be used to address the public health emergency. The review shall be regularly updated during the public health emergency.

Amendment

1. Following the recognition of a public health emergency, the Emergency Task Force shall undertake a review of the available scientific data on medicinal products, which may have the potential to be used to address the public health emergency. The review shall be regularly updated during the public health emergency, **including where agreed by the Emergency Task Force and the Committee for Medicinal Products for Human Use in preparation of the assessment of a marketing authorisation application.**

Amendment 109**Proposal for a regulation****Article 16 — paragraph 2***Text proposed by the Commission*

2. In preparation of the review, the Emergency Task Force may request information and data from marketing authorisation holders and from developers and engage with them in preliminary discussions. The Emergency Task Force may also, where available, make use of observational studies of health data generated outside of clinical studies taking into account their reliability.

Amendment

2. In preparation of the review, the Emergency Task Force may request information and data from marketing authorisation holders and from developers and engage with them in preliminary discussions. The Emergency Task Force may also, where available, make use of observational studies of health data generated outside of clinical studies taking into account their reliability. **The Emergency Task Force may liaise with medicine agencies of third countries for additional information and data exchange.**

Amendment 110**Proposal for a regulation****Article 16 — paragraph 7***Text proposed by the Commission*

7. **The Agency shall publish the opinions adopted pursuant to paragraph 4 including any updates on its web-portal.**

Amendment

deleted

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Amendment 111

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission

The Agency shall, via its web-portal and other appropriate means and, in conjunction with national competent authorities, inform the public and relevant interest groups with regard to the work of the Emergency Task Force.

Amendment

The Agency shall, via **a dedicated space on** its web-portal and other appropriate means and, in conjunction with national competent authorities, inform **without delay** the public and relevant interest groups with regard to the work of the Emergency Task Force, **and respond to disinformation targeting the work of the Emergency Task Force as appropriate.**

Amendment 112

Proposal for a regulation

Article 17 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

The list of the members of the Emergency Task Force, the rules of procedure, as well as the recommendations provided pursuant to Article 16 (3) and the opinions adopted pursuant to Article 16 (4) shall be published on the Agency's web-portal.

Amendment 113

Proposal for a regulation

Article 18 — paragraph 1 — point a

Text proposed by the Commission

- (a) develop and maintain electronic tools for the submission of information and data, including electronic health data generated outside the scope of clinical studies;

Amendment

- (a) develop and maintain electronic tools, **including an interoperable and digitalised platform**, for the submission of information and data, including electronic health data generated outside the scope of clinical studies;

Amendment 114

Proposal for a regulation

Article 18 — paragraph 1 — point b

Text proposed by the Commission

- (b) coordinate independent **vaccine** effectiveness and safety monitoring studies using relevant data held by public authorities. Such coordination shall be conducted jointly with the European Centre for Disease Prevention and Control and notably through a new vaccine monitoring platform;

Amendment

- (b) coordinate independent **utilisation**, effectiveness and safety monitoring studies **of medicinal products intended to treat, prevent or diagnose a disease** using relevant data held by public authorities; **for vaccines**, such coordination shall be conducted jointly with the European Centre for Disease Prevention and Control and notably through a new vaccine monitoring platform;

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Amendment 115

Proposal for a regulation

Article 18 — paragraph 1 — point c

Text proposed by the Commission

(c) as part of its regulatory tasks, make use of digital infrastructures or tools, to facilitate the rapid access to or analysis of available electronic health data generated outside the scope of clinical studies, and the exchange of such data between Member States, the Agency, and other Union bodies;

Amendment

(c) as part of its regulatory tasks, make use of digital infrastructures or tools, to facilitate the rapid access to or analysis of available electronic health data generated outside the scope of **interventional** clinical studies, and the exchange of such data between Member States, the Agency, and other Union bodies;

Amendment 116

Proposal for a regulation

Article 19 — paragraph 1

Text proposed by the Commission

1. The Executive Steering Group on Medical Devices ('the Medical Devices Steering Group') is hereby established as part of the Agency. It shall meet either in person or remotely, in preparation for or during a public health emergency. The Agency shall provide its secretariat.

Amendment

1. The Executive Steering Group on Medical Devices ('the Medical Devices Steering Group') is hereby established as part of the Agency. It shall meet **at regular intervals** either in person or remotely, **and whenever the situation requires**, in preparation for or during a public health emergency. The Agency shall provide its secretariat.

Amendment 117

Proposal for a regulation

Article 19 — paragraph 2

Text proposed by the Commission

2. The Medical Devices Steering Group shall be composed of a representative of the Agency, a representative of the Commission and one senior representative per Member State. Each Member State shall appoint their representative. Members may be accompanied by experts in specific scientific or technical fields.

Amendment

2. The Medical Devices Steering Group shall be composed of a representative of the Agency, a representative of the Commission and one **authorised** senior representative per Member State. Each Member State shall appoint their representative. Members may be accompanied by experts in specific scientific or technical fields. **The Medical Devices Steering Group shall also include a representative of the PCWP and a representative of the HCPWP as observers. The list of members of the Medical Devices Steering Group shall be transparent and made public on the Agency's web-portal.**

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Amendment 118

Proposal for a regulation

Article 19 — paragraph 3

Text proposed by the Commission

3. The Medical Devices Steering Group shall be chaired by the Agency. The Chair **may** invite third parties, including representatives of medical device interest groups to attend its meetings.

Amendment

3. The Medical Devices Steering Group shall be chaired by the Agency. **Any member of the Medical Devices Steering Group may propose to the Chair to** invite third parties, including representatives of medical device interest groups, **such as representatives of manufacturers and notified bodies or any other actor in the medical devices supply chain, as well as representatives of healthcare professionals, patients and consumers** to attend its meetings **when their contribution may inform the discussions of the Medical Devices Steering Group.**

Amendment 119

Proposal for a regulation

Article 19 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Members of the Medical Devices Steering Group shall not have financial or other interests in the medical devices industry that could affect their impartiality. They shall act in the public interest and in an independent manner and make an annual declaration of their financial interests and update it whenever a relevant change occurs. All indirect interests which could relate to the medical devices industry shall be entered in a register held by the Agency and be accessible to the public, upon request. The declaration of interests shall be made publicly available on the Agency's web-portal.

Amendment 120

Proposal for a regulation

Article 20 — paragraph 2

Text proposed by the Commission

2. The Medical Devices Steering Group shall adopt a set of information necessary to monitor the supply and demand of medical devices included on the public health emergency critical devices list and inform its working party thereof.

Amendment

2. The Medical Devices Steering Group shall adopt a set of information necessary to monitor the supply and demand of medical devices included on the public health emergency critical devices list and inform its working party thereof. **Union or national entities that are engaged in stockpiling of medical devices shall be informed accordingly.**

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Amendment 121**Proposal for a regulation****Article 20 — paragraph 3**

Text proposed by the Commission

3. The Agency shall publish the public health emergency critical devices list and any updates to that list on its web-portal.

Amendment

3. The Agency shall publish the public health emergency critical devices list and any updates to that list on **a dedicated space on** its web-portal.

Amendment 122**Proposal for a regulation****Article 20 — paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The Agency shall report about the shortage of critical medical devices included on the public health emergency critical devices list through the webpage referred to in Article 6 (4a).

Amendment 123**Proposal for a regulation****Article 22 — paragraph 1**

Text proposed by the Commission

1. For the duration of the public health emergency, the Medical Devices Steering Group shall regularly report the results of its monitoring to the Commission and the sub-network referred to in Article **23(1)(b)**, and, in particular, signal any potential or actual shortages of medical devices included on the public health emergency critical devices list.

Amendment

1. For the duration of the public health emergency, the Medical Devices Steering Group shall regularly report the results of its monitoring to the Commission and the sub-network referred to in Article **23(2)(a)**, and, in particular, signal any potential or actual shortages of medical devices included on the public health emergency critical devices list.

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Amendment 124

Proposal for a regulation

Article 22 — paragraph 2

Text proposed by the Commission

2. Where requested by the Commission or the sub-network referred to in Article 23(2)(b), the Medical Devices Steering Group shall provide aggregated data and forecasts of demand to support its findings. In that regard, the Steering Group shall liaise with the European Centre for Disease Prevention and Control to obtain epidemiological data to help forecast medical device needs, and with the Medicines Steering Group referred to in Article 3 where medical devices included on the public health emergency critical devices list are used to jointly with a medicinal product.

Amendment

2. Where requested by the Commission, **one or more national competent authorities**, or the sub-network referred to in Article 23(2)(a), the Medical Devices Steering Group shall provide aggregated data and forecasts of demand to support its findings. In that regard, the Steering Group shall liaise with the European Centre for Disease Prevention and Control to obtain epidemiological data to help forecast medical device needs, and with the Medicines Steering Group referred to in Article 3 where medical devices included on the public health emergency critical devices list are used to jointly with a medicinal product. **The Medical Devices Steering Group shall also share its findings and conclusions with Union and national actors engaged with stockpiling of medicinal products and medical devices.**

Amendment 125

Proposal for a regulation

Article 22 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where the recommendations referred to in paragraphs 3 and 4 are not taken into account or are not implemented, the Commission, Member States, medical device manufacturers and notified bodies shall provide, where appropriate, a substantiated justification.

Amendment 126

Proposal for a regulation

Article 23 — paragraph 1 — point a

Text proposed by the Commission

(a) specify the procedures for establishing the public health emergency critical devices list;

Amendment

(a) specify the procedures **and criteria** for establishing **and reviewing** the public health emergency critical devices list, **ensuring adequate consultation with manufacturers and other relevant actors in the medical devices supply chain as well as with healthcare professionals, consumers and patients;**

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Amendment 127

Proposal for a regulation

Article 23 — paragraph 1 — point b

Text proposed by the Commission

(b) develop streamlined electronic monitoring and reporting systems;

Amendment

(b) develop streamlined electronic monitoring and reporting systems **in coordination with the national competent authorities;**

Amendment 128

Proposal for a regulation

Article 23 — paragraph 1 — point d

Text proposed by the Commission

(d) **establish and maintain a list of single points of contact from medical device manufacturers, authorised representatives and notified bodies;**

Amendment

deleted

Amendment 129

Proposal for a regulation

Article 23 — paragraph 2 — point a

Text proposed by the Commission

(a) establish and maintain for the duration of the public health emergency, a sub-network of single points of contact from medical device manufacturers and notified bodies based on the medical devices included on the public health emergency critical devices list;

Amendment

(a) establish and maintain for the duration of the public health emergency, a sub-network of single points of contact from medical device manufacturers and notified bodies based on the medical devices included on the public health emergency critical devices list **based on single points of contact to be included for all medical device manufacturers in the database referred to in Article 33 of Regulation (EU) 2017/745 and Article 30 of Regulation (EU) 2017/746;**

Amendment 130

Proposal for a regulation

Article 23 — paragraph 3 — point e a (new)

Text proposed by the Commission

Amendment

(ea) available stocks;

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Amendment 131

Proposal for a regulation

Article 23 — paragraph 3 — point e b (new)

Text proposed by the Commission

Amendment

(eb) **quantities already delivered;**

Amendment 132

Proposal for a regulation

Article 23 — paragraph 3 — point e c (new)

Text proposed by the Commission

Amendment

(ec) **projected deliveries;**

Amendment 133

Proposal for a regulation

Article 23 — paragraph 3 — point f

Text proposed by the Commission

Amendment

(f) mitigation plans including production and supply capacity;

(f) **prevention and** mitigation plans including **information on** production and supply capacity **with a view to guarantee continued supply and prevent shortages of medical devices included on the public health emergency critical devices list.**

Amendment 134

Proposal for a regulation

Article 25 — paragraph 2

Text proposed by the Commission

Amendment

2. Where necessary to fulfil their reporting obligations set out in paragraph 1, Member States shall gather information from manufacturers, importers, distributors and notified bodies on medical devices included on the public health emergency critical devices list.

2. Where necessary to fulfil their reporting obligations set out in paragraph 1, Member States shall gather information from manufacturers, importers, distributors, **healthcare professionals** and notified bodies on medical devices included on the public health emergency critical devices list.

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Amendment 135

Proposal for a regulation

Article 25 — paragraph 4 — point a

Text proposed by the Commission

- (b) consider the need to provide for temporary exemptions at Member State level pursuant to Article 59(1) of Regulation (EU) 2017/745 or Article 54(1) of Regulation (EU) 2017/746 with a view to mitigating potential or actual shortages of medical devices included on the public health emergency critical devices list;

Amendment

- (a) consider the need to provide for temporary exemptions at Member State level pursuant to Article 59(1) of Regulation (EU) 2017/745 or Article 54(1) of Regulation (EU) 2017/746 with a view to mitigating potential or actual shortages of medical devices included on the public health emergency critical devices list, **while at the same time ensuring a high level of patient and product safety;**

Amendment 136

Proposal for a regulation

Article 26 — paragraph 1 — point a

Text proposed by the Commission

- (a) take all necessary action within the limits of the powers conferred on it, with a view to mitigating potential or actual shortages of medical devices included on the public health emergency critical devices list, including, where necessary, granting temporary exemptions at Union level pursuant to Article 59(3) of Regulation (EU) 2017/745 or Article 54(3) of Regulation (EU) 2017/746;

Amendment

- (a) take all necessary action within the limits of the powers conferred on it, with a view to mitigating potential or actual shortages of medical devices included on the public health emergency critical devices list, including, where necessary, granting temporary exemptions at Union level pursuant to Article 59(3) of Regulation (EU) 2017/745 or Article 54(3) of Regulation (EU) 2017/746 **while at the same time ensuring both patient and product safety;**

Amendment 137

Proposal for a regulation

Article 26 — paragraph 1 — point b

Text proposed by the Commission

- (b) consider the need for guidelines addressed to Member States, medical device manufacturers, notified bodies and other entities;

Amendment

- (b) consider the need for guidelines addressed to Member States, medical device manufacturers, notified bodies, **healthcare professionals** and other entities **where this is proportionate, justified and necessary;**

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Amendment 138

Proposal for a regulation

Article 26 — paragraph 1 — point e

Text proposed by the Commission

(e) liaise with third countries and relevant international organisations, as appropriate, to mitigate potential or actual shortages of medical devices included on the critical devices list or their component parts, where those devices or parts are imported into the Union, and where such potential or actual shortages have international implications.

Amendment

(e) liaise with third countries and relevant international organisations, as appropriate, to mitigate potential or actual shortages of medical devices included on the critical devices list or their component parts, where those devices or parts are imported into the Union, and where such potential or actual shortages have international implications, **and report these actions as well as the results obtained to the Medical Devices Steering Group.**

Amendment 139

Proposal for a regulation

Article 27 — paragraph 1

Text proposed by the Commission

The Agency shall, via its web-portal and other appropriate means and, in conjunction with national competent authorities, inform the public and relevant interest groups with regard to the work of the Medical Devices Steering Group.

Amendment

The Agency shall, via **a dedicated space in** its web-portal and other appropriate means and, in conjunction with national competent authorities, inform the public and relevant interest groups **in a timely manner** with regard to the work of the Medical Devices Steering Group **and respond to disinformation targeting the work of the Medical Devices Steering Group as appropriate.**

Amendment 140

Proposal for a regulation

Article 27 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceedings undertaken by the Medical Devices Steering Group shall be transparent. The agenda and minutes of the Medical Devices Steering Group as well as the rules of procedure and recommendations and, where appropriate, votes shall be documented and made publicly available, including any dissensions.

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Amendment 141**Proposal for a regulation****Article 28 — paragraph 1 — introductory part***Text proposed by the Commission*

The Agency shall, on behalf of the Commission, **from 1 March 2022 onwards**, provide the secretariat of the expert panels designated in accordance with Implementing Decision (EU) 2019/1396 and provide the support necessary to ensure that those panels can efficiently perform their tasks as set out in Article 106(9) and (10) of Regulation (EU) 2017/745. The Agency shall:

Amendment

The Agency shall, on behalf of the Commission, provide the secretariat of the expert panels designated in accordance with Implementing Decision (EU) 2019/1396 and provide the support necessary to ensure that those panels can efficiently perform their tasks as set out in Article 106(9) and (10) of Regulation (EU) 2017/745. The Agency shall:

Amendment 142**Proposal for a regulation****Article 28 — paragraph 1 — point a***Text proposed by the Commission*

- (a) provide administrative and technical support to the expert panels for the provision of scientific opinions, views and advice;

Amendment

- (a) provide administrative, **scientific** and technical support to the expert panels for the provision of scientific opinions, views and advice;

Amendment 143**Proposal for a regulation****Article 29 a (new)***Text proposed by the Commission**Amendment***Article 29a****Protection against cyber-attacks**

The Agency shall be equipped with a high level of security controls and processes against cyber-attacks, cyber-espionage and other data breaches to ensure the protection of health data and the normal functioning of the Agency at all times, and especially during public health emergencies or major events at Union level. To that end, the Agency shall actively pursue and implement best cybersecurity practices within Union institutions, bodies, offices and agencies to prevent, detect, mitigate, and respond to cyber-attacks.

Thursday 8 July 2021

Amendment 144
Proposal for a regulation
Article 29 b (new)

Text proposed by the Commission

Amendment

Article 29b

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the obligations established in Articles 10 and 24 and shall take all measures necessary to ensure that they are implemented. The penalties provided for, including financial, shall be effective, proportionate, and dissuasive. Member States shall by... [six months after the date of entry into force of this Regulation] notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment 145
Proposal for a regulation
Article 30 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. Unless otherwise provided for in this Regulation and without prejudice to Regulation (EC) No 1049/2001⁽²⁴⁾ and existing national provisions and practices in the Member States on confidentiality, all parties involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks in order to protect the following:

⁽²⁴⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, p. 43

1. Unless otherwise provided for in this Regulation and without prejudice to Regulation (EC) No 1049/2001⁽²⁴⁾ **and Directive (EU) 2019/1937 of the European Parliament and of the Council^(24a)**, and existing national provisions and practices in the Member States on confidentiality, all parties involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks in order to protect the following:

⁽²⁴⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, p. 43

^(24a) **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).**

Amendment 146
Proposal for a regulation
Article 30 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) personal data in accordance with Article 32;

deleted

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Amendment 147

Proposal for a regulation

Article 30 — paragraph 1 — point b

Text proposed by the Commission

- (b) **commercially confidential information and** trade secrets of a natural or legal person, **including** intellectual property rights;

Amendment

- (b) trade secrets of a natural or legal person **in accordance with Directive (EU) 2016/943 of the European Parliament and of the Council ^(1a), as well as other commercially confidential information and** intellectual property rights;

- ^(1a) **Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).**

Amendment 148

Proposal for a regulation

Article 30 — paragraph 5

Text proposed by the Commission

5. The Commission, the Agency, and Member States may exchange commercially confidential information **and, where necessary to protect public health, personal data**, with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements.

Amendment

5. The Commission, the Agency, and Member States may exchange commercially confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements.

Amendment 149

Proposal for a regulation

Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Personal data protection

1. **Transfers of personal data under this Regulation shall be subject to Regulations (EU) 2016/679 and (EU) 2018/1725 as applicable.**

2. **For transfers of personal data to a third country, in the absence of an adequacy decision, or of appropriate safeguards, as referred to in Article 49(1) of Regulation (EU) 2016/679 and Article 50(1) of Regulation (EU) 2018/1725, the Commission, the Agency, and Member States may exchange personal data with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements where it is necessary for important reasons of public interest, such as to protect public health.**

Thursday 8 July 2021

Amendment 150
Proposal for a regulation
Article 30 b (new)

Text proposed by the Commission

Amendment

Article 30b

Review

By 31 December 2026 the Commission shall submit to the European Parliament and to the Council an evaluation report on the functioning of this Regulation, accompanied, if appropriate, by a legislative proposal to amend it. This report shall specifically consider the possible extension of the scope to medicinal products for veterinary use.

Amendment 151
Proposal for a regulation
Article 31 — title

Text proposed by the Commission

Amendment

Entry into Force

Entry into Force **and date of application**

Amendment 152
Proposal for a regulation
Article 31 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Chapter IV shall apply from... [date of entry into force + 12 months].

Thursday 8 July 2021

P9_TA(2021)0352

General Union Environment Action Programme to 2030 *I**

Amendments adopted by the European Parliament on 8 July 2021 on the proposal for a decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2030 (COM(2020)0652 — C9-0329/2020 — 2020/0300(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2022/C 99/44)

Amendment 1**Proposal for a decision****Recital 3***Text proposed by the Commission*

- (3) The Commission's evaluation of the 7th EAP⁽²⁴⁾ concluded that its 2050 vision and priority objectives are still valid; that it has helped to provide more predictable, faster and better-coordinated action in environment policy; and that its structure and enabling framework have helped create synergies, thus making environment policy more effective and efficient. Moreover, the evaluation concluded that the 7th EAP anticipated the United Nation's 2030 Agenda by insisting that economic growth and social wellbeing depend on a healthy natural resource base, and facilitated delivering on the Sustainable Development Goals. It also enabled the Union to speak with one voice on the global stage on climate and environmental matters. In its evaluation of the 7th EAP, the Commission also concluded that progress related to nature protection, health and policy **integration** was not sufficient.

⁽²⁴⁾ COM(2019)0233.

Amendment

- (3) The Commission's evaluation of the 7th EAP⁽²⁴⁾ concluded that its 2050 vision and priority objectives are still valid; that it has helped to provide more predictable, faster and better-coordinated action in environment policy; and that its structure and enabling framework have helped create synergies, thus making environment policy more effective and efficient. Moreover, the evaluation concluded that the 7th EAP anticipated the United Nation's 2030 Agenda by insisting that economic growth and social wellbeing depend on a healthy natural resource base, and facilitated delivering on the Sustainable Development Goals. It also enabled the Union to speak with one voice on the global stage on climate and environmental matters. In its evaluation of the 7th EAP, the Commission also concluded that progress related to nature protection, health and **integrating environmental concerns into other policy areas** was not sufficient. **It also found that there could have been more consideration of social issues in the 7th EAP, building on the existing links between environment and social policy, as regards for example the impact on vulnerable groups, jobs, social inclusion and inequality. Moreover, the Commission noted in its evaluation that, despite increasingly ambitious environmental targets in many policy domains, spending on environmental protection has remained low in Europe over many years (around 2 % of GDP) and that the failure to implement environmental legislation costs the Union economy around EUR 55 billion each year in health costs and direct costs to the environment. The evaluation noted that the 7th EAP's implementation could have been reinforced by a stronger monitoring mechanism.**

⁽²⁴⁾ COM(2019)0233.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0203/2021).

Thursday 8 July 2021

Amendment 2
Proposal for a decision
Recital 4

Text proposed by the Commission

- (4) According to the EEA report 'The European environment — state and outlook 2020, Knowledge for transition to a sustainable Europe' ('SOER 2020'), **2020 represents** a unique window of opportunity for the Union to show leadership on sustainability **and to face** the urgent sustainability challenges **requiring** systemic **solutions**. As stated in SOER 2020, **the changes in the global climate and ecosystems observed since the 1950s are unprecedented over decades to millennia. The global population has tripled since 1950, while the population living in cities has quadrupled. With the current growth model, environmental pressures are expected to increase further, causing direct and indirect harmful effects on human health and well-being. This is especially true for the sectors with the highest environmental impact — food, mobility, energy as well as infrastructure and buildings.**

Amendment

- (4) According to the EEA report 'The European environment — state and outlook 2020, Knowledge for transition to a sustainable Europe' ('SOER 2020'), **there is** a unique window of opportunity for the Union **in the next decade** to show **global** leadership on sustainability **by tackling** the urgent sustainability challenges **which are unprecedented and which can only be met by ensuring systemic change. Systemic change entails a fundamental, transformative, and cross-cutting form of change that implies major shifts and reorientation in systems goals, incentives, technologies, social practices and norms, as well as in knowledge systems, and governance approaches.** As stated in SOER 2020, **one of the most important factors underlying Europe's persistent environmental and sustainability challenges is that they are inextricably linked to economic activities and lifestyles, in particular the societal systems that provide Europeans with necessities such as goods, energy and mobility. Ensuring policy coherence with, and full implementation of, existing environmental policies would take Europe a long way to achieving its environmental goals up to 2030. However, systemic, long-term frameworks with binding targets in relation to climate and environmental goals are also needed. SOER 2020 concludes that Europe will not achieve its sustainability vision of 'living well, within the limits of our planet' simply by promoting economic growth and seeking to manage harmful side effects with environmental and social policy tools. Instead, sustainability needs to become the guiding principle for ambitious and coherent policies and actions across society.**

Thursday 8 July 2021

Amendment 3
Proposal for a decision
Recital 5

Text proposed by the Commission

- (5) The European **Commission responded** to the challenges identified in the SOER 2020 **by adopting** the European Green Deal ⁽²⁵⁾; a new growth strategy for the twin green and digital transition that aims to transform the Union into a fair and prosperous society, with a competitive, climate-neutral and resource-efficient economy. Regulation (EU) of the European Parliament and of the Council ⁽²⁶⁾ enshrines into law the Union target to achieve climate neutrality by 2050.

⁽²⁵⁾ COM(2019)0640.

⁽²⁶⁾ COM(2020)0080.

Amendment

- (5) The European **Commission's response** to the challenges identified in the SOER 2020 **is outlined in** the European Green Deal ⁽²⁵⁾ **as** a new growth strategy for the twin green and digital transition that aims to transform the Union into a fair and prosperous society, with a competitive, climate-neutral and resource-efficient economy **and to protect, conserve and enhance the Union's natural capital whilst improving the quality of life of current and future generations. Swiftly achieving climate and environmental targets while protecting the health and wellbeing of people from environmental risks and impacts and ensuring a just and inclusive transition should be the priority.** Regulation (EU) of the European Parliament and of the Council ⁽²⁶⁾ enshrines into law the Union target to achieve climate neutrality by 2050 **at the latest.**

⁽²⁵⁾ COM(2019)0640.

⁽²⁶⁾ COM(2020)0080.

Amendment 4
Proposal for a decision
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **On 28 November 2019, the European Parliament adopted a resolution declaring a climate and environment emergency in Europe and globally, and urged the new Commission to take fast and important action, including by addressing inconsistencies in current Union policies with the climate and environment emergency, in particular through a far-reaching reform of its agricultural, trade, transport, energy and infrastructure investment policies and by ensuring that all relevant future legislative and budgetary proposals are fully aligned with the objective of limiting global warming to under 1,5 °C and that they are not contributing to biodiversity loss.**

Thursday 8 July 2021

Amendment 5
Proposal for a decision
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) *Both in the Union 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 and functions. Despite this, the Union and Member States are not currently on track to meet their international and European commitments related to soil and land, including obligations under the United Nations Convention to Combat Desertification to combat desertification, restore degraded land and soil and achieve a land degradation-neutral world by 2030. In line with the resolution of the European Parliament of 28 April 2021 on soil protection, there is a need for a Union-wide common legal framework for the protection and sustainable use of soil, which fully respects the subsidiarity principle and which addresses all major soil threats. That framework should include, inter alia, a common definition of soil and its functions and criteria for achieving good status and sustainable use, as well as intermediate and final objectives that are accompanied by harmonised indicators and a monitoring and reporting methodology.*

Thursday 8 July 2021

Amendment 6
Proposal for a decision
Recital 5 c (new)

Text proposed by the Commission

Amendment

- (5c) The COVID-19 pandemic, which has led to an unprecedented economic and health crisis, has demonstrated again the importance of applying the multi-sectoral 'One Health' approach in policy-making, which recognises that human health is connected to animal health and to the environment, and that actions to tackle threats to health have to take into account all three dimensions. In order to, inter alia, effectively detect, respond to, and prevent outbreaks of zoonoses and food safety threats, information and data should be shared across sectors, and cooperation at national and sub-national levels should be increased to implement effective and common responses. The 8th EAP should contribute to the full integration of the 'One Health approach' across all levels of policy-making.

Amendment 7
Proposal for a decision
Recital 5 d (new)

Text proposed by the Commission

Amendment

- (5d) According to the 2020 report on Biodiversity and Pandemics by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) ^(1a), the underlying causes of pandemics are the same global environmental changes that drive biodiversity loss and climate change including land-use change, agricultural expansion and intensification, and wildlife trade and consumption and other drivers. Climate change has been implicated in disease emergence and will likely cause substantial future pandemic risk, whilst biodiversity loss is also associated with the transformation of landscapes and can lead to increased emerging disease risk in some cases. According to the report, the cost of inaction vastly outweighs the cost of implementing global strategies to prevent pandemics based on reducing the wildlife trade and land-use change and increasing One Health surveillance.

^(1a) IPBES Workshop on Diversity and Pandemics — Executive Summary, 2020.

Thursday 8 July 2021

Amendment 8
Proposal for a decision
Recital 5 e (new)

Text proposed by the Commission

Amendment

- (5e) *Environmental degradation and the adverse effects of climate change are expected to increase further in the years to come, impacting on developing countries and vulnerable populations the hardest. In order to help build resilience and support third countries in their efforts in mitigate and adapt to climate change as well as protect biodiversity, financial assistance from the Union and Member States to third countries should promote the UN 2030 Agenda, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ^(1a) (the ‘Paris Agreement’) and the post-2020 global framework of the UN Convention on Biological Diversity and be in line with the priority objectives of the 8th EAP. Furthermore, the Union and Member States should also ensure that the Paris Agreement and other international climate and environmental agreements are implemented in ways that reflect the principles of equity and of common but differentiated responsibilities and respective capabilities, as laid down also in Article 2(2) of the Paris Agreement.*

^(1a) OJ L 282, 19.10.2016, p. 4.

Thursday 8 July 2021

Amendment 9
Proposal for a decision

Recital 6

Text proposed by the Commission

- (6) The European Green Deal underpins the Next Generation EU Recovery Plan which promotes the investments in key green sectors needed to build resilience, and create growth and jobs in a fair and inclusive society. The Recovery and Resilience Facility which will power the Union's economic recovery from the coronavirus crisis together with the Union budget for 2021-2027, is also based on the priority objectives set out in the European Green Deal. Furthermore, all initiatives under Next Generation EU Recovery Plan should respect the **European Green Deal's 'do no harm' oath**.

Amendment

- (6) The European Green Deal underpins the Next Generation EU Recovery Plan which promotes the investments in key green **and digital** sectors needed to build resilience, and create growth and jobs in a fair and inclusive society. The Recovery and Resilience Facility which will power the Union's economic recovery from the coronavirus crisis together with the Union budget for 2021-2027, is also based on the priority objectives set out in the European Green Deal. Furthermore, all initiatives under **the** Next Generation EU Recovery Plan should respect the '**do no significant harm' principle as set out in Regulation (EU) 2020/852 of the European Parliament and of the Council (the 'Taxonomy Regulation')**' ^(1a). **The Recovery Plan offers an important opportunity to accelerate the pace of the transition towards climate neutrality and the protection of the environment.**

- ^(1a) **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, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).**

Amendment 10
Proposal for a decision

Recital 7

Text proposed by the Commission

- (7) Environment action programmes have guided the development of EU environment policy since the early 1970s. The 7th EAP **will expire** on 31 December 2020 and its Article 4 (3) **requires** the Commission, if appropriate, to present a proposal for an Eighth Environment Action Programme (8th EAP) in a timely manner with a view to avoiding a gap between the 7th and the 8th EAP. The European Green Deal announced **the adoption of** a new **environment action programme**.

Amendment

- (7) Environment action programmes have guided the development **and coordination** of EU environment policy since the early 1970s. The 7th EAP **expired** on 31 December 2020 and its Article 4 (3) **required** the Commission, if appropriate, to present a proposal for an Eighth Environment Action Programme (8th EAP) in a timely manner with a view to avoiding a gap between the 7th and the 8th EAP. The **Commission's communication of 11 December 2019 on the** European Green Deal announced **that the 8th EAP would include** a new **monitoring mechanism to ensure that the Union remains on track to meet its environmental objectives. The Commission also committed in its communication to launching a dashboard to monitor progress against all of the European Green Deal's objectives.**

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Amendment 11
Proposal for a decision
Recital 8

Text proposed by the Commission

- (8) The 8th EAP ***should support the*** environment ***and climate*** action objectives of the European Green Deal in line with the long-term objective to 'live well, within the planetary boundaries' by 2050, ***which is*** already established in the 7th EAP. It should ***contribute to achieving*** the United Nations' 2030 Agenda and its Sustainable Development Goals.

Amendment

- (8) The 8th EAP, ***as the overall Union Environment Action Programme, should build on and promote the achievement of the*** objectives of the European Green Deal in line with the long-term objective to 'live well, within the planetary boundaries' by 2050 ***at the latest, in line with what has been*** already established in the 7th EAP. It should ***also be fully aligned with*** the United Nations' 2030 Agenda and its Sustainable Development Goals (SDGs), ***which are integrated and indivisible, and drive forward their implementation and achievement, as well as be aligned with the goals of the Paris Agreement, the UN Convention on Biological Diversity and other relevant international agreements. The 8th EAP should enable a systemic change to a Union economy that guarantees wellbeing within planetary boundaries where growth is regenerative and should also ensure that the environmental and climate transition is achieved in a just and inclusive way, whilst contributing to reducing inequalities.***

Amendment 12
Proposal for a decision
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) ***The priority objectives of the 8th EAP set a direction for Union policymaking, building on, but not limited to, the commitments of the European Green Deal strategies and initiatives.***

Thursday 8 July 2021

Amendment 13
Proposal for a decision
Recital 8 b (new)

Text proposed by the Commission

Amendment

- (8b) *The 8th EAP forms the basis for achieving the environmental and climate objectives defined under the United Nations 2030 Agenda and its SDGs. According to a model developed by the Stockholm Resilience Centre, the achievement of the environmental and climate SDGs underpins the social and economic SDGs because our societies and economies depend on a healthy biosphere and because sustainable development can only take place within the safe operating space of a stable and resilient planet. Achievement of the SDGs by the Union and its support for third countries to do the same will be essential if the Union is to demonstrate global leadership in achieving sustainability transitions.*

Amendment 14
Proposal for a decision
Recital 9

Text proposed by the Commission

Amendment

- (9) The 8th EAP should accelerate the transition to a regenerative **economy** that gives back to the planet more than it takes. **A regenerative growth model** recognises that the wellbeing and prosperity of our societies depend on a stable climate, a healthy environment and thriving ecosystems, **which provide** a safe operating space **for our economies**. As the global population and the demand for natural resources continues to grow, economic activity should develop in a way that does no harm but, on the contrary, reverses climate change **and** environmental degradation, minimises pollution and results in maintaining and enriching natural **capital**, therefore ensuring the abundance of renewable and non-renewable resources. Through continuous innovation, adaptation to new challenges and co-creation, the regenerative economy strengthens resilience and protects present and future generations' wellbeing.
- (9) The 8th EAP should accelerate the transition to a regenerative **growth model** that gives back to the planet more than it takes **in the context of a sustainable wellbeing economy which enables systemic change**, recognises that the wellbeing and prosperity of our societies depend on a stable climate, a healthy environment and thriving ecosystems **and provides** a safe operating space **within planetary boundaries**. As the global population and the demand for natural resources continues to grow, economic activity should develop in a **sustainable** way that does no harm but, on the contrary, reverses climate change, **protects and restores ecosystems and biodiversity while halting and reversing their loss, prevents environmental degradation, protects health and well-being from negative environmental impacts, prevents and** minimises pollution and results in maintaining and enriching natural **resources and biodiversity**, therefore ensuring the abundance of renewable and non-renewable resources. Through continuous **research and innovation, transformation of production and consumption patterns, and** adaptation to new challenges and co-creation, the regenerative **and sustainable wellbeing** economy strengthens resilience, **improves the state of nature** and protects present and future generations' wellbeing **and their right to a healthy environment**.

Thursday 8 July 2021

Amendment 15
Proposal for a decision
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) According to the OECD, the case for measuring economic performance and societal progress ‘beyond GDP’ is well-established, and taking GDP as a single compass does not provide policy-makers with a sufficiently accurate picture of the way in which the economy performs for citizens or of the long-term impacts of growth on sustainability ^(1a). In order for the Union to develop a more holistic approach towards economic policy-making, in line with the SDGs, the Paris Agreement and the UN Convention on Biological Diversity, the 8th EAP lays down the requirement for the development of a comprehensive set of ‘beyond GDP’ indicators, as requested by the 7th EAP, in order to measure progress towards a sustainable wellbeing economy and to guide and inform future policy making.

^(1a) SDD Working Paper No. 102 of 18 September 2019 ‘The Economy of Well-being — Creating opportunities for people’s well-being and economic growth’.

Thursday 8 July 2021

Amendment 16
Proposal for a decision
Recital 9 b (new)

Text proposed by the Commission

Amendment

- (9b) *Implementing an effective post-2020 global biodiversity framework will be dependent on reducing finance flows that harm biodiversity, and yet, according to a report by the OECD, the amount of spending by governments annually that is potentially harmful to biodiversity is five to six times bigger than annual global spending for biodiversity^(1a). The Aichi Biodiversity Targets laid down the obligation that, by 2020 at the latest, subsidies harmful to biodiversity should be eliminated, phased out or reformed and phasing out environmentally harmful subsidies at Union and Member State level without delay was also an obligation under the 7th EAP. In order for the Union to achieve the 8th EAP's priority objectives, including climate neutrality by 2050 at the latest, it will be necessary to phase out all environmentally harmful subsidies, including fossil fuel subsidies. All direct and indirect subsidies, including those in the form of tax exemptions, should be included. A mechanism for Member States to report on the phasing out of environmentally harmful subsidies other than fossil fuel subsidies should also be developed. The phasing out of all environmentally harmful subsidies should follow the principle of the just transition and be accompanied by actions to prevent or alleviate any negative socio-economic impacts at Union, national, regional and local level, while ensuring that no one is left behind.*

^(1a) OECD Final report, April 2020 'A Comprehensive Overview of Global Biodiversity Finance'.

Thursday 8 July 2021

Amendment 17
Proposal for a decision
Recital 9 c (new)

Text proposed by the Commission

Amendment

- (9c) *One of the priorities of the European Strategy for Environmental Accounts 2019-2023 is to enlarge the list of areas covered by European environmental accounts, with one of the areas under development being 'subsidies or support measures potentially harmful for the environment'. Through its work on a preparatory action, the Commission will provide a toolbox to stakeholders to help them map environmentally harmful subsidies and then make an evidence-based case for their reform or removal by identifying the social, economic and environmental impacts of their phasing out.*

Amendment 18
Proposal for a decision
Recital 9 d (new)

Text proposed by the Commission

Amendment

- (9d) *Marine and coastal ecosystems, such as mangroves, coral reefs, salt marshes and seagrass meadows, are being degraded and negatively impacted through processes such as eutrophication and acidification, impacting the biodiversity they sustain and the ecosystem services and functions they provide as well as their capacity to act as carbon sinks. Urgent action is required to protect and restore these marine and coastal ecosystems, including the ocean floor, and acknowledging the ocean as a global common could facilitate raising awareness, improving ocean literacy and encourage action and adoption of effective measures from all levels of, and actors in, society.*

Thursday 8 July 2021

Amendment 19
Proposal for a decision
Recital 10

Text proposed by the Commission

- (10) The 8th EAP should set out thematic priority objectives in areas of climate **neutrality**, adaption to climate change, protecting and restoring biodiversity, circular economy, the zero pollution **ambition and reducing** environmental pressures from production and consumption. **It** should furthermore identify the enabling conditions to achieve the long-term and the thematic priority objectives for all actors involved.

Amendment

- (10) The 8th EAP should set out thematic priority objectives in areas of climate **change mitigation**, adaptation to climate change, protecting and restoring **terrestrial and marine** biodiversity, **a non-toxic** circular economy, the zero pollution **environment and minimising** environmental pressures from production and consumption **across all sectors of the economy. Those thematic priority objectives, which address both drivers and impacts of environmental damage, are inherently interlinked and a systemic approach is therefore necessary for their achievement. The 8th EAP** should furthermore identify the enabling conditions to achieve, **in a coherent way**, the long-term and the thematic priority objectives for all actors involved, **as well as coordinate the actions necessary to achieve these conditions.**

Amendment 20
Proposal for a decision
Recital 10 a (new)

Text proposed by the Commission

Amendment

- (10a) **The term ‘ecosystem approach’ is established under the UN Convention on Biological Diversity as a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way in order to help reach a balance between conservation, sustainable use and benefit sharing of biological biodiversity, the three objectives of the Convention.**

Thursday 8 July 2021

Amendment 21
Proposal for a decision
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) *According to the EEA, nature based solutions (NBS) for climate change adaptation and disaster risk reduction are actions which work with and enhance nature to restore and protect ecosystems and to help society to adapt to the impacts of climate change and slow further warming, while providing multiple additional benefits^(1a). Whilst NBS can provide economic benefits, it should be recognised that these may only materialise over the longer term. NBS should respect certain criteria in order to ensure that their implementation is coherent with, and does not undermine, the 8th EAP's priority objectives. Furthermore, where NBS are financed by biodiversity offsetting mechanisms, these mechanisms should strictly adhere to a mitigation hierarchy ensuring that, inter alia, offsets can only be used as a measure of last resort.*

^(1a) EEA Report No 1/2021 'Nature-based solutions in Europe: Policy, knowledge and practice for climate change adaptation and disaster risk reduction'.

Thursday 8 July 2021

Amendment 22
Proposal for a decision
Recital 11

Text proposed by the Commission

- (11) Environment policy being highly decentralised, action to achieve the priority objectives of the 8th EAP should be taken at different levels of governance, i.e. at the European, the national, the regional and the local level, with a collaborative approach to multi-level governance. The integrated approach to policy development and implementation should be strengthened with a view to maximising the synergies between *economic*, environmental *and* social objectives, *while paying careful attention to* potential trade-offs *and to* the needs of vulnerable groups. Moreover, transparent engagement with non-governmental actors *is* important for ensuring the success of the 8th EAP and the achievement of its priority objectives.

Amendment

- (11) Environment policy being highly decentralised, action to achieve the priority objectives of the 8th EAP should be taken at different levels of governance, i.e. at the European, the national, the regional and the local level, with a collaborative approach to multi-level governance. ***Efficient monitoring, implementation, enforcement and accountability are essential, and effective governance is required in order to ensure coherence between policies.*** The integrated approach to policy development and implementation should be strengthened with a view to maximising the synergies between environmental, social *and economic* objectives ***by systematically evaluating the*** potential trade-offs ***between them, as well as systematically evaluating*** the needs of vulnerable *and marginalised* groups. ***This integrated approach should meet the specific needs of all regions, including urban and rural areas and outermost regions.*** Moreover, ***access to environmental information, public participation in environmental decision-making, and access to justice, in line with the Aarhus Convention as well as*** transparent engagement with *and between public authorities at all levels of decision making*, non-governmental actors *and the broader public are* important for ensuring the success of the 8th EAP and the achievement of its priority objectives.

Thursday 8 July 2021

Amendment 23
Proposal for a decision
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11a) *Impact assessments undertaken in the context of the 8th EAP should take into account the full range of immediate and long-term impacts on the environment and climate, including their cumulative effects, as well as the costs of action and inaction, and tools will need to be developed to this effect. Those impact assessments should be based on wide and transparent consultation, and within eight weeks of closure of a public consultation, the Commission should systematically present detailed feedback on stakeholder consultation responses, distinguishing between contributions from different types of stakeholders. Furthermore, impacts assessment should be published immediately upon their completion in order to allow scrutiny by stakeholders, in light of the judgment of the Court of Justice of 4 September 2018 in Case C-57/16 P^(1a), be sufficiently detailed and include all the information used to inform their conclusions, including socio-economic impacts.*

^(1a) Judgment of the Court of Justice of 4 September 2018, ClientEarth v Commission, C-57/16 P, ECLI:EU:C:2018:660.

Amendment 24
Proposal for a decision
Recital 11 b (new)

Text proposed by the Commission

Amendment

- (11b) *Action to achieve the Union's environmental and climate objectives needs to be carried out in conjunction and be compatible with the implementation of the European Pillar of Social Rights.*

Thursday 8 July 2021

Amendment 25
Proposal for a decision
Recital 11 c (new)

Text proposed by the Commission

Amendment

- (11c) *The United Nations Environment Programme and the OECD Global Forum on Environment have highlighted that environmental changes have gender-specific impact. Gender-differentiated roles also cause differentiated vulnerabilities of women and men to the effects of climate change, and climate change impacts exacerbate gender inequalities. Therefore, a gender perspective on actions and goals related to the achievement of the priority objectives of the 8th EAP, including gender impact assessment of planned actions and a focus on gender mainstreaming and gender-responsive actions, is necessary in order to help ensure that gender inequalities are not perpetuated. The 8th EAP recognises that gender equality is a prerequisite for sustainable development and in terms of achieving the best outcomes when responding to climate and environment challenges.*

Amendment 26
Proposal for a decision
Recital 12

Text proposed by the Commission

Amendment

- (12) Enhanced cooperation **with partner** countries, good global environmental governance **as well as synergies between internal and external Union policies** are key to **reach** the Union's environmental and climate objectives.
- (12) Enhanced cooperation **and green diplomacy with third countries, including developing countries, and supporting** good global environmental governance, **including promotion of access to information, public participation in decision-making and access to justice in environmental matters**, are key to **achieving SDGs as well as** the Union's environmental and climate objectives. **Ensuring synergies and coherence between all internal and external Union policies, including trade policies and agreements, and adhering to Policy Coherence for Sustainable Development (PCSD) is also essential.**

Thursday 8 July 2021

Amendment 27
Proposal for a decision
Recital 13

Text proposed by the Commission

- (13) The European Commission should assess the progress in achieving the priority objectives of the 8th EAP by the Union and the Member States in the context of the transition towards **greater** sustainability, wellbeing and resilience. This is in line with calls of the Council ⁽²⁷⁾ and the European Economic and Social Committee ⁽²⁸⁾ for measuring economic performance and societal progress 'beyond GDP', and moving towards using well-being as a compass for policy, which is also supported by the OECD ⁽²⁹⁾.

⁽²⁷⁾ See e.g. <https://data.consilium.europa.eu/doc/document/ST-10414-2019-INIT/en/pdf>

⁽²⁸⁾ <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/reflection-paper-towards-sustainable-europe-2030>.

⁽²⁹⁾ See e.g. the OECD Well-being Framework, the OECD Framework for Policy Action on Inclusive Growth, the Better Life Initiative and the New Approaches to Economic Challenges Initiative.

Amendment

- (13) The European Commission should assess the progress in achieving the priority objectives of the 8th EAP by the Union and the Member States in the context of the **just and inclusive** transition towards sustainability, wellbeing and resilience **within planetary boundaries**. This is in line with calls of the Council ⁽²⁷⁾ and the European Economic and Social Committee ⁽²⁸⁾ for measuring economic performance and societal progress 'beyond GDP', and moving towards using well-being as a compass for policy, which is also supported by the OECD ⁽²⁹⁾.

⁽²⁷⁾ See e.g. <https://data.consilium.europa.eu/doc/document/ST-10414-2019-INIT/en/pdf>

⁽²⁸⁾ <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/reflection-paper-towards-sustainable-europe-2030>.

⁽²⁹⁾ See e.g. the OECD Well-being Framework, the OECD Framework for Policy Action on Inclusive Growth, the Better Life Initiative and the New Approaches to Economic Challenges Initiative.

Thursday 8 July 2021

Amendment 28
Proposal for a decision
Recital 14

Text proposed by the Commission

- (14) The assessment of progress towards the priority objectives of the 8th EAP should reflect the latest developments as regards the availability and relevance of data and indicators. It should be coherent with and without prejudice to monitoring or governance tools covering more specific aspects of environment and climate policy, such as in particular Regulation **1999/2018** of the European Parliament and of the Council ⁽³⁰⁾, the Environmental Implementation Review or monitoring tools relating to circular economy, zero pollution, biodiversity, air, water, soil, waste, or any other environment policies. Together with **other** tools used in the European Semester, the Eurostat SDG Monitoring and in the Commission's Strategic Foresight Report ⁽³¹⁾, **it would be** part of a coherent interconnected set of monitoring and governance tools.

⁽³⁰⁾ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1–77.

⁽³¹⁾ COM(2020)0493.

Amendment

- (14) The assessment of progress towards the priority objectives of the 8th EAP should reflect the latest developments as regards the availability and relevance of data and indicators **and should be based on a distance-to-target methodology that is robust, comprehensive and transparent**. It should be coherent with and without prejudice to monitoring or governance tools covering more specific aspects of environment and climate policy, such as in particular Regulation **(EU) 2018/1999** of the European Parliament and of the Council ⁽³⁰⁾, the Environmental Implementation Review or monitoring tools relating to **a non-toxic** circular economy, zero pollution, biodiversity, air, water, soil, waste, or any other environment **and industrial** policies. Together with tools used in the European Semester, the Eurostat SDG Monitoring and in the Commission's Strategic Foresight Report ⁽³¹⁾, **assessment of progress towards the 8th EAP's priority objectives should form** part of a **larger, coherent and interconnected** set of monitoring and governance tools, **covering not only environmental but also social and economic factors**.

⁽³⁰⁾ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action (OJ L 328, 21.12.2018, p. 1).

⁽³¹⁾ COM(2020)0493.

Amendment 29
Proposal for a decision
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) **Further developing the scientific knowledge base on planetary boundaries and environmental footprints, including in relation to relevant indicator sets, is important in view of the 8th EAP's priority objectives, in particular its long-term priority objective.**

Thursday 8 July 2021

Amendment 30
Proposal for a decision

Recital 15

Text proposed by the Commission

- (15) The Commission and the EEA and other relevant agencies should access **and** re-use the data and indicators provided by the Member States in accordance with applicable Union legal acts. In addition, other data sources, such as satellite data and processed information from the European Earth **Monitoring** Programme (Copernicus), the European Forest Fire Information System and the European Flood Awareness System, or data platforms such as European Marine Observation and Data Network or the Information Platform for Chemical Monitoring should be utilised. The application of modern digital tools and artificial intelligence allows managing and analysing the data in an effective way and thereby reducing administrative burden whilst increasing timeliness and quality.

Amendment

- (15) **Robust and meaningful data and indicators are needed in order to monitor progress towards the achievement of the 8th EAP's priority objectives.** The Commission and the EEA and other relevant agencies should access, re-use **and build on** the data and indicators provided by the Member States in accordance with applicable Union legal acts. In addition, other data sources, such as satellite data and processed information from the European **Union's** Earth **Observation** Programme (Copernicus), the European Forest Fire Information System, **the Biodiversity Information System, the Land System Parcel Identification System** and the European Flood Awareness System, or data platforms such as **the** European Marine Observation and Data Network or the Information Platform for Chemical Monitoring should be utilised. The application of modern digital tools and artificial intelligence allows managing and analysing the data in an effective way and thereby reducing administrative burden whilst increasing timeliness and quality.

Amendment 31
Proposal for a decision

Recital 17

Text proposed by the Commission

- (17) To reach the priority objectives of the 8th EAP, the EEA and ECHA should be equipped with adequate capacity and sufficient resources to ensure a sound, accessible and transparent knowledge and evidence base to support the implementation of the strategic priorities of the European Green Deal and the assessment of progress under the programme.

Amendment

- (17) To reach the priority objectives of the 8th EAP, the EEA and ECHA should be equipped with adequate capacity and sufficient resources to ensure a sound, accessible and transparent knowledge and evidence base to support the implementation of the strategic priorities of the European Green Deal and the assessment of progress under the programme. **Where relevant, other bodies and agencies should also be involved and contribute to the implementation of these strategic priorities and to the assessment of progress under the 8th EAP.**

Thursday 8 July 2021

Amendment 32
Proposal for a decision
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) **By 31 March 2024, the Commission should carry out a mid-term evaluation of the 8th EAP to assess progress on the 8th EAP and to inform the priorities of the incoming Commission. In light of progress outlined in the mid-term evaluation, the Commission incoming after the 2024 European Parliament elections should present, within the first 100 days of its mandate, a report in which it outlines the environment and climate priorities on which it plans to take action during its mandate and how this action is to ensure the full achievement of the 8th EAP's priority objectives.**

Amendment 33
Proposal for a decision
Recital 18

Text proposed by the Commission

Amendment

- (18) In order to take account of evolving policy objectives and the progress made, the 8th EAP should be evaluated by the Commission in 2029.

- (18) In order to take account of evolving policy objectives and the progress made, the 8th EAP should be evaluated by the Commission in 2029. **The Commission should present a report to the European Parliament and to the Council containing the findings of that evaluation, accompanied, if appropriate, by a legislative proposal for the next environmental action programme. Such a legislative proposal should be presented in a timely manner, with a view to avoiding a gap between the 8th and the 9th EAP.**

Amendment 34
Proposal for a decision
Recital 18 a (new)

Text proposed by the Commission

Amendment

- (18a) **Pursuant to Article 191 TFEU, Union policy on the environment is to aim at a high level of protection taking into account the diversity of situations in the various regions of the Union and is to be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay.**

Thursday 8 July 2021

Amendment 35

Proposal for a decision

Article 1 — paragraph 1

Text proposed by the Commission

1. This **decisions** sets out a general action programme in the field of the environment for the period up to 31 December 2030 ('8th EAP'). It lays down its priority objectives, identifies enabling conditions **for their** achievement **and** sets a framework to measure **whether** the Union and its Member States **are on track to meet those** priority objectives.

Amendment

1. This **Decision** sets out a general action programme in the field of the environment for the period up to 31 December 2030 (**the '8th Environment Action Programme' or '8th EAP'**). It lays down its priority objectives, identifies enabling conditions **as well as actions necessary for the** achievement **of the enabling conditions**. It sets a **monitoring** framework to measure **and evaluate progress of** the Union and its Member States **towards the achievement of the** priority objectives. **It also establishes a governance mechanism to ensure full achievement of the** priority objectives.

Amendment 36

Proposal for a decision

Article 1 — paragraph 2

Text proposed by the Commission

2. The 8th EAP aims at accelerating the transition to a climate-neutral, resource-efficient, **clean and** circular economy in a just and inclusive way, and **endorses the environmental and climate** objectives of the European Green Deal and its initiatives.

Amendment

2. The 8th EAP aims at accelerating the transition to a climate-neutral, **sustainable, non-toxic**, resource-efficient, **renewable energy-based, resilient and competitive** circular economy in a just, **equitable** and inclusive way, and **at protecting, restoring and improving the quality of the environment, including air, water and soil, as well as protecting and restoring biodiversity and ecosystems**. **It builds on and promotes the achievement of the** objectives of the European Green Deal and its initiatives.

Amendment 37

Proposal for a decision

Article 1 — paragraph 3

Text proposed by the Commission

3. The 8th EAP forms the basis for achieving the environmental and climate objectives defined under the United Nations 2030 Agenda and its Sustainable Development Goals and its monitoring framework **constitutes** the environment and climate part of the **EU's** efforts to measure progress towards **greater sustainability, including climate neutrality and resource efficiency**, wellbeing and resilience.

Amendment

3. The 8th EAP forms the basis for achieving the environmental and climate objectives defined under the United Nations 2030 Agenda and its Sustainable Development Goals, **as well as the objectives pursued by relevant multilateral environmental and climate agreements**, and its monitoring framework **contributes to** the environment and climate part of the **Union's** efforts to measure progress towards sustainability, wellbeing and resilience.

Thursday 8 July 2021

Amendment 38

Proposal for a decision

Article 2 — paragraph 1

Text proposed by the Commission

1. The 8th EAP **has** the long-term priority objective **for 2050 that citizens** live well, within the planetary boundaries in a **regenerative** economy where nothing is wasted, **no net emissions of greenhouse gases are produced and economic growth is decoupled from resource use and environmental degradation**. A healthy environment underpins the well-being **of citizens**, biodiversity **thrives** and **natural capital** is protected, restored **and valued in ways that enhance** resilience to climate change and other environmental risks. The Union sets the pace for ensuring the prosperity of present and future generations globally.

Amendment

1. The 8th EAP **shall have** the long-term priority objective **that as soon as possible and by 2050 at the latest, people** live well, within the planetary boundaries in a **sustainable wellbeing** economy where nothing is wasted, growth is **regenerative**, **climate neutrality has been achieved and inequalities have been minimised**. A healthy environment underpins the well-being **and health of all people**, biodiversity **and ecosystems thrive** and **nature** is protected **and** restored, **leading to increased** resilience to climate change, **natural disasters** and other environmental risks. The Union sets the pace for ensuring the prosperity of present and future generations globally **in line with inter-generational responsibility**.

Amendment 39

Proposal for a decision

Article 2 — paragraph 2 — introductory part

Text proposed by the Commission

2. The 8th EAP **has** the following six thematic priority objectives:

Amendment

2. The 8th EAP **shall have** the following six **interlinked** thematic priority objectives, **to be achieved by 2030 at the latest**:

Amendment 40

Proposal for a decision

Article 2 — paragraph 2 — point a

Text proposed by the Commission

(a) **irreversible** and **gradual** reduction of greenhouse gas emissions and enhancement of removals by natural **and other** sinks in the Union to attain the 2030 greenhouse gas emission reduction target **and achieve climate neutrality by 2050** as laid down in Regulation (EU) .../...⁽³²⁾;

Amendment

(a) **swift** and **predictable** reduction of greenhouse gas emissions and, **at the same time**, enhancement of removals by natural sinks in the Union, to attain the 2030 greenhouse gas emission reduction target as laid down in Regulation (EU) 2021/...⁽³²⁾, **in line with its climate and environment objectives whilst ensuring a just transition that leaves no one behind**;

⁽³²⁾ COM(2020)0080.

⁽³²⁾ COM(2020)0080.

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Amendment 41

Proposal for a decision

Article 2 — paragraph 2 — point b

Text proposed by the Commission

- (b) continuous progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;

Amendment

- (b) continuous progress in enhancing **and mainstreaming** adaptive capacity, **including on the basis of ecosystem approaches**, strengthening resilience **and adaptation** and reducing vulnerability **of the environment and of society as well as all sectors of the economy** to climate change, **while improving prevention of, and preparedness for, natural disasters**;

Amendment 42

Proposal for a decision

Article 2 — paragraph 2 — point c

Text proposed by the Commission

- (c) advancing towards a **regenerative growth model** that gives back to the planet more than it takes, **decoupling economic growth from resource use and environmental degradation**, and **accelerating** the transition to a circular economy;

Amendment

- (c) advancing towards a **sustainable well-being economy** that gives back to the planet more than it takes, and **ensuring** the transition to a **non-toxic** circular economy **where growth is regenerative and resources are used efficiently in line with the waste hierarchy**;

Amendment 43

Proposal for a decision

Article 2 — paragraph 2 — point d

Text proposed by the Commission

- (d) pursuing **a** zero-pollution **ambition for** a toxic free-environment, including for air, water **and** soil, and protecting the health and well-being of **citizens** from environment-related risks and impacts;

Amendment

- (d) pursuing zero-pollution **in order to achieve** a toxic-free environment, including for air, water, soil **as well as in relation to light and noise pollution**, and protecting the health and well-being of **people, animals and ecosystems** from environment-related risks and impacts, **including by applying and promoting the ‘One Health’ approach**;

Thursday 8 July 2021

Amendment 44

Proposal for a decision

Article 2 — paragraph 2 — point e

Text proposed by the Commission

- (e) protecting, preserving and restoring biodiversity **and enhancing natural capital**, notably air, water, soil, **and forest, freshwater, wetland and** marine ecosystems;

Amendment

- (e) protecting, preserving and restoring biodiversity, **including by halting and reversing its loss both inside and outside protected areas, and improving the health of the environment**, notably air, water **and** soil, **as well as tackling the degradation of** marine **and** terrestrial ecosystems, **in particular by implementing the targets outlined in the EU Biodiversity Strategy for 2030 as well as those laid down in relevant Union legislation**;

Amendment 45

Proposal for a decision

Article 2 — paragraph 2 — point f

Text proposed by the Commission

- (f) **promoting** environmental sustainability **and** reducing key environmental and climate pressures related to production and consumption, in particular in the areas of energy, industrial development, buildings and infrastructure, mobility **and the food system**.

Amendment

- (f) **ensuring** environmental sustainability, **and significantly** reducing key environmental and climate pressures related to **the Union's** production and consumption **footprint, including Union-driven global deforestation**, in particular in the areas of energy, industrial development, buildings and infrastructure, mobility, **tourism, international trade and food chains, including agriculture, fisheries and aquaculture, while internalising climate and environmental externalities**;

Amendment 46

Proposal for a decision

Article 2 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

- 2a. **The thematic priority objectives laid down in paragraph 2 shall be understood as covering the objectives, targets and actions set out in the European Green Deal strategies and initiatives as well as the targets in Union legislation that contribute to the achievement of these objectives. Those objectives, targets and actions shall be taken into account when developing the monitoring framework for assessing progress towards the priority objectives of the 8th EAP.**

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Amendment 47
Proposal for a decision
Article 3 — title

Text proposed by the Commission

Enabling conditions to achieve this programme's priority objectives

Amendment

Enabling conditions to achieve this programme's priority objectives **and actions necessary to implement these enabling conditions**

Amendment 48
Proposal for a decision
Article 3 — paragraph 1 — point a

Text proposed by the Commission

(a) ensuring effective **and efficient** implementation of Union legislation on environment and climate and striving for excellence in environmental performance at Union, national, regional and local levels including through providing **appropriate** administrative and compliance assurance capacity, as laid out in the regular Environmental Implementation Review, **as well as stepping up action against environmental crime,**

Amendment

(a) ensuring effective, **swift and full** implementation of Union legislation on environment and climate and striving for excellence in environmental performance at Union, national, regional and local levels including through providing **additional and sufficient** administrative and compliance assurance capacity, as laid out in the regular Environmental Implementation Review;

Amendment 49
Proposal for a decision
Article 3 — paragraph 1 — point a (new)

Text proposed by the Commission

Amendment

(aa) **improving guidance and recommendations, and ensuring effective, dissuasive and proportionate penalties, including fines, to reduce risks of non-compliance with environmental law, including in relation to wildlife trafficking, waste crime and illegal logging, as well as stepping up action in the area of environmental liability and responses to non-compliance and strengthening prosecutorial and judicial cooperation in the area of, and law enforcement against, environmental crime as laid down in relevant Union legislation, such as Directive 2008/99/EC of the European Parliament and of the Council ^(1a), as well as provisions falling under the scope of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption;**

^(1a) Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

Thursday 8 July 2021

Amendment 50

Proposal for a decision

Article 3 — paragraph 1 — point a b (new)

Text proposed by the Commission

Amendment

(ab) **prioritising enforcement of Union environmental law where implementation is lacking, with swift and systematic follow-up of infringement proceedings, including by ensuring that sufficient financial and human resources are allocated at both Union and Member State level for this purpose;**

Amendment 51

Proposal for a decision

Article 3 — paragraph 1 — point b — indent 1

Text proposed by the Commission

Amendment

— mainstreaming the priority objectives set out in Article 2 in all relevant strategies, legislative and non-legislative initiatives, programmes, investments and projects at Union, national, regional and local levels **so that they** and their implementation **do no harm to any of** the priority objectives set out in Article 2;

— mainstreaming the priority objectives set out in Article 2 **as well as the SDGs** in all relevant strategies, legislative and non-legislative initiatives, programmes, investments and projects at Union, national, regional and local levels **as well as in relevant international agreements concluded by the Union, in order to ensure that these strategies, legislative and non-legislative initiatives, programmes, investments, projects and agreements** and their implementation **contribute, where relevant, to** the priority objectives set out in Article 2(1) and (2), **and do no harm, including in line with Article 17 of the Taxonomy Regulation;**

Amendment 52

Proposal for a decision

Article 3 — paragraph 1 — point b — indent 3

Text proposed by the Commission

Amendment

— **paying careful attention to** synergies and potential trade-offs between **economic**, environmental **and** social objectives so as to ensure that **citizens' needs for nutrition**, housing and mobility are **met** in a sustainable way that leaves no-one behind;

— **systematically and comprehensively evaluating** synergies and potential trade-offs between environmental, social **and economic** objectives **for all initiatives** so as to ensure that **wellbeing, and, in particular, people's right to, and need for, a healthy environment, and affordable high-quality, accessible water, food, housing, energy, healthcare** and mobility are **ensured** in a sustainable way that leaves no-one behind;

Thursday 8 July 2021

Amendment 53

Proposal for a decision

Article 3 — paragraph 1 — point b — indent 3 a (new)

Text proposed by the Commission

Amendment

-
- *adopting a ‘think sustainability first’ approach in the Better Regulation guidelines and toolbox, including by integrating and operationalising the principle of ‘do no significant harm’ as referred to in Article 17 of the Taxonomy Regulation;*

Amendment 54

Proposal for a decision

Article 3 — paragraph 1 — point b — indent 3 b (new)

Text proposed by the Commission

Amendment

-
- *ensuring the consistency of Union measures and policies, including sectoral legislation, the Union’s external action, and the Union budget as well as national or regional plans relating to the implementation of Union legislation submitted by Member States to the Commission, with the priority objectives set out in Article 2(1) and (2);*

Amendment 55

Proposal for a decision

Article 3 — paragraph 1 — point b — indent 4

Text proposed by the Commission

Amendment

-
- regularly evaluating existing policies and preparing impact assessments for new initiatives, which are based on wide consultations following procedures that are accountable, inclusive, informed and simple to implement, and which **pay due regard to projected** impacts on environment and climate;

-
- regularly evaluating existing policies and preparing **comprehensive** impact assessments for new initiatives, which are based on wide **and transparent** consultations following procedures that are accountable, inclusive, informed and simple to implement, and which **take into account the full range of immediate and long-term** impacts on the environment and climate, **including their cumulative effects, as well as the costs of action and inaction;**

Thursday 8 July 2021

Amendment 56

Proposal for a decision

Article 3 — paragraph 1 — point c

Text proposed by the Commission

- (c) effectively integrating environmental **and climate sustainability** in the European Semester of economic governance, including in the National Reform Programmes and National Recovery and Resilience plans;

Amendment

- (c) effectively integrating **the SDGs as well as climate, environmental, including biodiversity, and social objectives** in the European Semester of economic governance, **without prejudice to its original purpose**, including in the **country-specific recommendations**, National Reform Programmes and National Recovery and Resilience plans **in order to provide Member States with analysis and additional indicators**;

Amendment 57

Proposal for a decision

Article 3 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

- (ca) **establishing an overarching Union framework to measure and establish progress towards a sustainable wellbeing economy that is in line with the SDGs, the Paris Agreement and the UN Convention on Biological Diversity, without prejudice to the European Semester, and that helps guide the development and coordination of new and existing policies and initiatives, whilst integrating the transition to a sustainable wellbeing economy where growth is regenerative into the Union's political priorities and annual programming as well as in the Better Regulation guidelines and toolbox**;

Amendment 58

Proposal for a decision

Article 3 — paragraph 1 — point d

Text proposed by the Commission

Amendment

- (d) mobilising sustainable investments from public and private sources, including of funds and instruments available under the Union budget, via the European Investment Bank and at national level;

- (d) mobilising **and ensuring sufficient** sustainable investments from public and private sources, including of funds and instruments available under the Union budget, via the European Investment Bank and at national level, **consistent with the Union's sustainable finance strategy, including measures laid down in the Taxonomy Regulation and its principle of 'do no significant harm', and given the potential of these measures to create jobs, ensure the Union's long-term competitiveness, and increase the resilience of the Union's economy and society**;

Thursday 8 July 2021

Amendment 59

Proposal for a decision

Article 3 — paragraph 1 — point e

Text proposed by the Commission

- (e) phasing out **environmentally harmful** subsidies at Union and national level, **making the best use of market-based instruments and green budgeting tools, including those required to ensure a socially fair transition, and supporting businesses and other stakeholders in developing standardised natural capital accounting practices;**

Amendment

- (e) phasing out **all direct and indirect fossil fuel** subsidies at Union, national, **regional and local** level **without delay and by 2025 at the latest;**

Amendment 60

Proposal for a decision

Article 3 — paragraph 1 — point e a (new)

Text proposed by the Commission

- (ea) **phasing out all direct and indirect environmentally harmful subsidies other than fossil fuel subsidies, at Union, national, regional and local level without delay and by 2027 at the latest;**

Amendment 61

Proposal for a decision

Article 3 — paragraph 1 — point e b (new)

Text proposed by the Commission

- (eb) **making the best use of environmental taxation and market-based instruments, as well as green budgeting and financing tools and environmentally positive incentives, including those required to ensure a socially fair transition, and supporting businesses and other stakeholders in applying standardised natural capital accounting practices provided this does not replace targets and measures to reduce greenhouse gas emissions or to protect biodiversity;**

Thursday 8 July 2021

Amendment 62**Proposal for a decision****Article 3 — paragraph 1 — point e c (new)**

Text proposed by the Commission

Amendment

- (ec) *investing into biodiversity protection and restoration in line with the minimum annual spending targets agreed through the 2021-2027 MFF (7,5 % in 2024, and 10 % in 2026 and 2027), with the intention to progressively increase these targets under the subsequent MFF, and in line with the funding objectives in the 2030 EU Biodiversity Strategy, tracked by way of a robust, transparent and comprehensive methodology taking into account the Union's taxonomy criteria;*

Amendment 63**Proposal for a decision****Article 3 — paragraph 1 — point e d (new)**

Text proposed by the Commission

Amendment

- (ed) *ensuring effective climate and biodiversity mainstreaming and proofing of Union and national budgets as well as consistency between climate and biodiversity funding;*

Amendment 64**Proposal for a decision****Article 3 — paragraph 1 — point e e (new)**

Text proposed by the Commission

Amendment

- (ee) *ensuring that actions taken to achieve the priority objectives of the 8th EAP are carried out in a socially fair and inclusive way, contributing to the European Pillar of Social Rights and effectively addressing and reducing social inequalities, including gender inequality, potentially resulting from climate and environmental related impacts and policies;*

Amendment 65**Proposal for a decision****Article 3 — paragraph 1 — point e f (new)**

Text proposed by the Commission

Amendment

- (ef) *mainstreaming gender throughout the 8th EAP, including by carrying out gender impact assessments and gender-responsive actions;*

Thursday 8 July 2021

Amendment 66

Proposal for a decision

Article 3 — paragraph 1 — point f

Text proposed by the Commission

- (f) ensuring that environmental policies and action are based on the best available scientific knowledge and strengthening the environmental knowledge base and its uptake, including by research, innovation, fostering green skills, and further building up environmental and ecosystem accounting;

Amendment

- (f) ensuring that environmental policies and action **at Union, national, regional and local level**, are based on the best available scientific knowledge **and technologies** and strengthening the environmental knowledge base, **including indigenous and local knowledge**, and its uptake, including by research, innovation fostering green skills, **training and retraining**, and further building up environmental and ecosystem accounting;

Amendment 67

Proposal for a decision

Article 3 — paragraph 1 — point f a (new)

Text proposed by the Commission

Amendment

- (fa) **building up the scientific knowledge base on the capacity of different ecosystems to act as sinks and stocks for greenhouse gases;**

Amendment 68

Proposal for a decision

Article 3 — paragraph 1 — point f b (new)

Text proposed by the Commission

Amendment

- (fb) **building up the knowledge base on the requirements for systemic change, including on how to identify, measure and evaluate the effects of, inter alia, tipping points, feedback loops, lock-ins, interdependencies and barriers to fundamental change in environmental and socio-economic systems and how to shift from a silo- and sector-based policy focus to a systemic approach to policy coherence, as well as on how to prevent or alleviate any adverse social, economic and environmental impacts;**

Thursday 8 July 2021

Amendment 69**Proposal for a decision****Article 3 — paragraph 1 — point f c (new)**

Text proposed by the Commission

Amendment

(fc) closing gaps in, and optimising, relevant indicator sets relating to, inter alia, systemic change, planetary boundaries, the Union's environmental footprint, including in relation to production and consumption systems, governance, sustainable finance and inequalities, and ensuring that those indicator sets are comparable at all levels of policy making;

Amendment 70**Proposal for a decision****Article 3 — paragraph 1 — point f d (new)**

Text proposed by the Commission

Amendment

(fd) ensuring the full participation of, and cooperation with, regional and local authorities across all dimensions of environmental policy-making through a collaborative and multi-level approach and ensuring that local and regional communities have adequate resources for implementation on the ground;

Amendment 71**Proposal for a decision****Article 3 — paragraph 1 — point f e (new)**

Text proposed by the Commission

Amendment

(fe) strengthening cooperation between all Union institutions on climate and environment policy, including between the Commission and the Committee of the Regions in the framework of the Technical Platform for Cooperation on the Environment, and exploring how to improve dialogue and information pooling;

Amendment 72**Proposal for a decision****Article 3 — paragraph 1 — point f f (new)**

Text proposed by the Commission

Amendment

(ff) fully respecting, and ensuring application of, the precautionary principle, as well as the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay, pursuant to Article 191 of the Treaty on the Functioning of the European Union;

Thursday 8 July 2021

Amendment 73

Proposal for a decision

Article 3 — paragraph 1 — point f g (new)

Text proposed by the Commission

Amendment

- (fg) *addressing land degradation and establishing a Union-wide legal framework for the protection and sustainable use of soil, which includes harmonised indicators and a monitoring and reporting methodology;*

Amendment 74

Proposal for a decision

Article 3 — paragraph 1 — point f h (new)

Text proposed by the Commission

Amendment

- (fh) *transforming the food system, including via the common agricultural policy, to bring it in line with the 8th EAP's priority objectives, so that it contributes, inter alia, to protecting and restoring biodiversity, in and outside the Union, minimises chemical, antibiotic and fossil-fuel based inputs, and ensures a high level of animal welfare whilst ensuring a just transition for affected stakeholders;*

Amendment 75

Proposal for a decision

Article 3 — paragraph 1 — point f i (new)

Text proposed by the Commission

Amendment

- (fi) *promoting the global phase out of pesticides which are not approved in the Union and committing to ensure that pesticides which are not approved for use in the Union are not exported outside the Union in order to ensure a level playing field and consistency between the Union's internal and external policies;*

Thursday 8 July 2021

Amendment 76

Proposal for a decision

Article 3 — paragraph 1 — point f j (new)

Text proposed by the Commission

Amendment

- (fj) rapidly substituting substances of very high concern and other hazardous chemicals, including endocrine disruptors, very persistent chemicals, neurotoxins and immuno-toxicants, as well as tackling the combination effects of chemicals, nano-forms of substances and exposure to hazardous chemicals from products, assessing their impacts on health and the environment, including climate, and biodiversity, whilst promoting greater use and affordability of safe alternatives and stepping up and coordinating efforts to promote the development and validation of alternatives to animal testing;

Amendment 77

Proposal for a decision

Article 3 — paragraph 1 — point g

Text proposed by the Commission

Amendment

- (g) harnessing the potential of digital and data technologies to support environment policy while **minimising their** environmental footprint;

- (g) harnessing the potential of digital and data technologies to support environment policy, **including by delivering real-time data and information on the state of ecosystems, while increasing efforts to minimise the environmental footprint of these technologies, and ensuring transparency and public accessibility of the data and information;**

Amendment 78

Proposal for a decision

Article 3 — paragraph 1 — point g a (new)

Text proposed by the Commission

Amendment

- (ga) holistically recognising the interconnections between human health, animal health and the environment through full integration of the ‘One Health’ approach in policy making;

Thursday 8 July 2021

Amendment 79

Proposal for a decision

Article 3 — paragraph 1 — point g b (new)

Text proposed by the Commission

Amendment

(gb) *recognising the right to a healthy environment in the Charter of the Fundamental Rights of the European Union and promoting a similar right internationally;*

Amendment 80

Proposal for a decision

Article 3 — paragraph 1 — point h

Text proposed by the Commission

Amendment

(h) making full use of nature based solutions **and social innovation;**

(h) making full use of **ecosystem approaches and green infrastructure, including** nature based solutions (NBS), **whilst:**

Amendment 81

Proposal for a decision

Article 3 — paragraph 1 — point h — indent 1 (new)

Text proposed by the Commission

Amendment

— **maximising connectivity between ecosystems and restoration benefits and building on synergies between biodiversity conservation and climate change mitigation and adaptation;**

Amendment 82

Proposal for a decision

Article 3 — paragraph 1 — point h — indent 2 (new)

Text proposed by the Commission

Amendment

— **ensuring that their implementation enhances ecosystem services and functions, does not compromise biodiversity and ecosystem integrity, does not replace or undermine measures taken to protect biodiversity or rapidly reduce greenhouse gas emissions within the Union, respects the precautionary principle, has clear societal co-benefits, and ensures full engagement with, and consent of, affected indigenous people and local communities;**

Thursday 8 July 2021

Amendment 83**Proposal for a decision****Article 3 — paragraph 1 — point h — indent 3 (new)**

Text proposed by the Commission

Amendment

- *further developing monitoring methods, evaluation tools and measurable indicators for NBS as well as developing a list of excluded activities;*

Amendment 84**Proposal for a decision****Article 3 — paragraph 1 — point h — indent 4 (new)**

Text proposed by the Commission

Amendment

- *ensuring that where NBS are financed by biodiversity offsetting mechanisms, these mechanisms are appropriately implemented, monitored, evaluated and enforced and take full account of direct, indirect and cumulative impacts, geographically and over time whilst also strictly adhering to a mitigation hierarchy ensuring that, inter alia, biodiversity offsets can only be used as a measure of last resort;*

Amendment 85**Proposal for a decision****Article 3 — paragraph 1 — point h — indent 5 (new)**

Text proposed by the Commission

Amendment

- *ensuring that where biodiversity offsetting mechanisms are used to finance NBS, information about these mechanisms is made publicly available online;*

Thursday 8 July 2021

Amendment 86

Proposal for a decision

Article 3 — paragraph 1 — point h — indent 6 (new)

Text proposed by the Commission

Amendment

-
- *making full use of social innovation and community led action to enable individuals, communities and SMEs to take action towards the achievement of the 8th EAP's priority objectives;*

Amendment 87

Proposal for a decision

Article 3 — paragraph 1 — point i

Text proposed by the Commission

Amendment

-
- (i) effectively applying high standards for transparency, public participation and access to justice in accordance with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) ⁽³⁵⁾;

⁽³⁵⁾ <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

-
- (i) effectively applying high standards for transparency, public participation and access to justice in accordance with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) ⁽³⁵⁾ **both at Union and Member State level;**

⁽³⁵⁾ <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

Amendment 88

Proposal for a decision

Article 3 — paragraph 1 — point j a (new)

Text proposed by the Commission

Amendment

-
- (ja) *promoting communication activities at Union, national, regional and local level, aimed at raising awareness about the importance of the 8th EAP's priority objectives, and at enabling debate at all levels of governance and society;*

Amendment 89

Proposal for a decision

Article 3 — paragraph 1 — point j b (new)

Text proposed by the Commission

Amendment

-
- (jb) *significantly decreasing the Union's material and consumption footprints to bring them into planetary boundaries as soon as possible, including through the introduction of binding Union targets for significantly reducing the Union's material and consumption footprints as well as binding mid-term and long-term targets for the reduction in the use of primary raw materials;*

Thursday 8 July 2021

Amendment 90**Proposal for a decision****Article 3 — paragraph 1 — point k — indent 1***Text proposed by the Commission*

-
- engaging with **partner** countries on climate and environmental action, encouraging and supporting them to adopt and implement rules in these areas that are as ambitious as those of the Union, and ensuring that all products placed on the Union market fully comply with relevant Union requirements in line with the Union's international commitments;

Amendment

-
- engaging with **third** countries on climate and environmental action, encouraging and supporting them to adopt and implement rules in these areas that are **at least** as ambitious as those of the Union, and ensuring that all products placed on the Union market **or exported from the Union** fully comply with relevant Union requirements in line with the Union's international commitments;

Amendment 91**Proposal for a decision****Article 3 — paragraph 1 — point k — indent 1 a (new)***Text proposed by the Commission*

-

Amendment

-
- ***promoting sustainable corporate governance and establishing mandatory due diligence requirements at Union level, and taking these requirements into account in the conduct of Union trade policy, including in relation to the ratification of trade and investment agreements;***

Amendment 92**Proposal for a decision****Article 3 — paragraph 1 — point k — indent 2***Text proposed by the Commission*

-
- enhancing cooperation with governments, businesses and civil society in third countries and international organisations to form partnerships and alliances for environment protection and promoting environmental cooperation **in G7 and G20**;

Amendment

-
- enhancing cooperation with governments, businesses, **social partners** and civil society in third countries and international organisations to form partnerships and alliances for environment protection and promoting environmental cooperation;

Thursday 8 July 2021

Amendment 93

Proposal for a decision

Article 3 — paragraph 1 — point k — indent 3

Text proposed by the Commission

- **strengthening the implementation of** the Paris Agreement, the Convention on Biological Diversity and other multilateral environmental agreements **by the Union and its partners**, including by increasing transparency and accountability as regards progress on the commitments made under those agreements;

Amendment

- **demonstrating leadership in international fora by, inter alia, achievement by the Union of the SDGs as well as the objectives laid down in** the Paris Agreement, the Convention on Biological Diversity and other multilateral environmental agreements **and supporting third countries to do the same**, including by increasing transparency and accountability as regards progress on the commitments made under those agreements;

Amendment 94

Proposal for a decision

Article 3 — paragraph 1 — point k — indent 5

Text proposed by the Commission

- ensuring that the Union and the Member States' financial assistance to third countries promotes the UN 2030 Agenda.

Amendment

- ensuring that the Union and the Member States' financial assistance to third countries promotes the UN 2030 Agenda, **the Paris Agreement and the post-2020 global framework of the UN Convention on Biological Diversity and is in line with the priority objectives of the 8th EAP.**

Amendment 95

Proposal for a decision

Article 3 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to achieve the enabling conditions set out in paragraph 1, the Commission shall take the following actions:

- (a) **improve and expand on, by 30 June 2022, and subsequently keep updated, its existing public database on infringement decisions so that steps taken by Member States and by the Commission in relation to all infringement proceedings in the field of environment and climate may be tracked in a clear, understandable and accessible way;**

Thursday 8 July 2021

Text proposed by the Commission

Amendment

- (b) regularly assess the consistency of Union measures and policies with the priority objectives set out in Article 2(1) and (2) and carry out such assessments for draft and existing Union measures and policies; where inconsistencies are identified, the draft measure or policy shall be aligned with these priority objectives before publication or, in the case of existing Union measures and policies, the necessary remedying measures proposed;
- (c) develop tools to assess the long-term impacts on the environment and climate, including cumulative effects, of draft and existing measures and policies, as well as their possible impacts on social inequalities, including gender inequality, and the cost of inaction;
- (d) within eight weeks of closure of a public consultation, systematically present detailed feedback on stakeholder consultation responses, distinguishing between contributions from different types of stakeholders;
- (e) publish impact assessments immediately upon their completion, including all the information used to inform their conclusion;
- (f) develop an indicator to assess the discrepancy between the structure of Member States' budgets and the Paris-aligned scenario for each of their national budgets, thereby enabling recommendations to Member States on the climate investments required in order for them to meet, and stay on, the required trajectory to ensure achievement of the Paris Agreement and related 8th EAP priority objectives;
- (g) present, by 30 June 2022, a report in which it identifies the interlinkages between the various indicator sets, monitoring frameworks and processes in use at Union level that measure social, economic and environmental progress and which highlights how these can be streamlined; on this basis, the Commission shall, by 30 June 2023, in consultation with the European Parliament and the Council, develop a comprehensive set of 'beyond GDP' indicators to guide and inform future policy making, without prejudice to the European Semester;

Thursday 8 July 2021

Amendment 96

Proposal for a decision

Article 3 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In order to achieve the enabling condition set out in point (ea) of paragraph 1, the Commission shall, by December 2022, and on the basis of ongoing work, assess which subsidies are harmful to the environment and produce guidance materials for identifying such subsidies at Union, national, regional and local level as well as possible pathways for their phasing out. Member States shall compile information annually on the existence of subsidies at national, regional and local level, as well as measures they are taking to phase them out. Member States shall transmit that information annually to the Commission. The Commission shall compile the information into a report, broken down by Member State, to be published no later than 6 months after the end of the reference year, with the first reference year being 2023. The Commission shall present the report on an annual basis to the European Parliament.

Amendment 97

Proposal for a decision

Article 3 — paragraph 2

Text proposed by the Commission

Amendment

2. Reaching the 8th EAP's priority objectives will require mobilising broad support by involving citizens, social partners and other stakeholders, and encouraging cooperation in the development and implementation of strategies, policies or legislation related to the 8th EAP amongst national, regional and local authorities, in urban and rural areas.

2. Public authorities at all levels shall work with businesses, in particular SMEs, and social partners, civil society, citizens, communities and other stakeholders in implementing the 8th EAP. Achieving the 8th EAP's priority objectives will require mobilising broad support by involving citizens, social partners and other stakeholders, and encouraging cooperation in the development and implementation of strategies, policies or legislation related to the 8th EAP amongst national, regional and local authorities, in urban and rural areas **and outermost regions.**

Amendment 98

Proposal for a decision

Article 3 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The relevant Union institutions and the Member States shall be responsible for taking appropriate action, with a view to the delivery of the priority objectives set out in Article 2(1) and (2). Action shall be taken with due account of the principles of conferral, subsidiarity and proportionality, in accordance with Article 5 of the Treaty on European Union.

Thursday 8 July 2021

Amendment 99
Proposal for a decision
Article 4 — title

Text proposed by the Commission

Monitoring framework

Amendment

Indicators, monitoring framework and governance

Amendment 100
Proposal for a decision
Article 4 — paragraph 1

Text proposed by the Commission

1. The Commission, supported by the European Environment Agency and the European Chemicals Agency, shall assess and report on the progress of the Union and the Member States with regard to achieving the priority objectives laid down in Article 2 on **a regular** basis, taking into consideration the enabling conditions laid down in Article 3.

Amendment

1. The Commission, supported by the European Environment Agency and the European Chemicals Agency, **without prejudice to their independence**, shall **monitor**, assess and report on the progress of the Union and the Member States with regard to achieving the priority objectives laid down in Article 2 on **an annual** basis, taking into consideration the enabling conditions **and actions** laid down in Article 3, **and the overall goal of achieving systemic change. The Commission shall ensure that the information resulting from that monitoring, assessment and reporting is publicly available and easily accessible, thereby ensuring effective monitoring of progress made.**

Amendment 101
Proposal for a decision
Article 4 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Following a consultation process with all relevant stakeholders, the Commission shall, by 31 December 2021, present a streamlined framework in the form of a single scoreboard, including headline indicators, to monitor and track progress towards the achievement of the priority objectives in Article 2(1) and (2), building upon existing monitoring frameworks and processes.

Thursday 8 July 2021

Amendment 102

Proposal for a decision

Article 4 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The assessment referred to in paragraph 1 shall include information on:

- **progress made towards systemic change that is needed in order to achieve the priority objectives set out in Article 2 (1) and (2), as soon as the monitoring framework allows for this;**
- **distance to the targets set in place to achieve the priority objectives set out in Article 2(1) and (2);**
- **funding contributing to the achievement of the priority objectives set out in Article 2(1) and (2), tracked by way of a robust, transparency and comprehensive methodology;**
- **the means of implementation that have been applied at Union and Member State level to ensure the achievement of the priority objectives, and whether these are sufficient; and**
- **recommendations and guidelines to address potential inconsistencies.**

Amendment 103

Proposal for a decision

Article 4 — paragraph 2

Text proposed by the Commission

Amendment

2. The assessment referred to in paragraph 1 shall reflect the latest developments as regards the availability and relevance of data and indicators, building on data available in the Member States and at the Union level, in particular those operated by the European Environment Agency and the European Statistical System. This assessment shall **be** without prejudice to existing monitoring, reporting and governance frameworks and exercises covering environment and climate policy.

2. The assessment referred to in paragraph 1 shall reflect the latest developments as regards the availability and relevance of data and indicators, building on data available in the Member States, **including at regional and local level**, and at the Union level, in particular those operated by the European Environment Agency and the European Statistical System **with a view to minimising administrative burden**. This assessment shall **build on, be coherent with and** without prejudice to existing monitoring, reporting and governance frameworks and exercises covering environment and climate policy **and shall be based on a robust methodology that enables measurement of progress**.

Thursday 8 July 2021

Amendment 104**Proposal for a decision****Article 4 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. The European Parliament, the Council and the Commission shall exchange views annually on the assessment referred to in paragraph 1 and shall identify, as part of the Union's annual programming, additional legislative and non-legislative measures and actions when progress towards the achievement of the priority objectives is considered to be insufficient or in order to overcome barriers which are identified.

Amendment 105**Proposal for a decision****Article 4 — paragraph 3 — introductory part***Text proposed by the Commission**Amendment*

3. The European Environment Agency and the European Chemicals Agency shall support the Commission in improving the availability and relevance of data and knowledge, in particular by carrying out the following:

3. The European Environment Agency and the European Chemicals Agency shall support the Commission in improving the availability and relevance of data, **indicators** and knowledge, in particular by carrying out the following:

Amendment 106**Proposal for a decision****Article 4 — paragraph 3 — point a***Text proposed by the Commission**Amendment*

(a) gathering, processing and reporting evidence and data with modern digital tools;

(a) gathering, processing and reporting evidence and data with modern digital tools, **whilst improving methodologies for data collection and treatment and for developing harmonised indicators;**

Amendment 107**Proposal for a decision****Article 4 — paragraph 3 — point a a (new)***Text proposed by the Commission**Amendment*

(aa) strengthening and providing support to basic research, mapping and monitoring;

Thursday 8 July 2021

Amendment 108

Proposal for a decision

Article 4 — paragraph 3 — point b

Text proposed by the Commission

(b) working towards closing the relevant monitoring data gaps;

Amendment(b) ***assessing the resources required and*** working towards closing the relevant monitoring data gaps, ***including in relation to measuring systemic change;***

Amendment 109

Proposal for a decision

Article 4 — paragraph 3 — point c

Text proposed by the Commission

(c) delivering policy-relevant and systemic analyses, and contributing to implementing policy objectives at Union and national level;

Amendment(c) delivering policy-relevant and systemic analyses, and contributing to implementing policy objectives at Union and national level, ***including by proposing recommendations to enhance the progress in achieving the objectives;***

Amendment 110

Proposal for a decision

Article 4 — paragraph 3 — point c a (new)

Text proposed by the Commission

Amendment(ca) ***compiling tools such as foresight tools, which can also provide information on ‘distance to target’;***

Amendment 111

Proposal for a decision

Article 4 — paragraph 3 — point d

Text proposed by the Commission

(d) integrating data on environmental, social and economic impacts, and exploiting fully other available data, such as those delivered by Copernicus;

Amendment(d) integrating data on environmental, ***health***, social and economic impacts, and exploiting fully other available data, such as those delivered by Copernicus;

Thursday 8 July 2021

Amendment 112

Proposal for a decision

Article 4 — paragraph 3 — point d a (new)

Text proposed by the Commission

Amendment

(da) ***closing critical knowledge gaps on ecological tipping points;***

Amendment 113

Proposal for a decision

Article 4 — paragraph 3 — point d b (new)

Text proposed by the Commission

Amendment

(db) ***developing models to assess and predict the projected impacts of policies related to the environment and climate on future generations;***

Amendment 114

Proposal for a decision

Article 4 — paragraph 3 — point e

Text proposed by the Commission

Amendment

(e) further improving access to data through Union programmes;

(e) further improving ***availability, interoperability and*** access to data through Union programmes;

Amendment 115

Proposal for a decision

Article 4 — paragraph 3 — point g

Text proposed by the Commission

Amendment

(g) helping civil society, public authorities, ***citizens***, social partners and the private sector identify climate and environmental risks and take action to prevent, mitigate and adapt to ***them***, and fostering their engagement in closing knowledge gaps.

(g) helping civil society, public authorities ***at national, regional and local level, individuals and communities***, social partners and the private sector identify climate and environmental risks, ***assess their impact*** and take action to prevent, mitigate and adapt to ***such risks***, and fostering their engagement in closing knowledge gaps;

Thursday 8 July 2021

Amendment 116

Proposal for a decision

Article 4 — paragraph 3 — point g a (new)

Text proposed by the Commission

Amendment

(ga) *encouraging citizen observation and reporting of environmental issues and compliance gaps, including through the use of online mechanisms and mobile phone apps to facilitate reporting.*

Amendment 117

Proposal for a decision

Article 4 — paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall regularly examine data and knowledge needs at Union and national level, including the capacity of the European Environment Agency and the European Chemicals Agency to carry out the tasks referred to in paragraph 3.

4. The Commission shall regularly examine data and knowledge needs at Union and national level, including the capacity of the European Environment Agency and the European Chemicals Agency **as well as other European bodies and agencies, where relevant**, to carry out the tasks referred to in paragraph 3, **and report on the results of this review, including proposals to address any human and financial resource needs, or to address any other deficiencies.**

Amendment 118

Proposal for a decision

Article 5 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. **By 31 March 2024, the Commission shall carry out a mid-term evaluation of the 8th EAP and submit it to the European Parliament and the Council. The mid-term evaluation shall outline progress achieved towards the thematic priority objectives set out in Article 2(2), including the targets under the European Green Deal, the status of the enabling conditions and actions laid down in Article 3, and progress made in monitoring and assessing systemic change, and shall be based on the most recent assessment referred to in Article 4 (1), as well as on the outcome of a public consultation. The mid-term evaluation shall outline recommendations and corrections necessary to achieve the 8th EAP's priority objectives until completion thereof.**

Thursday 8 July 2021

Amendment 119

Proposal for a decision

Article 5 — paragraph - 1 a (new)

Text proposed by the Commission

Amendment

-1a. In light of progress outlined in the mid-term evaluation referred to in paragraph - 1, of other relevant policy developments and of the EEA's report 'The European environment — state and outlook', the Commission incoming after the 2024 European Parliament elections shall present, within the first 100 days of its mandate, to the European Parliament and to the Council a list and timeline of legislative and non-legislative actions it plans to take during its mandate in order to ensure the full achievement, by 2030 and 2050 respectively, of the 8th EAP's priority objectives.

Amendment 120

Proposal for a decision

Article 5 — paragraph 1

Text proposed by the Commission

Amendment

By 31 March 2029, the Commission shall carry out an evaluation of the 8th EAP. The Commission shall submit a report to the European Parliament and to the Council containing the **main** findings of that evaluation, accompanied, if **the Commission deems** appropriate, by a legislative proposal for the next environmental action programme.

By 31 March 2029, the Commission shall carry out an evaluation of the 8th EAP. The Commission shall submit a report to the European Parliament and to the Council containing the findings of that evaluation, accompanied, if appropriate, by a legislative proposal for the next environmental action programme **in sufficient time for the 9th EAP to be in place by 1 January 2031, thereby avoiding a gap between the 8th and the 9th EAP.**

Thursday 8 July 2021

P9_TA(2021)0354

Numerical strength of the special committees and the committee of inquiry

European Parliament decision of 8 July 2021 on the numerical strength of the special committees and the committee of inquiry (2021/2802(RSO))

(2022/C 99/45)

The European Parliament,

- having regard to the proposal from the Conference of Presidents,
 - having regard to its decision of 18 June 2020 on setting up a special committee on beating cancer, and defining its responsibilities, numerical strength and term of office ⁽¹⁾,
 - having regard to its decision of 18 June 2020 on setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation, and defining its responsibilities, numerical strength and term of office ⁽²⁾,
 - having regard to its decision of 18 June 2020 on setting up a special committee on artificial intelligence in a digital age, and defining its responsibilities, numerical strength and term of office ⁽³⁾,
 - having regard to its decision of 19 June 2020 on setting up a committee of inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union, and defining its responsibilities, numerical strength and term of office ⁽⁴⁾,
 - having regard to Rules 207 and 208 of its Rules of Procedure,
1. Decides that the numerical strength of the special committees and the committee of inquiry shall be as follows:
 - Special Committee on Beating Cancer: 34 members
 - Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation: 34 members
 - Special Committee on Artificial Intelligence in a Digital Age: 34 members
 - Committee of Inquiry on the Protection of Animals during Transport within and outside the EU: 31 members
 2. Instructs its President to forward this decision to the Council and the Commission, for information.

⁽¹⁾ Texts adopted, P9_TA(2020)0160.

⁽²⁾ Texts adopted, P9_TA(2020)0161.

⁽³⁾ Texts adopted, P9_TA(2020)0162.

⁽⁴⁾ Texts adopted, P9_TA(2020)0163.

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