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2021–2022 SESSION

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Key to symbols used

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

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

Amendments by Parliament:

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

EUROPEAN PARLIAMENT

2021–2022 SESSION

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TEXTS ADOPTED

Tuesday 15 February 2022

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2022)0022

Challenges for urban areas in the post-COVID-19 era

European Parliament resolution of 15 February 2022 on the challenges for urban areas in the post-COVID-19 era (2021/2075(INI))

(2022/C 342/01)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Title XVIII thereof,
- having regard to Regulation (EU) 2020/2221 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU) ⁽¹⁾,
- having regard to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional 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 ⁽²⁾ (the Common Provisions Regulation),
- having regard to Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund ⁽³⁾,
- having regard to Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments ⁽⁴⁾,
- having regard to Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund ⁽⁵⁾,
- having regard to the Pact of Amsterdam establishing the Urban Agenda for the EU, agreed by the EU ministers responsible for urban matters on 30 May 2016,

⁽¹⁾ OJ L 437, 28.12.2020, p. 30.

⁽²⁾ OJ L 231, 30.6.2021, p. 159.

⁽³⁾ OJ L 231, 30.6.2021, p. 60.

⁽⁴⁾ OJ L 231, 30.6.2021, p. 94.

⁽⁵⁾ OJ L 231, 30.6.2021, p. 1.

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- having regard to the Agreement adopted at the 21st Conference of the Parties to the UNFCCC (COP21) in Paris on 12 December 2015 (the Paris Agreement),
- having regard to the UN Agenda 2030 for Sustainable Development, in particular Sustainable Development Goal (SDG) 11 on sustainable cities and communities,
- having regard to its resolution of 9 September 2015 on the urban dimension of EU policies ⁽⁶⁾,
- having regard to its resolution of 13 March 2018 on the role of EU regions and cities in implementing the COP 21 Paris Agreement on climate change ⁽⁷⁾,
- having regard to its resolution of 3 July 2018 on the role of cities in the institutional framework of the Union ⁽⁸⁾,
- having regard to its resolution of 17 September 2020 on the European Year of Greener Cities 2022 ⁽⁹⁾,
- having regard to its resolution of 21 January 2021 on access to decent and affordable housing for all ⁽¹⁰⁾,
- having regard to the Declaration towards the EU Urban Agenda, agreed on by the ministers responsible for territorial cohesion and urban matters on 10 June 2015,
- having regard to the Council conclusions of 24 June 2016 on an Urban Agenda for the EU,
- 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 18 July 2014 entitled ‘The urban dimension of EU policies — key features of an EU urban agenda’ (COM(2014)0490),
- having regard to the Commission communication of 30 June 2021 entitled ‘A long-term Vision for the EU’s Rural Areas — Towards stronger, connected, resilient and prosperous rural areas by 2040’ (COM(2021)0345),
- having regard to the Commission communication of 3 March 2021 entitled ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’ (COM(2021)0101),
- having regard to the Commission communication of 7 October 2020 entitled ‘A Union of Equality: EU Roma strategic framework for equality, inclusion and participation’ (COM(2020)0620),
- 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 New Leipzig Charter on the transformative power of cities for the common good, adopted at the Informal Ministerial Meetings organised on 30 November 2020,
- having regard to the New Urban Agenda adopted at the UN Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador, on 20 October 2016,
- having regard to the Commission’s State of European Cities Report 2016,
- having regard to the UN Women’s Global Flagship Initiative ‘Safe Cities and Safe Public Spaces for Women and Girls’,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which opened for signature in Istanbul on 11 May 2011 (the Istanbul Convention),

⁽⁶⁾ OJ C 316, 22.9.2017, p. 124.

⁽⁷⁾ OJ C 162, 10.5.2019, p. 31.

⁽⁸⁾ OJ C 118, 8.4.2020, p. 2.

⁽⁹⁾ OJ C 385, 22.9.2021, p. 167.

⁽¹⁰⁾ OJ C 456, 10.11.2021, p. 145.

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- having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Employment and Social Affairs and the Committee on Transport and Tourism,
 - having regard to the report of the Committee on Regional Development (A9-0352/2021),
- A. whereas cities continue to be on the front line of the COVID-19 crisis, with dwindling economic activity, high rates of infection, low rates of vaccination and often inadequate resources; whereas the pandemic has also exacerbated the prevailing shortcomings in urban areas, exposing their vulnerabilities;
- B. whereas long-standing inequalities within cities and towns have been deepened by the pandemic; whereas people in vulnerable situations have become even more vulnerable; whereas cities face challenges such as access to affordable housing, homelessness, social exclusion, poverty and a lack of access to public, health and other essential services;
- C. whereas 72 % of people in the EU live in cities and towns; whereas cities and towns must be directly involved in the recovery from COVID-19; whereas recovery efforts must strive to address long-standing vulnerabilities and go beyond addressing the health impacts of COVID-19 to tackle the persistent inequalities;
- D. whereas the pandemic has had gendered impacts that cities, towns and functional urban areas will need to take into account; whereas quarantines and social distancing requirements have put women at an increased risk of gender-based violence, while at the same time, women's access to support networks, social services and sexual and reproductive health facilities has been curtailed;
- E. whereas metropolitan areas are the most unequal when it comes to access to essential resources such as healthcare, education and digitalisation, especially for people in vulnerable situations; whereas more sustained efforts are needed to combat multiple forms of discrimination and inequality;
- F. whereas the digital divide is intersectional and spans all categories, including gender, generation and social status gaps, and has been exacerbated during the COVID-19 pandemic; whereas many households and educational institutions lack access to adequate, up-to-date digital equipment;
- G. whereas job losses are estimated to be higher in large cities than elsewhere, which hits low-skilled, self-employed and migrant workers and those with precarious contracts particularly hard; whereas the risk of unemployment is highest among young people, whose education, training pathways and personal development have been disrupted, and many have not found the internships or apprenticeships required to complete their studies;
- H. whereas the COVID-19 pandemic has had a significant impact on the culture and sport sectors, which has led to an economic recession and job losses; whereas urban areas, especially metropolitan areas, need adequate resources for the cultural and creative sectors to allow for the personal development of their inhabitants;
- I. whereas cities, towns and functional urban areas, such as metropolitan areas, are key economic pillars to boost growth, create jobs and enhance the Union's competitiveness in a globalised economy; whereas functional urban areas and mid-sized cities, despite strong disparities in the quality of services provided between urban and rural areas, can act as driving forces for rural attractiveness and development and provide their surrounding rural and depopulated areas with access to a number of services;
- J. whereas in urban areas, on top of the list of existing challenges, the climate emergency and demographic challenges are also present; whereas the multiplicity of challenges ultimately requires a response that is based on an integrated approach that brings together different sectors and looks for solutions that accommodate sectoral needs;

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- K. whereas physical distancing requirements have highlighted the lack of adequate parks, green areas and outdoor recreational facilities as well as the lack of adequate, safe transportation and alternative transport infrastructure in and around functional urban areas;
- L. whereas the COVID-19 crisis has exacerbated challenges such as the transport of food and medicines and the provision of health services, and has highlighted serious shortcomings in medical infrastructure and professional training for healthcare workers on how to respond to pandemics or other health emergency situations;
- M. whereas housing is a universal right and so Member States should establish specific strategies and appropriate measures to overcome obstacles to the right to housing; whereas investment in affordable housing is needed;
- N. whereas urban areas are responsible for the biggest proportion of energy consumption and greenhouse gas emissions in the EU and play a key role in the Union's fight against climate change; whereas cities, towns and functional urban areas will require extensive urban construction and the creation of a circular economy to help mitigate greenhouse gas emissions, limit global warming, reduce congestion, recycle waste and ensure the sustainability of the economy;
- O. whereas the global urban population is expected to increase by up to three billion people by 2050 and two thirds of the global population will be living in cities, and will consume 75 % of the world's natural resources and produce 50 % of global waste and over 60 % of greenhouse gas emissions;
- P. whereas public transport plays an important role in the fight against transport poverty; whereas there is an urgent need for a rapid increase in investments in sustainable public transport and in improving access to it, and in better walking and cycling infrastructure for the safety of road users and especially users with reduced mobility and other disabilities;
- Q. whereas all European cities are facing a record-breaking surge in energy prices that threatens to affect the post-pandemic economic recovery;
- R. whereas multi-level governance including the active involvement of urban authorities, based on coordinated action by the EU, the Member States and regional and local authorities, and in accordance with the partnership principle as laid down in the Common Provisions Regulation, are essential elements for the design and implementation of all EU programmes; whereas urban authorities have jurisdiction over project selection under funding from the European Regional Development Fund (ERDF) for sustainable urban development and under the new European Urban Initiative, which replaces the Urban Innovative Actions for the new programming period and offers further opportunities to test new solutions and approaches including those supporting urban areas for the post-COVID-19 era;

Inclusive cities

1. Acknowledges the social, economic, territorial, cultural and historical diversity of urban areas across the Union, and stresses the need to tackle challenges such as segregation and poverty;
2. Underlines that while the density of cities has many advantages in terms of sustainable living, a high concentration of the population in certain urban areas may also have repercussions on housing affordability, pollution levels, quality of life and the risk of discrimination, poverty, inequality and social exclusion;
3. Underlines that the COVID-19 pandemic has accentuated the trend of depopulation in underdeveloped urban areas, which often lack sufficient own revenues to provide residents with quality public services; encourages the Commission to provide recommendations and foster the sharing of best practices between Member States regarding administrative-territorial organisation and reforms;
4. Calls on the Member States to develop positive action measures that promote the inclusion of marginalised communities such as people with disabilities, more isolated older people, homeless people, migrants and refugees and ethnic minorities such as Roma; calls for funding needs to be directed at a local level, including those of urban areas, especially metropolitan areas, as well as at a regional, national and EU level, in order to support these marginalised

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communities sustainably; recalls that, in addition to sufficient national resources, structural funds are key to the successful implementation of policy measures put forward by the EU Roma strategic framework for equality, inclusion and participation; stresses the role of urban authorities in ensuring that these measures reflect the actual needs of Roma communities;

5. Underlines the vital role of urban accessibility in enabling persons with disabilities to exercise in full their right to mobility, study and work; calls on the Commission to promote full inclusivity and to provide access to urban development funding to ensure accessibility for persons with disabilities;

6. Stresses that for urban economies to recover without leaving anyone behind, investments and reforms should lead to stable and high-quality jobs, reinforced public infrastructure and services, enhanced social dialogue and support for inclusion and integration of disadvantaged groups, including by strengthening social protection and welfare systems;

7. Emphasises the need for an EU framework to support local and national strategies to fight homelessness and ensure equal access to decent housing for all by promoting an integrated approach combining housing support with social care, health services and active inclusion;

8. Calls on the Commission, the Member States and local and regional authorities to establish specific strategies and appropriate measures to overcome obstacles to the right to housing such as discrimination, financialisation, speculation, touristification, abusive lending practices and forced evictions;

9. Stresses that services of general economic interest (SGEIs) in housing should be principally guided by specific requirements determined by national, regional or local authorities, since these authorities have the ability to identify and address the housing needs and living conditions of different groups, which can differ greatly between rural and urban areas, and since these authorities play crucial roles in well-targeted decision-making; urges the Commission to adapt the target group definition of social and publicly funded housing in the rules on SGEIs, so as to allow national, regional and local authorities to support housing for all groups whose need for decent and affordable housing cannot be easily met under market conditions, while also ensuring that enough funding is allocated to the most disadvantaged, in order to unblock investment and ensure affordable housing, housing tenure neutrality and sustainable urban development and to create socially diverse neighbourhoods and enhance social cohesion;

10. Calls on the Commission and the Member States to further increase investment in social, public, energy-efficient, adequate and affordable housing, and in tackling homelessness and housing exclusion in the EU; calls for, in this regard, investment through the ERDF, the Just Transition Fund, InvestEU, ESF+, Horizon Europe, NextGenerationEU and especially through the Recovery and Resilience Facility, Coronavirus Response Investment Initiative and the Coronavirus Response Investment Initiative Plus; calls for greater cooperation between these instruments; welcomes the financing of social and affordable housing loans through InvestEU and the broader portfolio of the European Investment Bank (EIB); calls on the Commission and the Member States to integrate social progress as an investment priority, together with the green and digital transitions, into the Recovery and Resilience Facility in order to protect vulnerable people against the negative impact of the current crisis and to include social progress plans in recovery and resilience plans and outline how the principles of the European Pillar of Social Rights are going to be implemented and where social investments are going to be targeted, including investment in social housing; calls urgently on the Commission to ensure that EU funding and EIB financing become more accessible to local and regional social and public affordable housing providers; calls on the EIB to try to increase relevant lending via targeted technical assistance and closer cooperation with financial intermediaries and the Member States;

11. Highlights the socioeconomic challenges of urban centres, especially metropolitan areas with significant populations of migrants and refugees and other people in vulnerable situations; recalls that cities have a key role in building inclusive, accessible and welcoming communities where no one is left behind;

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12. Notes that migration has a direct impact on the inclusiveness of cities and requires tailored policy responses; points to the potential of the EU Action plan on Integration and Inclusion 2021-2027 in building inclusive and cohesive societies and targeting programmes to the most deprived neighbourhoods; notes also that community-led local development strategies are an essential tool to create jobs, reduce poverty and increase access to services in urban areas;

13. Highlights that in deprived urban areas, children often experience multiple risk factors, such as poor housing, discrimination, violence and unequal access to services such as childcare, healthcare and education; calls on the Member States to support local child guarantee schemes to address the specific challenges of urban child poverty;

14. Stresses the role played by cities towards gender equality and recalls that in accordance with the Common Provisions Regulation, all actions implemented under cohesion policy should take gender equality into account as a guiding principle throughout their preparation, implementation, monitoring, reporting and evaluation; underlines that action aimed at bridging the gender gap under cohesion policy should employ an intersectional approach that takes appropriate steps to prevent any discrimination based on religion or belief, disability, age or gender orientation and that bases itself on national strategic frameworks for gender equality; stresses, moreover, that the beneficiaries of cohesion policy programmes should not adopt any discriminatory policies, least of all against minorities, such as the LGBTI community; encourages the rejection of applications from potential beneficiaries, including from regional or local authorities, who have adopted discriminatory policies against members of the LGBTI community, such as the declaration of 'LGBT-free zones';

15. Highlights that in addition to health risks, women are more vulnerable to the economic risks associated with the COVID-19 pandemic; recognises that in a post-pandemic context, supporting women in the formal and informal sectors and better integrating women into policy planning for regional and urban development focusing on designing gender-inclusive cities and communities are essential for urban economic recovery;

16. Highlights the widespread gender data gap in the field of cohesion policy and urban planning and calls on the Member States to introduce data collection methods using sex-disaggregated data;

17. Emphasises the fact that the COVID-19 pandemic has led to spikes in domestic violence; calls on the Member States to allocate cohesion policy funding and mobilise urban authorities to address the global increase in gender-based violence; encourages EU cities to develop, implement, and evaluate comprehensive approaches to prevent and respond to sexual harassment and gender-based violence in public spaces by committing to the principles of the UN Women's Global Flagship Initiative 'Safe Cities and Safe Public Spaces for Women and Girls';

18. Calls on all Member States to urgently conclude the ratification of the Istanbul Convention on preventing and combating violence against women; asks the Commission to propose legislation to tackle all forms of gender-based violence and take the necessary steps to identify gender-based violence as a new area of crime to be listed under Article 83(1) TFEU;

19. Recognises the burden placed on women as principal caregivers in formal and informal settings, and the social value of that care, especially during the COVID-19 crisis; points out that 80 % of all care provided across the EU is provided by (unpaid) informal carers, 75 % of whom are women; points to the relevant role of European structural funds in securing investment in care services; welcomes the Commission's intention to propose a European care strategy;

20. Draws attention to unemployment and youth unemployment in particular, which has been exacerbated by the COVID-19 pandemic; calls on the Member States to actively involve urban authorities in devising programmes that meet the needs of young people in cities and in creating policies that focus on the mental health and well-being of young people, which is especially crucial in the post-COVID-19 context;

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Sustainable cities

21. Stresses the importance of sustainable urban development, including sustainable and affordable public transport, for the economic, social and territorial cohesion of the Union and the quality of life of its population and for reaching its climate neutrality goals by 2050 at the latest; recalls the opportunities for urban areas presented by the New European Bauhaus initiative and its guiding principles, which include sustainability, multi-level governance, aesthetics and inclusion;

22. Recognises that a synchronised strategy responding to COVID-19 and the green and digital transitions should be implemented to usher in an economic recovery that accelerates the sustainable transition;

23. Calls on the Union and the Member States, in line with their commitments under the Paris Agreement and the UN SDGs to prioritise and support circular economy frameworks, investments in renewable energy, sustainable and affordable urban and suburban mobility (in particular cycle path networks), alternative transport infrastructure in and around urban areas, proper maintenance of existing infrastructure and rapid investment in green infrastructure, parks, outdoor green and recreational facilities and respect for the 'do no significant harm' and 'energy efficiency first' principles; notes that initiatives such as the New European Bauhaus are a chance for urban areas to showcase the Renovation Wave⁽¹¹⁾ and projects prioritising the circular economy, sustainability and biodiversity; is encouraged that the New European Bauhaus is dedicated to following a participatory and transdisciplinary approach to building a sustainable environment for people to inhabit;

24. Believes that the COVID-19 crisis has shown the need for new urban planning and mobility solutions in order to make urban areas more resilient and adaptable to mobility demand and that the crisis should be taken as an opportunity to reduce transport congestion and greenhouse emissions; calls for investments in the promotion of urban mobility through environmentally friendly transport systems; highlights the need to promote and develop sustainable public transport systems in urban areas and to adapt public transportation capacity to the growing demand of day-to-day job travel in or out of city centres; calls on the Member States to reassess their investment in urban mobility and to give priority to digital infrastructure that will benefit all passengers, including people with reduced mobility;

25. Welcomes the Commission's intention to engage with cities and the Member States to ensure that all large cities and urban nodes in the Trans-European Transport Network (TEN-T) draw up sustainable urban mobility plans (SUMPs) by 2030; calls on the Commission and the Member States, in this regard, to work closely with regions and cities, particularly across borders, to enhance and complete missing last-mile infrastructure and multimodal and cross-border connections throughout the TEN-T; points out that many European ports are located near urban centres and are important transport nodes in the TEN-T;

26. Believes that the Commission should ensure that access to EU funding programmes for urban mobility, such as the ERDF, the Cohesion Fund and the Connecting Europe Facility, is conditional on existing or prospective SUMPs; emphasises that cohesion policy can help to grasp the potential of both artificial intelligence and the smart city model, such as by improving administrative capacity and digital skills, and should encourage a shift from experimenting with to scaling up smart city initiatives with funding and related support; calls on the Commission to consider ways to support cities in preparing their SUMPs to the highest standards; stresses that the Commission, the Member States and the regions should assist local authorities wherever possible in achieving this goal; welcomes, moreover, the EIB's intention to work together with public authorities to support ambitious investment programmes that promote sustainable mobility at local and regional levels, including through SUMPs and public transport projects;

27. Highlights that the lockdown and sanitary measures have had a considerable impact on mobility demand and choice of transport mode, leading people to use public transport less; calls for the sharing of best practices with regard to the implementation of a single and multimodal ticketing system which would allow people to move in a more user-friendly and safe way between and within urban areas in the EU;

⁽¹¹⁾ COM(2020)0662.

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28. Encourages the Commission to foster sharing of best practices between urban areas on sustainable urbanism and infrastructure, green urban planning, clean energy, energy efficiency, zero-emission public transport, pedestrian and cyclist mobility, efficient water resource management and sustainable and circular waste management;

29. Calls for the revision of the Commission's guidelines on developing and implementing SUMP; calls for those plans to foster multimodality and tackle some repercussions of an overconcentration of the population in certain urban areas, such as congestion and rising transport costs, through, for instance, balanced socioeconomic arrangements to ensure that the plans are non-discriminatory;

30. Asks the Commission, in view of the upcoming revision of the urban mobility package, to promote coordination between safety and sustainability measures in urban areas; encourages parking possibilities at the entry of urban areas (such as park-and-ride systems), to provide easy access to different modes of public transport, in order to substantially reduce urban congestion, CO₂ emissions and inner city above-ground and underground parking, and also to rebuild and enhance the attractiveness of city centres and attract potential customers to support the weakened retail sector post-pandemic and boost local value;

31. Highlights that the economic recovery of cities will be impeded by soaring energy prices; calls for proper steps to be taken to advance the Energy Union and strengthen the resilience of the European energy market; underlines that cheaper energy for all in urban areas is a must; encourages, therefore, the establishment of massive programmes to insulate buildings and place solar panels on roofs; highlights that local renewable energy communities should be empowered in order to reduce energy consumption, further the decarbonisation of energy systems and allow for the enjoyment of the social benefits of a local energy market;

32. Calls for action to improve urban air quality to minimise the risks for human health and fight environmental noise levels, which are rising in urban areas;

33. Notes that new personal mobility devices (including e-scooters and electric bikes) raise a number of safety concerns in urban areas; encourages the Commission to issue guidelines for Member States on managing these safety issues;

34. Notes that the COVID-19 pandemic has led to the expansion of the home delivery sector, which has led to the emergence of new types of platform work and business models in urban areas; recognises the need for recommendations on the safety of delivery personnel and on training in the digital tools they use, such as applications and interactive platforms;

35. Recalls that almost 40 % of all road fatalities in Europe occur in urban areas; reiterates that speeding is a key factor in around 30 % of fatal road crashes and an aggravating factor in most crashes; calls on the Commission to use its anticipated recommendation on speed to make 30 km/h the maximum default speed in residential areas and areas with a high number of pedestrians and cyclists, with the possibility for higher limits on main arterial roads and appropriate protection for vulnerable road users; welcomes the fact that the EU has reaffirmed its long-term strategic goal to get close to zero deaths and zero serious injuries on European roads by 2050 (Vision Zero) and its medium-term goal to reduce deaths and serious injuries by 50 % by 2030; calls on the Commission, therefore, to better integrate road safety into the SUMP guidelines and calls on local authorities to promote road safety through awareness-raising initiatives, appropriate actions and funding opportunities;

36. Warns that cities and towns are acutely vulnerable to the impacts of climate change; is highly concerned that heatwaves, which are already more extreme in cities due to the effects of urban heat islands, are increasing in both intensity and frequency, while extreme precipitation events and storm surges are likely to result in increased flooding such as that witnessed in Europe in summer 2021, or in extreme snow storms as in winter 2020-2021, which show the necessity of significantly increasing disaster resilience in cities; calls on the Commission to reinforce, where appropriate, its collaboration with local governments through existing structures, such as the EU Covenant of Mayors, the Green City Accord and the Mayors Alliance for the European Green Deal, to identify the needs and challenges related to climate change that urban areas face, co-design solutions to make cities greener and channel investments toward local actions; urges national, regional and local authorities to establish, in addition to their national energy and climate plans, urban strategies for climate change adaptation that encourage investment to transform cities and adapt them to the threats of climate change;

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37. Reiterates that 30 % of the multiannual financial framework and 37 % of NextGenerationEU are dedicated to climate action, while 20 % of NextGenerationEU is allocated to the digital transition; calls on the Commission to monitor and provide Member States with guidance and recommendations to ensure that necessary skills are developed to achieve the double green and digital transitions; deplores the exclusion of urban areas in the context of NextGenerationEU and therefore calls for better involvement and participation of cities, towns and functional urban areas in the planning and implementation of recovery and resilience plans;

38. Emphasises the need to plant more trees and install green roofs, as the greening of cities provides important recreational value for human beings and reduces the temperature, absorbs excess rainwater and therefore counteracts the effects of climate change and the loss of biodiversity; highlights that retrofitting buildings to lower-energy use and redesigning cities to increase green spaces and promote walking and biking will generate savings, create jobs, help fight energy poverty and yield climate benefits;

39. Stresses that the commitment of urban areas is crucial for the transition to a climate-neutral society and to a prosperous, fair, sustainable and competitive economy; notes that, in some cases, local governments lack the know-how, human resources and access to high-quality data necessary for launching actions and making progress; believes, therefore, that capacity building, technical support and funding must be used to the full, as agreed in the Common Provisions Regulation for urban and suburban authorities to achieve the targets of the European Green Deal and believes that urban authorities must have direct access to EU funding in the future;

Innovative cities

40. Emphasises that digitalisation has helped to address some of the immediate challenges arising from the pandemic, particularly during lockdown periods, and that among the many inequalities exposed by the COVID-19 pandemic, the digital divide is a serious one; notes that the pandemic has accelerated digitalisation, and technology has become imperative for teleworking, home-schooling, e-commerce, e-health, e-government, digital democracy and digital entertainment; calls on the Commission to monitor these developments closely and to ensure full compliance with the Union *acquis*, in particular as regards workers' and social rights; recalls that digitalisation and digital connectivity must be a priority for local communities in their recovery; reiterates the importance of having an adequate competition law and State aid framework that gives Member States full flexibility under State aid rules to support the economy during the coronavirus outbreak, especially by deploying high speed broadband and 5G infrastructure in all cities regardless of their size; calls on the Member States to support connectivity, provide equipment and ensure the presence of trained personnel in public, social and educational institutions;

41. Calls for actions and policies for a just digital transition, which should be deployed across various levels, from cities to the EU itself; calls for digital inclusion to be recognised as a right for all generations and for a clear commitment to achieve universal internet connectivity for cities;

42. Stresses that digital literacy should be strengthened to expand access to new opportunities; considers that investment in education and training must be boosted with comprehensive programmes in both the public and private sectors for worker upskilling, reskilling and lifelong learning that respond to the shifts in demand for skills; calls for the advancements of women and girls in education and careers in science, technology, engineering and mathematics (STEM);

43. Recalls that urban tourism has played an essential part in the devising of urban policies; points out that most EU cities have suffered from downturns in tourism following the pandemic and have had to search for new and more sustainable *modi operandi* to restore tourism, leading to the increased use of new digital technologies, which has enabled the better management of urban spaces and the movement of urban tourists to prevent the build-up of large groups and risky situations in the context of the pandemic;

44. Highlights that libraries and cultural centres are vectors for the facilitation of digital and social inclusion, lifelong learning and pathways to employment for urban communities and disadvantaged groups; draws attention, moreover, to the need for additional places for personal and political exchange;

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45. Underlines that artificial intelligence enables smart urban solutions, including more efficient energy, water and waste management and reduced pollution, noise and traffic congestion; is worried that local authorities will face numerous digital challenges, such as availability and reliability of data technology, dependency on private third parties and lack of skills; stresses that emerging technologies such as artificial intelligence must adhere to ethical criteria to avoid reproducing existing social inequalities;

46. Considers that existing urban primary health structures need to be strengthened physically and financially; notes that the shift in healthcare delivery should also increase digital innovation and improve the integration of care through up-to-date information channels to deliver more targeted, personalised, effective and efficient healthcare; calls on the Member States to work with local, regional and especially urban authorities to develop networks to educate people in the use of digital healthcare and digital public administration, which would enable universal and equitable access, while thoroughly protecting sensitive data and preventing cybercrime; highlights, therefore, the crucial role of Member States in supporting city authorities in their efforts to shape and ensure digital inclusion by protecting personal data and empowering people and local businesses through access to data;

Learning cities

47. Stresses the adverse effects of the COVID-19 pandemic on education and highlights the need to ensure inclusion and access to education;

48. Underlines the need for support to the cultural sector, as culture and cultural heritage are vital assets for regional competitiveness and social cohesion and help to shape the identity of cities and regions; stresses the importance of creating more cultural sites and ensuring their recovery post-COVID-19 and stresses the need to attract more young people to them;

49. Underlines the economic and social contributions and impact of the cultural and sport sectors to society; calls on the Commission and the Member States to cooperate and allocate sufficient national and EU funds to create a robust cultural and sport infrastructure and to promote education for the economic and recreational sectors, especially for grassroots culture and non-professional sport in urban and suburban areas; encourages the Member States to come up with an action plan to restart and boost the resilience of the two sectors as important parts of the economy at the local, national and EU level;

50. Stresses the importance of protecting the rights of children and young people and the need to create education and training systems that are robust, inclusive and functional, meet the real needs of people in their respective urban areas and are equipped for any health crises or natural disasters that may occur in the future;

51. Notes with concern that the COVID-19 crisis has had dramatic effects on a significant portion of European youth, which has manifested itself, in particular, in worrying isolation, numerous job losses and disrupted educational or training paths; underlines that this situation has resulted in changes in both the composition and size of the population of youth not in education, employment or training, which is a situation that needs to be properly assessed and identified in order to tackle the specific challenges resulting from the crisis and assist Member States in developing effective outreach strategies towards young people; suggests that the Commission carry out a study on the possibility of developing common European tools to map and track young people not in education, employment or training in order to enable an appropriate policy response in support of this particularly vulnerable group in the context of the COVID-19 crisis;

52. Emphasises the need to rethink solutions for the revitalisation of inner city centres as they have suffered from the closures of businesses and cultural sites, vacancies, a loss of attractiveness and an increase in online trade during and after the pandemic;

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53. Invites the Member States and regions to rethink and redesign educational infrastructure in line with new developments in the education professions; calls on the Commission and the Member States to allocate sufficient funds for the development of educational facilities and for the training of both teachers and students of all ages in the development of green and digital skills to prepare them for the future; recalls that digitalisation should go hand in hand not only with providing access to the internet, but also to the equipment necessary for internet use;

54. Considers that a series of innovative concepts, especially the hybrid use and multi-functionality of urban spaces, land-use justice and the '15-minutes city', will play a crucial role in the new model for the EU's urban areas;

Tailor-made policy initiatives

55. Underlines the need to adapt to the new reality in the light of the COVID-19 pandemic and to reflect on a new model for the EU's urban areas, while leaving more room for creativity, civic engagement and experimentation; believes that the Conference on the Future of Europe is an opportunity to bring cities more prominently into EU decision-making processes, and to give them an essential role in building stronger participatory democracy and dialogue with residents while adopting a bottom-up approach and rethinking urban governance; highlights the importance of developing comprehensive strategies based on the European Green Deal, the European Digital strategy⁽¹²⁾ and the long-term vision for the EU's rural areas; recalls the specific characteristics of the outermost regions in accordance with Article 349 TFEU;

56. Recognises the fact that despite the lack of explicit EU competences on urban development, a broad range of EU initiatives do have an impact on cities, towns and functional urban areas; acknowledges the need for stronger cooperation on EU programmes and policies among and within urban areas; is concerned that while various urban initiatives have grown in recent years, coordination remains low and risks of duplication and vague impacts remain;

57. Welcomes the Urban Agenda for the EU as a new model of multi-level governance; regrets that this remains a voluntary process and urges the Member States and the Commission to commit to implementing the recommendations; underlines the need for stronger civil society involvement in decision-making process and for the promotion of bottom-up approaches in order to address local and regional needs; stresses the importance of the participation of local small and medium-sized enterprises and start-ups in the context of urban and district development strategies and plans;

58. Recognises the important role that urban areas play in the concrete implementation of programmes and projects derived from EU legislation; calls on the Commission and Member States to provide strong support to local and regional authorities and their project management teams on EU programmes and funding opportunities, while ensuring that adequate administrative facilities in cities, towns and functional urban areas, including appropriately trained staff, exist;

59. Insists that regional and local authorities have a key role to play in all stages of EU decision-making: planning, preparation and implementation; calls for more direct EU funding to be made available to local and regional authorities in order to improve efficiency, ensure consistency and reduce administrative burdens; calls on the Commission, moreover, to provide Member States with all necessary guidance and to facilitate access to funding, differentiating between cities and regions depending on their level of digitalisation;

60. Reiterates the need for adequate and directly accessible funding opportunities in the future for cities to implement programmes locally; recalls that EUR 400 million of the resources for investments in jobs and growth should be allocated to the European Urban Initiative under direct or indirect management by the Commission as laid out in Regulation (EU) 2021/1058; calls on the Commission, in its mid-term review of the current programming period, to examine the effectiveness of the European Urban Initiative, in particular its budget and scope, and to encourage Member States to provide greater resources to support the delivery of the Urban Agenda;

61. Calls for the European Urban Initiative to be given a greater budget and scope, while ensuring that cities in the outermost regions have effective and facilitated access to it; notes that it should support the delivery of the Urban Agenda in the current programming period; views urban communities as key actors and stakeholders in the successful implementation

⁽¹²⁾ COM(2020)0067.

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of the EU-funded policies embedded in national recovery and resilience plans; calls on the Council and Member States to allocate up to 15 % for urban areas to address post-COVID challenges;

62. Highlights the importance of EU funding for implementing social inclusion locally; calls for its impact to be strengthened through a common management and reporting framework;

63. Acknowledges the crucial and unique role of local and regional authorities in tackling issues related to the COVID-19 pandemic; regrets that there is no current possibility of establishing a structured dialogue between the Commission and cities on the Recovery and Resilience Facility in order to monitor the involvement of urban authorities in the implementation of national recovery and resilience plans; calls on the Commission, in its review, to report on the implementation of the facility to examine the possible role of functional urban areas and if needed to strengthen their role in order to guarantee an effective implementation of the facility; underlines that urban authorities should be provided with the necessary support to properly implement national recovery and resilience plans through capacity building, exchanges and technical assistance;

64. Is of the opinion that, within the cohesion policy, the support from funds should strengthen participation processes to test new concepts and share experience by fostering the sustainable and integrated development of all types of territories and local initiatives; believes that capacity building of urban actors is an important factor in the creation of more resilient and sustainable cities; encourages cities, towns and functional urban areas to support citizens' initiatives; underlines that cities are urban laboratories, since they are places where sustainable future concepts and policies can be tested and where solutions for smart and inclusive communities can be developed;

65. Reminds each Member State that they should prepare a Partnership Agreement, in accordance with the code of conduct on partnerships, which sets minimum standards for the involvement of regional, local, urban and other public authorities, economic and social and other partners, as stated in Article 8(1) of the Common Provisions Regulation; calls for a greater involvement of the partners, including those in academia, innovation and research, in the preparation, implementation, monitoring and evaluation of EU programmes, including in monitoring committees;

66. Calls on the Member States and regions to ensure a comprehensive partnership, including with urban authorities, to design and implement the cohesion policy and to notify urban authorities as to why funding applications are refused; calls on the Commission to examine complaints from stakeholders such as urban authorities, including where no valid justification is given for the refusal of an application for funding;

67. Calls on the Commission to develop a strategy for functional urban areas and mid-sized cities, including funding opportunities for actions such as innovation partnerships and joint procurement schemes between EU cities and cooperation between EU cities and regions;

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

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P9_TA(2022)0023

Impact of national tax reforms on the EU economy

European Parliament resolution of 15 February 2022 on the impact of national tax reforms on the EU economy (2021/2074(INI))

(2022/C 342/02)

The European Parliament,

- having regard to Articles 110-113 of the Treaty on the Functioning of the European Union (TFEU) related to the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation,
- having regard to Articles 114-118 TFEU, which covers taxes that have an indirect effect on the establishment of the single market,
- having regard to the Commission's Annual Report on Taxation 2021 — Review of taxation policies in the EU Member States,
- having regard to the Commission communication of 15 July 2020 on an action plan for fair and simple taxation supporting the recovery strategy (COM(2020)0312),
- having regard to the Commission communication of 18 May 2021 entitled 'Business Taxation for the 21st Century' (COM(2021)0251),
- having regard to the Commission communication of 24 September 2020 on a Capital Markets Union for people and businesses-new action plan (COM(2020)0590),
- having regard to the Commission's country-specific recommendations published in the framework of the European Semester and its assessments of the recovery and resilience plans submitted by the Member States as part of the Recovery and Resilience Facility,
- having regard to the 2020 Commission survey entitled 'Tax policies in the European Union',
- having regard to the conclusions of the Economic and Financial Affairs Council Meeting on 1 December 1997 concerning taxation policy — Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 1 December 1997 on a code of conduct for business taxation — Taxation of saving ⁽¹⁾,
- having regard to the Commission report of 29 September 2015 entitled 'Tax reforms in EU Member States 2015 — Tax policy challenges for economic growth and fiscal sustainability',
- having regard to the overview of the preferential tax regimes examined by the Code of Conduct Group (Business Taxation) since its creation in March 1998,
- having regard to the report of 21 April 2021 of the Organisation for Economic Co-operation and Development (OECD) entitled 'Tax Policy Reforms 2021 — Special Edition on Tax Policy during the COVID-19 Pandemic',

⁽¹⁾ OJ C 2, 6.1.1998, p. 1.

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- having regard to the two-pillar solution to address the tax challenges arising from the digitalisation of the economy agreed on by the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting,
 - having regard to the OECD report of 19 May 2020 entitled ‘Tax and Fiscal Policy in Response to the Coronavirus Crisis: Strengthening Confidence and Resilience’,
 - having regard to the policy paper of 25 May 2021 by the International Monetary Fund entitled ‘Taxing Multinationals in Europe’,
 - having regard to its own-initiative report on reforming the EU policy on harmful tax practices (including the reform of the Code of Conduct Group),
 - having regard to its resolution of 7 October 2021 on reforming the EU policy on harmful tax practices (including the reform of the Code of Conduct Group) ⁽²⁾,
 - having regard to its resolution of 16 September 2021 on the implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome ⁽³⁾,
 - having regard to its resolution of 15 January 2019 on gender equality and taxation policies in the EU ⁽⁴⁾,
 - having regard to its resolution of 21 October 2021 on the Pandora Papers: implications for the efforts to combat money laundering, tax evasion and tax avoidance ⁽⁵⁾,
 - having regard to the report by the European Tax Observatory entitled ‘New Forms of Tax Competition in the European Union: an Empirical Investigation’ published in November 2021,
 - having regard to Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ⁽⁶⁾ (Directive on Administrative Cooperation),
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0348/2021),
- A. whereas the issue of harmful tax practices was debated, and reforms proposed, in Parliament’s resolution of 7 October 2021 on reforming the EU policy on harmful tax practices (including the reform of the Code of Conduct Group); whereas the short-term effects of the COVID-19 pandemic and the long-term structural transformation as a result of demographic trends, digitalisation and the transition towards a carbon neutral economic model have impacted Member States’ choices regarding the design of future tax policies;
- B. whereas although tax policy largely remains a responsibility of the Member States, the single market requires harmonisation and coordination in setting tax policy in order to further single market integration and prevent tax base erosion; whereas national measures can impact the tax collection of other Member States and can have a distortive effect on both fair competition and investments;
- C. whereas tax policy fragmentation creates various obstacles for citizens and companies in the single market, particularly small and medium-sized enterprises (SMEs), including legal uncertainty, red tape, the risk of double taxation and difficulties claiming tax refunds; whereas these obstacles discourage cross-border economic activity and can distort the

⁽²⁾ Texts adopted, P9_TA(2021)0416.

⁽³⁾ Texts adopted, P9_TA(2021)0392.

⁽⁴⁾ OJ C 411, 27.11.2020, p. 38.

⁽⁵⁾ Texts adopted, P9_TA(2021)0438.

⁽⁶⁾ OJ L 64, 11.3.2011, p. 1.

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single market; whereas policy fragmentation equally creates risks for tax authorities such as double non-taxation and arbitrage (such as tax planning and aggressive tax avoidance practices); whereas Member States continue to lose tax revenue to harmful tax practices because of loopholes between Member States' legislation, or between Member States and third countries, and estimates of revenue lost as a result of corporate tax avoidance range from EUR 36-37 billion to EUR 160-190 billion per year; whereas policy fragmentations increase the cost of enforcement for tax authorities;

- D. whereas within the EU's social market economy, adequate tax levels and simple and clear tax laws should aim at being as least distortive as possible; whereas sound tax policies should support the fulfilment of the policy objectives outlined in Article 3 of the Treaty on European Union leading to fairer and more sustainable societies, and improving the competitiveness of the EU and its Member States; whereas the economic recovery and the challenges associated with the climate crisis, the ecological transition and the digitalisation of the economy involve profound changes and a re-evaluation of the current taxation policies; whereas fiscal measures should not hinder private initiatives that generate economic growth, reactivate countries' economies and promote job creation in the EU;
- E. whereas efficient tax systems are transparent, easy to comply with and generate consistent tax revenue; whereas growth-oriented tax reforms shift the tax burden towards consumption and property taxes and aim to broaden the tax base;
- F. whereas the rationale for national tax policy reforms differs from case to case reflecting the structural characteristics of the economies of the Member States and can encompass motives such as making taxation more reliable and certain, enabling economic growth, increasing revenue, improving distribution, setting behavioural incentives and keeping up with structural changes in the economy;
- G. whereas the overall level of taxation (understood as taxes and compulsory social contributions) differs considerably between Member States, as demonstrated by the fact that the tax-to-GDP ratio ranged from 22,1 % in Ireland to 46,1 % in Denmark in 2019; whereas on aggregate, the tax burden in the EU (40,1 %) is higher than some other advanced economies (the OECD average was 34,3 % in 2018); whereas the weighted average statutory corporate income tax rate in OECD countries declined from 46,52 % in 1980 to 25,85 % in 2020, representing a 44 % reduction in the past 40 years;
- H. whereas in total, the composition of the tax mix in the EU remained broadly stable in the 2004-2019 period, while the overall level of tax revenue slightly increased; whereas the composition of the tax mix (relative shares of labour, consumption, capital, environmental and other taxes) varies significantly in the EU, with some Member States having a more growth-friendly tax mix than others;
- I. whereas strong tax competition in the EU appears to have been a major driving force behind the steep decline in corporate income tax rates that has brought the average European corporate income tax rate below the average rate in OECD countries;
- J. whereas during the pandemic, many countries resorted to tax reforms in order to support the economy and only a subset of these measures were temporary; whereas these tax reforms encompassed immediate relief measures for businesses and households such as payment deferrals, enhanced loss carry-forwards and accelerated tax refunds, as well as recovery-oriented stimulus measures;
- K. whereas the OECD/G20 Inclusive Framework on base erosion and profit shifting agreed on a two-pillar reform of the international tax system to address the challenges arising from the digitalisation of the economy, including a minimum effective corporate tax rate of 15 %;

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General remarks

1. Recalls that Member States are free to decide on their own economic policies and in particular their own tax policies within the boundaries of the EU treaties and insofar as EU law is transposed and properly enforced, although this could lead to policy fragmentation and an unequal playing field in the EU; recalls that this allows for fair competition and limits distortions of the EU single market;
2. Observes that the single market, with its free movement of factors of production and close economic relations with non-EU neighbours, has generated large trade, investment and financial flows among Member States; notes that this deep interdependency has made each country's tax base and rate sensitive to that of other countries, magnifying corporate income tax spillovers in particular;

Impact on SMEs

3. Notes that the estimated tax compliance costs for large multinational companies (MNEs) amount to about 2 % of taxes paid, while for SMEs the estimate is about 30 % of taxes paid; recalls that European companies, in particular SMEs, are the main enhancers of economic growth and job creation; recalls that some Member States have developed schemes that would tax profits made in an international context at a lower rate than the national nominal rate, thus putting SMEs at a competitive disadvantage⁽⁷⁾; notes further that empirical evidence suggests that MNEs' profits tend to be taxed less than the profits of domestic peers, reflecting profit shifting from high- to low-tax affiliates;
4. Highlights that differences in national tax regimes can present obstacles to SMEs trying to operate across borders; stresses that compared to multinational enterprises, SMEs have fewer resources to spend on tax compliance and tax optimisation; points out that the share of expenditure used for tax compliance purposes is higher for SMEs than for multinational enterprises;
5. Notes that tax base harmonisation such as the common corporate tax base or the 'Business in Europe: Framework for Income Taxation' (BEFIT) could reduce the cost of tax compliance for SMEs that operate in more than one Member State; welcomes, therefore, the Commission's communication on business taxation for the 21st century which states that 'the lack of a common corporate tax system in the Single Market acts as a drag on competitiveness [...] and creates a competitive disadvantage compared to third country markets'; reiterates that taxing profits in the country where the economic activities take place will allow governments to offer a level playing field for their SMEs; highlights the need to tax corporations using a fair and effective formula for the allocation of taxing rights between countries that takes into account factors such as the workforce and the existence of tangible assets; notes that the publication of the Commission's BEFIT proposal is only expected in 2023; invites the Commission to speed up the adoption process and calls on the Member States to swiftly agree on an ambitious proposal for a European corporate tax rulebook;
6. Notes that Parliament, in dialogue with experts, national parliaments and citizens, will contribute to developing guiding principles ahead of the BEFIT proposal by the Commission in 2023;
7. Notes that many Member States as well as the EU have introduced dedicated regimes that favour SMEs, such as special VAT rules to offset the higher effective tax rates and higher tax compliance costs for SMEs; stresses that such special treatment, if utilised extensively, while generally positive, could risk introducing further distortions and further possibilities of aggressive tax planning, and could further increase the overall complexity of the system; calls on the Member States to design tax benefits for SMEs in a way that is consistent with the overall tax regime and does not encourage SMEs to stay small;

⁽⁷⁾ Commission press release of 16 September 2019 entitled 'State aid: Commission opens in-depth investigation into individual "excess profit" tax rulings granted by Belgium to 39 multinational companies'.

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8. Notes that SMEs are often less able to absorb or finance losses than larger companies because of more limited cash flows; welcomes, in this regard, the Commission recommendation of 18 May 2021 on the tax treatment of losses during the COVID-19 crisis⁽⁸⁾ and calls on the Member States to take these recommendations into consideration;

Harmonisation and coordination of tax policy

9. Highlights that the fragmentation of national tax policies can have a distortive effect on the EU single market and can be harmful for the EU economy; welcomes the fact that the EU has developed coordination mechanisms such as peer review procedures within the Code of Conduct Group (CoC) and country-specific recommendations in the context of the European Semester; believes that both of these mechanisms need to be further improved; underlines that within the CoC, Member States re-examine, amend or abolish their existing tax measures that constitute harmful tax competition, and refrain from introducing new ones in the future; recalls, in this regard, Parliament's position of October 2021 calling for the reform of the criteria, scope and governance of the CoC to ensure fair taxation within the EU;

10. Points out that the Commission recommended to six Member States that they curb aggressive tax planning as part of the 2020 country-specific recommendations (CSRs); recognises the positive impact of the CSRs in fostering necessary tax reforms in the Member States that received recommendations on aggressive tax planning while deploring that some Member States have yet to address the CSRs on aggressive tax planning;

11. Recalls that the Recovery and Resilience Facility and the CSRs, including those related to taxation, are intricately linked, as set out in Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing a Recovery and Resilience Facility⁽⁹⁾;

12. Highlights that since 2011, the Directive on Administrative Cooperation (DAC) has laid down the rules for cooperation between Member States' tax authorities with the aim of ensuring the proper functioning of the single market; welcomes the fact that since 2011, the scope of the DAC has been continuously widened to new domains in order to curb tax fraud and tax avoidance and that considerable progress has been made in the past decades; recalls Parliament's implementation report adopted in September 2021 which identifies shortcomings in the effective implementation of the DAC by the Member States and highlights the need to strengthen the exchange of information between national tax authorities;

13. Notes the limits of the current decision-making process in the Council in responding to the legislative needs to foster coordination among Member States and fight harmful tax practices; call for all possibilities offered by the TFEU to be explored; recalls that the procedure laid down in Article 116 TFEU can be applied when harmful tax practices are distorting competition in the single market;

14. Highlights that in order to maximise impact, the ideal level for tax policy coordination is on the international stage through the G20/OECD; stresses nevertheless that developing countries should be fully included in the negotiation process; notes that EU tax proposals based on international agreements have historically been more likely to be adopted by the Council;

15. Recognises, however, that international negotiations in the field of taxation sometimes face difficulties in reaching a consensus and are therefore slow to address the shortcomings of the international tax system; recommends in such cases that the EU consider leading by example without prejudice to international negotiations;

16. Welcomes the historic agreement reached within the OECD/G20 Inclusive Framework on the reform of the international tax system based on the two-pillar solution with the aim of ensuring a fairer distribution of profits and taxing rights among countries with respect to the largest and most profitable multinational companies which suggests that multinational enterprises be subject to a 15 % effective tax rate; urges the Commission and the Member States to work together and ensure the transposition into EU law of the OECD/G20 Inclusive Framework agreement on the two pillars as

⁽⁸⁾ OJ L 179, 20.5.2021, p. 10.

⁽⁹⁾ OJ L 57, 18.2.2021, p. 17.

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announced by the President of the Commission in her 2021 State of the Union Letter of Intent; calls on the Council to swiftly adopt such proposals to make it effective from 2023; invites the Member States to consider advocating for similar international agreements for other types of suitable taxes;

Recommendations and areas for reform

17. Points out that in areas of high importance for the functioning of the single market, such as taxation and the capital markets union, more harmonisation is warranted either through better Member State coordination or EU action;

18. Stresses that Member States still use various criteria to determine tax residence status, creating a risk of double taxation or double non-taxation; recalls, in this regard, the initiatives outlined in the Commission's July 2020 action plan aiming to put forward a legislative proposal by 2022 or 2023 to clarify where taxpayers active across borders in the EU are to be considered residents for tax purposes; looks forward to this proposal which should aim at ensuring a more consistent determination of tax residence within the single market;

19. Notes that digitalisation and a heavy reliance on intangible assets which pose challenges to the current tax system warrant a high degree of policy coordination and harmonisation in order to establish a level playing field and to ensure that digital companies are fairly contributing to the societies where they do business; notes the fact that some Member States have pressed ahead with the introduction of national digital taxes despite ongoing negotiations at EU and OECD level; notes that this has had a positive impact on the international debate; stresses that these national measures should be phased out following the implementation of an effective international solution;

20. Recalls that the EU agreed to implement a new own resource based on a digital levy as a way to finance the NextGenerationEU recovery instrument and calls on the Commission to come forward with alternative proposals that will be compatible with international commitments;

21. Deplores the fact that differences in withholding tax and withholding tax reimbursement procedures remain a considerable obstacle to further capital markets union integration; welcomes the Commission's announcement to propose a legislative initiative for introducing a common, standardised, EU-wide system for withholding tax relief at source;

22. Deplores the debt equity bias in corporate taxation that allows for generous tax deductions on interest payments, while equity financing costs cannot be deducted in a similar manner; highlights the structural disadvantage facing companies that rely on equity financing, in particular if they are young and small companies with poor access to credit; notes that the debt equity bias might incentivise companies to take on too much debt;

23. Notes that debt equity bias varies considerably between the Member States; notes the fact that some Member States have introduced allowances for corporate equity to address this issue; recalls that some of these allowances for corporate equity have been exploited as tax loopholes, allowing multinational enterprises to artificially deduct national interests; stresses that a common European approach would be preferable in order to avoid distortions in the single market;

24. Recalls that such bias can be tackled by either allowing for new deduction of costs related to equity financing or by reducing the interest deduction possibilities; recalls that Parliament proposed limiting the deduction of exceeding borrowing costs to up to 20 % of the taxpayer's earnings before interest, tax, depreciation and amortisation while the Council adopted a higher threshold of up to 30 %⁽¹⁰⁾; recalls that, according to the OECD, a ratio of 30 % may be too high to effectively prevent base erosion and profit shifting⁽¹¹⁾;

⁽¹⁰⁾ European Parliament position of 8 June 2016 on the proposal for a Council directive laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ C 86, 6.3.2018, p. 176).

⁽¹¹⁾ OECD, *Public Discussion Draft — BEPS Action 4: Interest Deductions And Other Financial Payments*, 2014.

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25. Looks forward to the Commission's proposal for a debt equity bias reduction allowance; urges the Commission to perform a thorough impact assessment and incorporate effective anti-avoidance provisions to avoid any allowance on equity being used as a new tool for base erosion;

26. Notes that the effective marginal tax rate (EMTR) can be a decisive factor for corporations making investment decisions, together with the quality of infrastructure, the availability of an educated, healthy workforce, and national stability⁽¹²⁾; notes that there is considerable variation in the EMTR across Member States; invites the Commission to look into whether some Member States are distorting competition by artificially lowering their EMTR, e.g. through accelerated depreciation schedules or by adjusting the tax deductibility of certain items, and to communicate its results to Parliament;

27. Notes that while tax rulings can establish legal clarity for companies, they also carry the potential for abuse through the granting of preferential tax treatment; points out, however, that a simple tax system is the preferred way to establish legal certainty;

28. Welcomes the fact that the Commission is willing to apply its constitutional role to fight the distortion of competition by making use of competition law; deplores that several recent Commission decisions in high-profile competition cases in the area of taxation have been annulled by national courts and the Court of Justice of the European Union;

29. Highlights that tax incentives applied in a fiscally responsible manner for private research and development (e.g. via tax credits, enhanced allowances or adjusted depreciation schedules) can help lift an economy's overall spending towards research and development, which often comes with positive externalities; is concerned, however, that certain types of tax incentives such as patent box/intellectual property box regimes do little to increase research and development spending and may actually distort the single market by inciting profit shifting and aggressive tax planning; notes that tax incentives should aim to attract investments in the real economy and therefore be expenditure-based instead of profit-based in order to better target the input of innovation; invites the Commission to propose guidelines on tax incentives that are not distortive for the single market, notably by favouring incentives that are cost-based, limited in time, regularly assessed, and repealed in the event that they have no positive impact, are limited in geographical scope and are partial rather than full exemptions;

30. Stresses that further harmonisation regarding tax incentives for research and development spending may be warranted; notes that this was part of the Commission's initial common corporate tax base proposal; deplores the fact that this topic was not addressed in the recent communication on business taxation for the 21st century;

31. Notes that an important part of budgetary capacity is channelled through tax incentives in the form of exemptions, deductions, credits, deferrals and reduced tax rates; calls on the Commission to provide an assessment of all ineffective tax incentives and subsidies, in particular those harmful to the environment and leading to negative economic distortions; calls on the Commission to establish a screening framework for tax incentives in the EU and to oblige Member States to publish the fiscal costs of tax incentives; calls on the Member States to perform annual, detailed and public cost-benefit analyses of each tax provision; is of the opinion that tax certainty would be reinforced if Member States had a common understanding of which tax incentives are not distortive; calls on the Commission to issue guidelines on tax incentives that are not distortive for the single market;

32. Calls on the Member States to compromise on a strong, comprehensible and ambitious reform on indirect taxation, mainly on VAT; stresses that reducing complexity and bureaucracy and properly addressing tax fraud and evasion on VAT is essential to preserve the integrity of the single market;

⁽¹²⁾ World Economic Forum, *The Global Competitiveness Report 2019*.

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33. Calls on the Member States to continue reforming tax authorities, to speed up digitalisation and to start implementing strategic approaches to support SMEs with tax compliance as well as to identify opportunities for burden reductions; calls on the Member States to perform sound and robust reforms on the complexity of tax systems, with the aim of reducing bureaucracy, the administrative burden and compliance costs; recalls that there is high added value on European cooperation on this matter and on the exchange of best practices between tax authorities;

34. Calls on the Member States to make better use of the EU fiscalis programme in order to improve cooperation between tax authorities in their reform efforts; calls on the Commission, in this regard, to establish an Erasmus exchange programme for tax officers in order to encourage the take-up of best practices;

35. Asks the Commission to follow and monitor new national tax reforms or measures implemented as a result of the COVID-19 pandemic to sustain the economy, in particular measures that are not temporary; calls on the Member States to perform reforms on tax systems and to take advantage of the opportunities offered by European instruments that aim to support the economic recovery; stresses that these reforms must respect the European fiscal framework; recalls that these reforms should be performed in full respect of national competences on tax matters, but stresses that strong coordination between Member States would result in significant added value;

36. Supports high standards of respect for taxpayer rights, especially on privacy and data protection, and in particular for individuals, in any political and legislative process regarding taxation;

37. Notes that most national procurement procedures in Member States use lowest price as the only award criterion for public contracts; recalls the Council's call on the Commission to consider how to tackle distortive effects resulting from the participation of bidders with activities in jurisdictions included on the EU list of non-cooperative jurisdictions for tax purposes; invites the Commission to revisit its public procurement strategy in this regard;

EU taxation scoreboard

38. Takes note of the Commission's ongoing work on an EU tax scoreboard; recommends the use of economic indicators that allow distortions in the single market, such as the levels of FDI, royalties and interests payments, to be identified; highlights that such a scoreboard must contribute to the fight against harmful tax competition; calls on the Commission to duly take into account the considerable public revenue losses imposed by national tax policies that are facilitating tax avoidance; understands that this tax scoreboard must be built as an instrument to help Member States perform sound and robust reforms on tax matters; warns against the use of this scoreboard to shame specific Member States, but believes it can foster debate on needed reforms; encourages strong cooperation with current European platforms in the building of this scoreboard; understands that this new instrument could be useful for the European Semester process and in particular for the country specific recommendations;

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

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P9_TA(2022)0024

Genetically modified soybean GMB151 (BCS-GM151-6)

European Parliament resolution of 15 February 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D075506/01 — 2021/2947(RSP))

(2022/C 342/03)

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 GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D075506/01,
- 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 4 February 2022, 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 27 January 2021, and published on 19 April 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 genetically modified soybean GMB 151 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2018.153), EFSA Journal 2021; 19(4):6424, <https://doi.org/10.2903/j.efsa.2021.6424>.

⁽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 MZHGOJG (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).
- 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).

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- 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 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,
- A. whereas, on 9 October 2018, BASF SE, based in Germany, submitted, on behalf of BASF Agricultural Solutions Seed US LLC, based in the United States, ('the applicant'), an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified soybean GMB151 (the 'GM soybean'), in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; 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 27 January 2021, EFSA adopted a favourable opinion, which was published on 19 April 2021;
- C. whereas the GM soybean has been developed to confer tolerance to a group of herbicides known as HPPD-inhibitors, such as isoxaflutole, mesotrione and tembotrionine, and produces an insecticidal protein (a Bt toxin), Cry14Ab-1.b ⁽⁵⁾, which is toxic to nematodes (roundworms);

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 ⁽⁶⁾; whereas, as a consequence, it has to be expected that the GM soybean will be exposed to both higher and repeated doses of the complementary herbicides which will potentially lead to a higher quantity of residues in the harvest;
- E. whereas isoxaflutole is, according to the harmonised classification and labelling approved by the Union, very toxic to aquatic life and suspected of damaging the unborn child ⁽⁷⁾;
- F. whereas only isoxaflutole was used on the GM soybean for the purpose of the risk assessment; whereas, however, HPPD-inhibitor herbicides encompass a range of herbicides, including mesotrione, which could also be used in large quantities on this GM soybean;
- G. whereas, according to EFSA, mesotrione 'may be considered to have endocrine disrupting properties', whilst the genotoxic potential of AMBA, a breakdown product of mesotrione, 'could not be ruled out' ⁽⁸⁾;

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- 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 (Texts adopted, P9_TA(2021)0334).
 - 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 (Texts adopted, P9_TA(2021)0335).
 - 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 (Texts adopted, P9_TA(2021)0336).

⁽⁵⁾ EFSA opinion, p. 6 and 7.

⁽⁶⁾ 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>.

⁽⁷⁾ <https://echa.europa.eu/substance-information/-/substanceinfo/100.114.433>

⁽⁸⁾ EFSA Conclusion on the peer review of the pesticide risk assessment of the active substance mesotrione, *EFSA Journal* 2016; 14 (3):4419, p. 3, <https://doi.org/10.2903/j.efsa.2016.4419>.

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- H. whereas assessment of herbicide residues, and their break-down products ('metabolites'), found on GM plants is considered to be 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 the toxicity of the metabolites, can be influenced by the genetic modification itself;
- I. whereas, due to specific agricultural practices in the cultivation of herbicide-tolerant GM plants, there are specific patterns of application, exposure, occurrence of specific metabolites and emergence of combinatorial effects that require special attention; whereas those patterns were not considered by EFSA;
- J. whereas it cannot therefore be concluded that consumption of the GM soybean is safe for human and animal health;

Outstanding questions concerning Bt toxins

- K. whereas isolated Cry14Ab-1 proteins obtained from microbial recombinant systems were used for the safety studies⁽⁹⁾; 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 phenomenon has been demonstrated in a number of scientific studies, including one conducted for Monsanto thirty 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⁾;
- L. whereas this enhanced toxicity has 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 to humans and animals that consume food and feed containing Bt toxins arising from this enhanced toxicity due to the interaction between PI and Bt toxins cannot, therefore, be ruled out;
- M. 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;
- N. whereas a scientific study found that the toxicity of Bt toxins may also be enhanced through interaction with residues from spraying with herbicides and that further studies are needed on the combinatorial effects of 'stacked' events (GM crops which have been modified to be herbicide tolerant and to produce insecticides in the form of Bt toxins)⁽¹²⁾; whereas, however, assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is considered to be outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the risk assessment;

Comments from Member State competent authorities

- O. whereas Member State competent authorities submitted comments to EFSA during the three-month consultation period⁽¹³⁾; whereas critical comments included that data should have been provided to assess whether an accumulation of herbicide residues and metabolites occurs in the GM soybean, whether unacceptable levels of such residues and metabolites may be contained in the GM soybean imported into the Union and the consequences with regard to sub-chronic, developmental and reproductive toxicity, that the basis for the environmental risk assessment is associated with a number of shortcomings and uncertainties therefore remain regarding the environmental risk associated with the GM soybean, that present studies are not sufficient to conclude that exposure of the environment and thus effects on

⁽⁹⁾ EFSA opinion, p. 16.

⁽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*, 1990, 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⁾ <https://www.sciencedirect.com/science/article/pii/S0278691516300722?via%3Dihub>

⁽¹³⁾ Member State comments on the GM soybean can be accessed via EFSA's register of questions: <https://www.efsa.europa.eu/en/efsajournal/pub/5946>

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non-target organisms will be negligible, that the impact of the GM soybean cultivation in the producing countries should be considered, and that 'on the basis of the evidence presented in the dossier, it is not possible to conclude on the comparative assessment of soybean GMB151, or on its safety';

Undemocratic decision-making

- P. whereas the Commission recognises that it is problematic 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;
- Q. whereas, in its eighth term, 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, Parliament has already adopted 21 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 the granting of authorisations include 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⁽¹⁴⁾;

Upholding the Union's international obligations

- T. whereas a 2017 report by the United Nations ('UN') Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health⁽¹⁵⁾; whereas the UN's Sustainable Development Goal ('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 which has been modified to be treated with HPPD inhibitor herbicides such as isoxaflutole and mesotrione, thereby increasing the exposure of workers in third countries; whereas the risk of increased worker and environmental exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;
- U. 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 UN SDG 15 includes the target of halting deforestation by 2020⁽¹⁸⁾; whereas forests play a multifunctional role that support the achievement of most UN SDGs⁽¹⁹⁾;

⁽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://www.un.org/sustainabledevelopment/health/>

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

⁽¹⁸⁾ See target 15.2: <https://www.un.org/sustainabledevelopment/biodiversity/>.

⁽¹⁹⁾ Commission communication of 23 July 2019 entitled 'Stepping up EU action to Protect and Restore the World's forests' (COM(2019)0352), p. 2.

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- V. 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 ⁽²⁰⁾; whereas the vast majority of GM soybeans authorised for cultivation in Brazil and Argentina are also authorised for import into the Union;
- W. whereas the Union is party to the UN Convention on Biological Diversity ('UN CBD'), which makes it clear that both exporting and importing countries have international responsibilities regarding biological diversity;
- X. 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 SDGs, the Paris Climate Agreement and the UN CBD;
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 ⁽²¹⁾, 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. 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 breakdown products and any combinatorial effects, including with the GM plant itself;
 5. 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 ⁽²²⁾; 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 such authorisations;
 6. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
 7. Calls on EFSA 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 as well as residues from spraying with the complementary herbicides and to assess the related impact on the environment and health and food safety;

⁽²⁰⁾ 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, <https://www.isaaa.org/resources/publications/briefs/53/download/isaaa-brief-53-2017.pdf>.

⁽²¹⁾ 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).

⁽²²⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

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8. 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;
 9. Reiterates its call for the implementation of a European vegetable protein production and supply strategy ⁽²³⁾, which would enable the Union to become less dependent on GM soybean imports and to create shorter food chains and regional markets;
 10. 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⁾;
 11. 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;
 12. 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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⁽²³⁾ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 64.

⁽²⁴⁾ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.

⁽²⁵⁾ Texts adopted, P9_TA(2020)0364.

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P9_TA(2022)0025

Genetically modified cotton GHB614 (BCS-GHØØ2-5)**European Parliament resolution of 15 February 2022 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 GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D076839/01 — 2021/3006(RSP))**

(2022/C 342/04)

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 cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D076839/01,
- 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 Article 11(3) and Article 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 8 December 2021, at which no opinion was delivered, and to the vote of the Appeal Committee on 31 January 2022, at which again 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 28 May 2021, and published on 7 July 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 cotton GHB614 for renewal authorisation under Regulation (EC) No 1829/2003 (application EFSA-GMO-RX-018), EFSA Journal 2021; 19(7):6671, <https://www.efsa.europa.eu/en/efsajournal/pub/6671>

⁽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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- 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).

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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 by the Committee on the Environment, Public Health and Food Safety,
- A. whereas Commission Decision 2011/354/EU ⁽⁵⁾ authorised the placing on the market of food and feed containing, consisting of or produced from genetically modified cotton GHB614 ('the GM cotton'); whereas the scope of this authorisation also covered the placing on the market of products other than food and feed containing or consisting of the GM cotton, for the same use as any other cotton, with the exception of cultivation;
- B. whereas on 22 April 2020, BASF SE, based in Germany, on behalf of BASF Agricultural Solutions Seeds US LLC, based in the United States ('the applicant') submitted to the Commission an application, in accordance with Articles 11 and 23 of Regulation (EC) No 1829/2003, for the renewal of that authorisation;
- C. whereas, on 28 May 2021, EFSA adopted a favourable opinion in relation to the renewal of the GM cotton, which was published on 7 July 2021; whereas, on 5 March 2009, EFSA adopted a favourable opinion in relation to the initial authorisation of the GM cotton which was published on 10 March 2009 ⁽⁶⁾;
- D. whereas the GM cotton express a modified 5-enopyruvyl-shikimate-3-phosphate synthase (2mEPSPS) of maize origin that is insensitive to broad-spectrum, post-emergent, foliar applied herbicides containing the active ingredient glyphosate ⁽⁷⁾; whereas, in other words, the GM cotton is tolerant to glyphosate, the 'complementary herbicide';
- E. whereas while the human consumption of cottonseed oil may be relatively limited in Europe, it can be found in a wide variety of food products, including dressings, mayonnaise, fine bakery wares, chocolate spreads and chips; whereas cotton is fed to animals mainly in the form of cottonseed cake/meal or as full fat cottonseeds ⁽⁸⁾; whereas cotton is also consumed in the form of cotton flour by humans;

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- 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).
 - 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 (Texts adopted, P9_TA(2021)0334).
 - 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 (Texts adopted, P9_TA(2021)0335).
 - 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 (Texts adopted, P9_TA(2021)0336).

⁽⁵⁾ Commission Decision 2011/354/EU of 17 June 2011 authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 160, 18.6.2011, p. 90).

⁽⁶⁾ Scientific Opinion of the Panel on Genetically Modified Organisms on an application (Reference EFSA-GMO-NL-2008-51) for the placing on the market of glyphosate tolerant genetically modified cotton GHB614, for food and feed uses, import and processing under Regulation (EC) No 1829/2003 from Bayer CropScience, EFSA Journal 2009; 7(3):985, <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/j.efsa.2009.985>.

⁽⁷⁾ EFSA 2009 opinion, p. 7.

⁽⁸⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on assessment of genetically modified cotton GHB614 × T304-40 × GHB119 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2014-122), EFSA Journal 2018; 16(7):5349, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2018.5349>, p. 22.

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Lack of assessment of the complementary herbicide

- F. whereas Commission Implementing Regulation (EU) No 503/2013⁽⁹⁾ requires an assessment of whether the expected agricultural practices influence the outcome of the studied endpoints; whereas, according to that Implementing Regulation, this is especially relevant for herbicide resistant plants;
- G. 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⁽¹⁰⁾; whereas, as a consequence, it has to be expected that the GM cotton will be exposed to both higher and repeated doses of glyphosate, and that therefore a higher quantity of residues may be present in the harvest;
- H. 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; whereas a number of recent scientific peer-reviewed studies confirm the carcinogenic potential of glyphosate⁽¹¹⁾;
- I. whereas, according to EFSA, toxicological data allowing a consumer risk assessment to be performed for several breakdown products of glyphosate relevant for GM glyphosate-tolerant crops are missing⁽¹²⁾;
- J. whereas assessment of herbicide residues and their breakdown 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 breakdown products ('metabolites'), can be impacted by the genetic modification itself⁽¹³⁾;

Member State competent authority comments

- K. whereas Member States submitted many critical comments to EFSA during the three-month consultation period⁽¹⁴⁾; whereas those critical comments include that in the absence of any real surveillance system making it possible to specifically trace the consumption of GMOs or their by-products by humans or by animals, it is not possible to draw any pertinent lessons on the safety of consuming GMOs from the ten-year period, that the monitoring reports (2011 to 2019) have many deficiencies and are neither in line with Directive 2001/18/EC of the European Parliament and of the Council⁽¹⁵⁾ and the corresponding guidelines nor with 2011 EFSA guidance on the post-market environmental monitoring of genetically modified plants, that the presented literature analysis (submitted by the applicant) was suboptimal and thus incomplete and that spraying the GM cotton with higher concentrations of glyphosate, which studies show to be toxic to humans and animals, is likely to result in more herbicide residues and metabolites on the crops and consequently in the food and feed chain;

⁽⁹⁾ Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 (OJ L 157, 8.6.2013, p. 1).

⁽¹⁰⁾ 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>

⁽¹¹⁾ See, for example: <https://www.sciencedirect.com/science/article/pii/S1383574218300887>, <https://academic.oup.com/ije/advance-article/doi/10.1093/ije/dyz017/5382278>, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219610>, and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6612199/>

⁽¹²⁾ EFSA conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate, EFSA journal 2015; 13 (11):4302, p. 3, <https://www.efsa.europa.eu/en/efsajournal/pub/4302>

⁽¹³⁾ This is indeed the case for glyphosate, as stated in the reasoned opinion of 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>

⁽¹⁴⁾ Member States comments, accessible via the EFSA register of questions (Reference: EFSA-Q-2014-00721): <https://www.efsa.europa.eu/en/register-of-questions>

⁽¹⁵⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC — Commission Declaration (OJ L 106, 17.4.2001, p. 1).

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Upholding the Union's international obligations

- L. whereas Regulation (EC) No 1829/2003 states 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 ('UN CBD');
- M. 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 cotton would increase demand for this crop which is treated with glyphosate, thereby increasing the exposure of workers and the environment in third countries; whereas the risk of increased worker and environmental exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;
- N. whereas, according to a peer-reviewed study published in 2020, Roundup, one of the world's most widely used glyphosate-based herbicides, can trigger a loss of biodiversity, making ecosystems more vulnerable to pollution and climate change⁽¹⁸⁾;

Undemocratic decision-making

- O. whereas the vote on 8 December 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; whereas, the vote on 31 January 2022 of the Appeal Committee also delivered no opinion;
- 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 21 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⁽¹⁹⁾;

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

⁽¹⁷⁾ <https://www.un.org/sustainabledevelopment/health/>

⁽¹⁸⁾ <https://www.mcgill.ca/newsroom/channels/news/widely-used-weed-killer-harming-biodiversity-320906>

⁽¹⁹⁾ 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)).

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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 ⁽²⁰⁾, 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. 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 breakdown products and any combinatorial effects, including with the GM plant itself;
5. 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 ⁽²¹⁾; 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;
6. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
7. 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' ⁽²²⁾;
8. 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 ⁽²³⁾, 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;
9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

⁽²⁰⁾ 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).

⁽²¹⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽²²⁾ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.

⁽²³⁾ Texts adopted, P9_TA(2020)0364.

Wednesday 16 February 2022

P9_TA(2022)0029

European Central Bank — annual report 2021**European Parliament resolution of 16 February 2022 on the European Central Bank — annual report 2021 (2021/2063(INI))**

(2022/C 342/05)

The European Parliament,

- having regard to the European Central Bank (ECB) Annual Report 2020,
- having regard to the ECB's 'Feedback on the input provided by the European Parliament as part of its resolution on the ECB Annual Report 2019',
- having regard to the ECB Strategy Review launched on 23 January 2020 and concluded on 8 July 2021,
- having regard to the ECB's new monetary policy strategy published on 8 July 2021,
- having regard to the ECB's action plan and its roadmap to further incorporate climate change considerations into its policy framework, published on 8 July 2021,
- having regard to the Statute of the European System of Central Banks (ESCB) and of the ECB, in particular Articles 2 and 15 thereof,
- having regard to Articles 123, 125, 127(1) and (2), 130 and 284(3) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 3 and 13 of the Treaty on European Union (TEU),
- having regard to the monetary dialogues with the President of the ECB, Christine Lagarde, of 18 March, 21 June, 27 September and 15 November 2021,
- having regard to the ECB staff macroeconomic projections for the euro area published on 9 September 2021,
- having regard to ECB Occasional Papers Nos 263 to 280 of September 2021 on the monetary policy strategy review,
- having regard to the ECB's 'Survey on the Access to Finance of Enterprises (SAFE) in the euro area — October 2020 to March 2021', published on 1 June 2021,
- having regard to the ECB's report on a digital euro published in October 2020, the ECB's report on the public consultation on a digital euro published in April 2021, and the ECB's digital euro project launched on 14 July 2021,
- having regard to ECB Occasional Paper No 201 of November 2017 entitled 'The use of cash by households in the euro area',
- having regard to the ECB economy-wide climate stress test of September 2021,
- having regard to the Commission's Autumn 2021 Economic Forecast published on 11 November 2021,

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- having regard to its resolution of 14 March 2019 on gender balance in EU economic and monetary affairs nominations ⁽¹⁾,
 - having regard to its resolution of 9 June 2021 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' ⁽²⁾,
 - having regard to the UN Agenda 2030 for Sustainable Development and the Sustainable Development Goals (SDGs),
 - having regard to the Paris Agreement adopted under the United Nations Framework Convention on Climate Change,
 - having regard to the Intergovernmental Panel on Climate Change (IPCC) special reports on global warming of 1,5 °C, on climate change and land, and on the ocean and cryosphere in a changing climate,
 - having regard to the Network for Greening the Financial System (NGFS) report entitled 'Adapting central bank operations to a hotter world: Reviewing some options', published on 24 March 2021,
 - having regard to Rule 142(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0351/2021),
- A. whereas, according to the Commission's Autumn 2021 Economic Forecast, GDP contracted in 2020 by 5,9 % in the EU and 6,4 % in the euro area; whereas GDP is forecast to grow by 5 % in 2021 and 4,3 % in 2022 in both the EU and the euro area, with significant growth differentials persisting between Member States; whereas uncertainty and risks surrounding the growth outlook are high and depend on the evolution of the COVID-19 pandemic and the pace at which supply adjusts to the rapid turnaround in demand following the re-opening of the economy; whereas the EU economy as a whole regained its pre-pandemic output level in the third quarter of 2021, although the pace of recovery is uneven across countries; whereas persistently elevated levels of inflation remain one of the biggest downside risks for the recovery;
- B. whereas, according to the ECB staff macroeconomic projections of September 2021, global real GDP (excluding the euro area) is projected to increase by 6,3 % in 2021, before decelerating to 4,5 % in 2022 and 3,7 % in 2023; whereas global activity had already exceeded its pre-pandemic level in late 2020;
- C. whereas, according to Eurostat, the unemployment rate in September 2021 stood at 6,7 % in the EU and 7,4 % in the euro area, spread in an uneven way across the EU and within Member States and with unemployment rates among young people and women remaining much higher (15,9 % in the EU and 16 % in the euro area, and 7 % in the EU and 7,7 % in the euro area respectively); whereas the high youth unemployment rate remains a serious issue to be tackled in the EU;
- D. whereas, according to the ECB staff macroeconomic projections of September 2021, annual inflation for the euro area in the Harmonised Index of Consumer Prices (HICP) will be 2,2 % in 2021 and is expected to decrease to 1,7 % in 2022 and 1,5 % in 2023 on average; whereas inflation projections show substantial variance across the euro area; whereas inflation in the euro area rose to 4,1 % in October 2021, which represents the highest level in a decade; whereas there are concerns about the temporary and transitional nature of higher inflation rates;
- E. whereas, at the end of 2020, the size of the Eurosystem balance sheet had reached its all-time peak of EUR 6 979 324 million, an increase of almost 50 % (EUR 2 306 233 million) compared with the end of 2019, as a result of the third series of targeted longer-term refinancing operations (TLTRO III), and the securities purchased under the pandemic emergency purchase programme (PEPP) and the asset purchase programme (APP);

⁽¹⁾ OJ C 23, 21.1.2021, p. 105.

⁽²⁾ Texts adopted, P9_TA(2021)0277.

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- F. whereas the ECB's net profit in 2020 amounted to EUR 1 643 million, compared to EUR 2 366 million in 2019; whereas this decrease was mainly due to the lower net interest income on foreign reserve assets and on securities held for monetary policy purposes, notably the significant drop of 50 % in interest income generated on the US dollar portfolio, as well as to the decision by the Governing Council to transfer EUR 48 million to the ECB's provision for financial risks;
- G. whereas, without prejudice to the primary objective of price stability, the ECB should also support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 TEU;
- H. whereas small and medium-sized enterprises (SMEs) constitute the backbone of the EU economy and enhance economic and social cohesion, representing 99 % of all businesses in the EU, employing around 100 million people, accounting for more than half the EU's GDP and playing a key role in adding value in every sector of the economy; whereas SMEs have been severely hit by the economic crisis caused by the COVID-19 pandemic; whereas developments in the general economic outlook have negatively affected their access to finance; whereas SMEs therefore need further support;
- I. whereas the ECB, within its mandate, has committed to contributing to the objectives of the Paris Agreement; whereas climate change, the loss of biodiversity and the consequences thereof can hamper the effectiveness of monetary policy, affect growth, and increase price and macroeconomic instability; whereas, without strong measures, the negative impact on the EU GDP could be severe;
- J. whereas housing costs represent almost a quarter of EU-27 household expenditure; whereas more than two thirds of the EU population own their home; whereas house prices have been subject to a steep increase of over 30 % in the past decade and rents have gone up by almost 15 % in the EU;
- K. whereas the Winter 2020-2021 Standard Eurobarometer survey, published on 23 April 2021, found that public support for a European economic and monetary union with one single currency, the euro, was 79 % in the euro area;
- L. whereas only two of the members of the ECB's Executive Board and the ECB's Governing Council are women; whereas women continue to be underrepresented across the hierarchy of the ECB;

General overview

1. Welcomes the role of the ECB in safeguarding euro stability; highlights that the statutory independence of the ECB, as laid down in the Treaties, is a prerequisite for it to fulfil its mandate; highlights too that this independence should not be infringed upon and that it should always be complemented by a corresponding level of accountability;
2. Welcomes the ECB Monetary Policy Strategy Review adopted unanimously and announced on 8 July 2021, which sets out how to achieve the primary objective of maintaining price stability and contribute to the achievement of the Union's objectives, which include balanced and sustainable economic growth, a highly competitive social market economy aiming at full employment and social progress and convergence, and a high level of protection and improvement of the quality of the environment, without prejudice to the primary objective of price stability; notes that this is the first strategy review in 18 years; welcomes the ECB's decision, as also expressed by President Lagarde during the Monetary Dialogue held on 27 September 2021, to assess periodically the appropriateness of the monetary policy strategy, with the next assessment expected in 2025, thus also enhancing public awareness and involvement in monetary policy;
3. Is concerned about the unprecedented healthcare, social and economic crisis caused by the COVID-19 pandemic and the subsequent containment measures, which have resulted in a sharp contraction of the euro area economy, especially in countries that were already vulnerable, a sharp increase in economic and social inequalities, and rapidly deteriorating labour market conditions; is especially concerned about the effect of the COVID-19 pandemic on SMEs; welcomes the extensive public support measures taken by the EU in response; notes that euro area economic activity is rebounding sooner than expected, although the speed, scale and evenness of the rebound remains uncertain;

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4. Stresses that sustainable growth, resilience and price stability can be achieved by means of a comprehensive response, including a calibrated mix of monetary policy, supportive and discretionary fiscal policy and socially balanced and productivity-enhancing reforms and investments; supports President Lagarde's call for full alignment of fiscal and monetary policies in tackling the COVID-19 crisis, while emphasising the ECB's independence;

5. Takes note of the ECB President's statement of 10 June 2021 that 'an ambitious and coordinated fiscal stance remains crucial, as a premature withdrawal of fiscal support would risk weakening the recovery and amplifying the longer-term scarring effects'; acknowledges the importance of European and national fiscal policies in aiding the households and businesses most severely impacted by the pandemic; notes the varying rates of recovery among euro area countries, which may lead to a multi-speed Europe after the pandemic has ended; recalls that fiscal support and monetary policy should not disincentivise reforms and investments aimed at reviving the EU economy, boosting sustainable and inclusive growth, catalysing the green transition and strengthening Europe's autonomy and competitiveness;

6. Takes note of President Lagarde's statement that 'a central fiscal capacity could help steer the aggregate euro area fiscal policy stance and ensure a more appropriate macroeconomic policy mix' and that 'structural reforms in euro area countries are important to boost euro area productivity and growth potential, reduce structural unemployment and increase resilience'; underlines the importance of providing a counter-cyclical stabilisation function and facilitating timely and adequate support in the event of economic shocks, as well as financing the green transition; underlines the importance of the Recovery and Resilience Facility (RRF) in addressing the economic and social shock caused by the COVID-19 crisis;

7. Welcomes the fact that the debate on the future of the EU economic governance framework has already begun;

Monetary policy

8. Welcomes the ECB's quick and substantial monetary policy response to the COVID-19 crisis in an emergency context; acknowledges the positive impact of this response on the economic situation of the euro area, which includes the introduction of the PEPP, the relaxation of the eligibility and collateral criteria and the offer of re-calibrated longer-term refinancing operations (TLTRO III), as well as pandemic emergency longer-term refinancing operations (PELTROs); recalls the intention of the ECB to maintain its support for as long as it deems necessary to meet its mandate; welcomes, moreover, the ECB's decision to maintain instruments, such as forward guidance, asset purchases and longer-term refinancing operations, as an integral part of its toolkit; invites the ECB to continue ensuring and monitoring the necessity, suitability and proportionality of its monetary policy measures;

9. Takes note of the ECB's decision to increase the size of the PEPP from the initial EUR 750 billion to EUR 1 850 billion; notes that the ECB will continue to conduct net asset purchases under the PEPP until the COVID-19 crisis phase is over and in any case until at least the end of March 2022; notes that the ECB has recently slowed the pace of net asset purchases under the PEPP, based on the position of its Governing Council that favourable financing conditions can be maintained with a moderately lower pace; highlights President Lagarde's statement of 10 June 2021 that 'any discussion about exit from the PEPP [...] would be premature, it's too early and it will come in due course'; invites the ECB to continue purchases under the PEPP for as long as it deems necessary to meet its mandate; notes the ECB's intention to examine further calibration of asset purchases; notes also President Lagarde's statement that, even after the expected end of the pandemic emergency, it will still be important that monetary policy, including the appropriate calibration of asset purchases, supports the recovery throughout the euro area and the sustainable return of inflation to the target of 2 %;

10. Notes the ECB's decision to purchase flexibly under the PEPP with a view to preventing a tightening of financing conditions that is inconsistent with efforts to counter the downward impact of the pandemic, while supporting the smooth transmission of monetary policy;

11. Notes that net asset purchases under the APP are continuing at a monthly rate of EUR 20 billion; notes also that purchases under the APP will run for as long as necessary to reinforce the accommodative impact of its policy rates, ending before it starts raising the key interest rates; recalls that the APP, the pre-pandemic programme, will remain operational at a steady pace;

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12. Welcomes the inclusion of Greek bonds in the PEPP; notes, however, that they are still not eligible under the public sector purchase programme (PSPP) despite the significant progress made; invites the ECB to reassess the eligibility of Greek bonds under the PSPP and to provide specific recommendations well in advance of the conclusion of the PEPP for their inclusion in the PSPP;

13. Notes the ECB's decision to continue to reinvest the principal payments from maturing securities purchased under the PEPP until at least the end of 2024 and to continue reinvesting, in full, the principal payments from maturing securities purchased under the APP for an extended period of time past the date on which it starts raising the key ECB interest rates, and in any case for as long as necessary to maintain favourable liquidity conditions and an ample degree of monetary accommodation;

14. Notes that the amount of Eurosystem refinancing operations increased to EUR 1 850 billion at the end of 2020, mainly due to TLTRO III; notes, moreover, that the weighted average maturity of outstanding Eurosystem refinancing operations increased to around 2,4 years at the end of 2020;

15. Welcomes the ECB's decision to continue to provide liquidity through its refinancing operations; acknowledges that the funding obtained through TLTRO III plays a crucial role in supporting bank lending to businesses and households; stresses, however, that in some cases only a very small proportion of these liquidity injections has increased bank lending to the real economy, especially SMEs; invites the ECB to ensure that such measures truly facilitate the financing of the real economy;

16. Notes the ECB's decision on a new symmetric inflation target of 2 % over the medium term and its commitment to maintain a persistently accommodative monetary policy stance in order to meet its inflation target; believes that the absence of an arithmetic reference complicates the interpretation of deviations from the target; notes that the medium-term orientation of the monetary policy strategy allows for inevitable short-term deviations of inflation from the target; invites the ECB to reflect, if necessary, on how the surge in inflation might affect its monetary policy stance;

17. Is concerned about the inflation rate in the euro area which rose to a 10-year high of 5,1 % in January 2022, ranging from 3,3 % to 12,2 % in the different Member States, driven by a variety of factors such as the base effect of energy prices, supply chain bottlenecks and the recovery after a dramatic recession; stresses that increases in inflation beyond the defined value can be particularly harmful to the poorest parts of the population and result in increasing economic and social inequalities; recalls that inflation remained well below the 2 % target in the last decade; calls on the ECB to closely monitor these trends and their consequences and, if necessary, to take action to safeguard price stability; echoes President Lagarde's call for monetary policy to remain focused on steering the economy safely out of the pandemic emergency; notes that, according to the ECB's Survey of Professional Forecasters, medium-term inflation expectations remain firmly anchored to the target, while some market-based measures imply an uptick in medium-term inflation expectations;

18. Considers that the ECB could examine alternative monetary policy instruments that can encourage public and private investments;

19. Notes the ECB's expectation that key interest rates will remain at present or lower levels until it sees inflation reaching 2 % well ahead of the end of its projection horizon and durably for the rest of the projection horizon; underlines that low interest rates can offer opportunities to consumers, companies, including SMEs, workers and borrowers, who can benefit from stronger economic momentum, lower unemployment and lower borrowing costs; is concerned, however, about the potential impact of low interest rates on the number of unviable and highly-indebted businesses, on the incentive for growth and sustainability-enhancing reforms and investments, and on pension and insurance systems;

20. Welcomes the ECB's decision to recommend the development of a roadmap to include the costs related to owner-occupied housing in the Harmonised Index of Consumer Prices (HICP) to better represent the inflation rate that is comparable and relevant for households, as housing costs have been continuously rising, and to design better-informed monetary policy operations; considers, however, that the HICP in its current definition reflects the evolution of the actual expenditure of households on goods or services; takes the view that methodologies aimed at isolating the investment component from the consumption component should ensure that the actual impact of the significant increase of housing price on consumer expenses is adequately captured; acknowledges that including these costs is a multi-year project; stresses that such a step could result in increasing price indices and, at least temporarily, bringing inflation above the medium-term target, thus reducing the ECB's room for manoeuvre; invites the ECB to prepare for and effectively address such risks;

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21. Acknowledges the need for increased harmonisation of the methods for quality adjustment in the HICP and for more transparency with regard to quality adjustment in Member States;

Action against climate change

22. Recalls that the ECB, as an EU institution, is bound by the EU's commitments under the Paris Agreement; emphasises that tackling the climate and biodiversity emergency requires the ECB to take an integrated approach that should be reflected in all its policies, decisions and operations, together with adhering to its mandate of supporting the general economic policies of the Union, specifically, in this case, the achievement of a climate-neutral economy by 2050 at the latest, as outlined in the European Climate Law; considers that the ECB needs to use all the tools at its disposal to fight and mitigate climate-related risks;

23. Considers that maintaining price stability could help to create the right conditions for the implementation of the Paris Agreement;

24. Notes the ECB's first economy-wide climate stress test; notes that the results indicate that, without strong measures, the negative impact on EU GDP could be severe; welcomes, therefore, the ECB's commitment to conducting regular climate stress tests, both economy-wide and at the level of individual banks;

25. Notes the fact that the ECB will develop indicators for the exposure of financial institutions to climate-related physical risks through their portfolios, including carbon footprint indicators, as well as macroeconomic modelling and scenario analyses to integrate climate risks into the ECB's models and assess their impact on potential growth; welcomes the fact that the ECB will conduct scenario analyses of transition policies;

26. Welcomes the ECB's new action plan and its detailed roadmap of climate change-related actions to further incorporate climate change considerations into its policy framework and models; notes, however, its focus on climate-related risks and highlights the double materiality principle that is at the heart of the EU sustainable finance framework;

27. Notes that the concept of market neutrality is related to the principle of 'an open market economy with free competition'; invites the ECB, respecting its independence, to address market failures and ensure the efficient allocation of resources over a long-term horizon, while remaining as apolitical as possible and respecting the principle of market neutrality; notes that the ECB has already deviated from market neutrality in several instances;

28. Welcomes the fact that the purchase of green bonds and their share in the ECB's portfolio continue to increase; considers this share, however, to be particularly low when taking into account the needs of the green transition; invites the ECB to speed up its work on increasing the share of green bonds in its portfolio; welcomes the creation of an EU green bond standard and the ECB's support in this matter; notes, in this regard, the ECB's decision to use part of its own funds portfolio to invest in the euro-denominated green bond investment fund for central banks (EUR BISIP G2); invites the ECB, meanwhile, to look into the possible effects of green bonds on price stability;

29. Notes that bonds with coupon structures linked to certain sustainability performance targets referring to one or more of the environmental objectives set out in the EU Taxonomy Regulation⁽³⁾ and/or to one or more of the UN SDGs relating to climate change or environmental degradation became eligible as of 1 January 2021 as collateral for Eurosystem credit operations and for Eurosystem outright purchases for monetary policy purposes, provided that they comply with all other eligibility criteria;

30. Notes that the ECB is taking steps to incorporate climate-related risks into its collateral framework, but warns against delays in its implementation; welcomes the ECB's commitment to looking into the methodologies and disclosures of credit rating agencies and assessing how they incorporate climate change risk into credit ratings; is concerned, however, about the fact that the ECB continues to over-rely exclusively on private external credit rating agencies (CRAs) for risk assessment; calls on the ECB to expand its internal capacity on climate- and biodiversity-related risk assessments;

(³) 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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31. Notes with concern that some ECB refinancing and asset purchase programmes have been indirectly supporting carbon-intensive activities;
32. Welcomes the fact that the ECB is preparing to align its corporate asset purchase programmes with the Paris Agreement, with a view to reducing the carbon intensity of its portfolio, but warns against delays;
33. Calls on the ECB, as member of the NGFS, to build on the nine options assessed by the NGFS for central banks to factor climate-related risks into their operational framework on credit operations, collateral and asset purchases; calls on the ECB to strengthen its cooperation on climate change with international networks beyond the NGFS as well, and to improve dialogue with civil society, with the aim of reinforcing the EU's role as global leader in the area of sustainable finance and climate action;
34. Welcomes the ECB's efforts to monitor and reduce its environmental footprint; welcomes the creation of a climate change centre to bring together the work on climate issues in different parts of the ECB; expects the ECB to intensify its work to effectively incorporate climate considerations into its routine business;

Other aspects

35. Underlines the pivotal role of micro, small and medium-sized enterprises (MSMEs) as the backbone of the EU economy, economic and social convergence and employment; stresses that MSMEs have been severely hit by the economic crisis caused by the COVID-19 pandemic, which has led to a serious deterioration in their economic turnover and competitiveness, in their efforts to succeed in the green transition and in their access to finance; points out the need to encourage public and private investments in the EU, and therefore calls on the ECB to continue its efforts to facilitate access to finance for MSMEs;
36. Welcomes the ECB's long-standing support for the swift completion of the banking union, and stresses the risks caused by serious delays; notes the ECB's support for the establishment of a fully fledged European Deposit Insurance Scheme (EDIS); acknowledges that risk sharing and risk reduction are interlinked and that institutional protection schemes play a key role in protecting and stabilising member institutions;
37. Welcomes the progress made so far in the reduction of non-performing loans (NPLs); calls for the introduction of adequate legal protection from repossession for mortgage holders at EU level;
38. Calls on the ECB to explore ways to strengthen the international role of the euro; notes that making the euro more attractive as a reserve currency will further enhance its international use and increase the EU's ability to frame its policy stance independently, a key element in safeguarding European economic sovereignty; stresses that the creation of a well-designed European safe asset could facilitate financial integration and help mitigate the negative feedback loops between sovereigns and the domestic banking sectors; underlines that strengthening the role of the euro requires the deepening and completion of the European economic and monetary union;
39. Welcomes the fact that, in 2020, the number of counterfeit euro banknotes decreased to its lowest level since 2003 (17 parts per million); calls on the ECB to enhance the fight against counterfeiting and its cooperation with Europol, Interpol and the European Commission in pursuit of this goal; invites the ECB, without prejudice to the Member States' prerogatives, to create a system to better monitor large transactions with a view to combating money laundering, tax evasion and the financing of terrorism and organised crime;
40. Welcomes the ECB's decision to launch a 24-month investigation phase of a digital euro project; calls on the ECB to effectively address the expectations and concerns raised during the public consultation on a digital euro, which include concerns about privacy, security, accessibility, the ability to pay across the euro area, preventing additional costs, and offline usability; notes that this investigation phase will not prejudge any decision on the possible issuance of a digital euro; reiterates that a digital euro does not constitute a crypto-asset; points out that a digital euro should promote financial inclusion, and must provide additional data privacy and legal security for consumers and companies; agrees with the ECB that a digital euro would therefore have to satisfy a range of minimum requirements, including robustness, safety, efficiency and the protection of privacy; invites the ECB to closely align and regularly exchange with Parliament on the progress made during the investigation phase;

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41. Reiterates its strong concerns about the risks posed by private stablecoins to financial stability, monetary policy and consumer protection;

42. Recalls that cash payments are a very important means of payment for EU citizens and should not be endangered by a digital euro; notes that the number and value of euro banknotes in circulation grew by around 10 % in 2020; takes note of the Eurosystem's Cash 2030 Strategy, which aims to ensure that all euro area citizens and businesses will continue to have good access to cash services and that cash will remain a generally accepted means of payment, while addressing the issues of reducing the ecological footprint of euro banknotes and developing innovative and secure banknotes; is concerned about the downsizing of the banking network in some Member States; considers that such practices can lead to significant restrictions on equal access to essential financial services and products;

43. Stresses that the financial sector is undergoing a considerable transformation driven by innovation and digitalisation; underlines that this transformation poses an increased risk of external disruptions such as cyberattacks on the financial and banking sector; welcomes the continuous efforts of the ECB to strengthen its response and recovery capabilities in the event of cyberattacks, in line with the new European cyber defence policy; reiterates its concern with regard to the service interruption that seriously affected the TARGET2 system and TARGET2 Securities in 2020; welcomes the independent review of these incidents and notes that the severity of a number of the findings was rated 'high'; welcomes the Eurosystem's acceptance of the general conclusions and its commitment to implementing the recommendations of the review; calls on the ECB to ensure the enduring stability of sensitive infrastructure such as the TARGET2 system, to further enhance its efforts in the field of cybersecurity and to continue to promote the cyber resilience of financial market infrastructure;

44. Notes the divergence of TARGET2 balances within the European System of Central Banks; notes that the interpretation of these divergences is contested;

45. Calls on the ECB to ensure an adequate balance between allowing regulatory financial innovation in the FinTech area and ensuring financial stability; calls also on the ECB to step up its monitoring of the development of crypto-assets in order to prevent negative effects and related risks in terms of financial stability, monetary policy and the functioning and safety of market infrastructure and payments; stresses that the development of crypto-assets may pose additional concerns in terms of cybersecurity, money laundering, terrorist financing and other criminal activities linked to the anonymity provided by crypto-assets; notes that these risks can be mitigated through appropriate legislation, such as the forthcoming regulation on markets in crypto-assets (MiCA); takes note of the ECB's intention to develop and implement a policy response to mitigate the potential adverse impact of stablecoins on the EU's payments and financial landscape;

46. Recalls the support of the ECB for the implementation of Basel III, as this would lower the risk of a banking crisis and thus enhance financial stability within the EU;

47. Is concerned about the unfair clauses and practices employed by the banking sector in consumer contracts in certain Member States and stresses the need for the effective and swift implementation by all Member States of Directive 93/13/EEC on unfair terms in consumer contracts⁽⁴⁾; invites the ECB to contribute actively to this end by using all means at their disposal, with a view to ensuring fair competition;

48. Notes that Bulgaria and Croatia joined the Single Supervisory Mechanism (SSM) in 2020, thus becoming the first countries outside the euro area to participate in European banking supervision; notes the equal representation of their national banks on the ECB's Supervisory Board; notes, also, the inclusion of the Bulgarian lev and the Croatian kuna in the exchange rate mechanism (ERM II) as one of the preconditions for adopting the euro;

49. Welcomes the ECB's efforts to ensure the stability of financial markets for all possible contingencies and negative consequences related to the withdrawal of the UK from the EU, in particular for regions and countries more directly affected;

Transparency, accountability and gender equality

50. Welcomes the substantial and detailed feedback provided by the ECB to Parliament's resolution on the 2019 ECB Annual Report; calls on the ECB to continue this commitment to accountability and to keep publishing its written feedback on Parliament's resolutions on the ECB Annual Reports each year;

⁽⁴⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).

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51. Stresses the need to further enhance the accountability and transparency arrangements of the ECB; insists on its call for the ECB to take swift action by launching negotiations on a formal interinstitutional agreement as soon as possible, thus ensuring that its independence goes hand in hand with its accountability; calls on the ECB to increase cooperation and the exchange of information and to enhance transparency towards Parliament and civil society by publishing reports in all EU languages and through the 'ECB Listens' initiative;

52. Notes the existing ECB staff rules on potential conflicts of interest of staff and encourages the broad application of staff rules; recognises the steps taken by the ECB, such as the adoption of the single Code of Conduct for high-level ECB officials and the decision to publish the Ethics Committee's opinions addressed to the current members of the Executive Board, Governing Council and Supervisory Board that have been issued since the entry into force of the single Code of Conduct;

53. Welcomes the ECB's publication of the aggregate holdings at amortised cost under the purchase programmes for asset-backed securities (ABSPP) and covered bonds (CBPP3) and the breakdowns of holdings purchased in primary and secondary markets, as well as the aggregate holding statistics for these programmes;

54. Welcomes the ECB's disclosure of the full profits made by the Eurosystem through the securities markets programme (SMP) and of the total Eurosystem SMP holdings by issuer country (Ireland, Greece, Spain, Italy and Portugal); invites the Member States to follow this example regarding the agreements on net financial assets (ANFAs);

55. Reiterates its call for the ECB to ensure the independence of the members of its Audit Committee, as well as of its Ethics Committee; urges the ECB to review the functioning of the Ethics Committee in order to prevent conflicts of interest; calls on the ECB to review its cooling-off period for outgoing members;

56. Notes the fact that more than 90 % of the members of the ECB's advisory groups are from the private sector, which could result in bias, conflicts of interest and regulatory capture in the policy-making process;

57. Welcomes the enhancement of the ECB's internal whistleblowing framework; invites the ECB to ensure the integrity and efficiency of the new internal tool in order to facilitate truly simple and secure reporting of potential breaches of professional duties, inappropriate behaviour or other irregularities, and the granting of effective protection for whistleblowers and witnesses, as laid down in the EU Whistleblower Directive⁽⁵⁾;

58. Acknowledges the ongoing efforts by the ECB to improve communication with Parliament; agrees, furthermore, with President Lagarde that the ECB has to modernise its communication to citizens on its policies and their impact; notes that a relevant Eurobarometer survey indicates that only 40 % of euro area respondents tend to trust the ECB; calls on the ECB to further engage in constructive dialogue with citizens to explain its decisions and listen to citizens' concerns; welcomes, in this regard, President Lagarde's announcement during the Monetary Dialogue held on 27 September 2021 of the decision to make outreach events a structural feature of the ECB's interaction with the public;

59. Notes the decision of the European Ombudsman on the involvement of the President of the ECB and members of its decision-making bodies in the 'Group of Thirty' (Case 1697/2016/ANA) in order to ensure full transparency and public confidence in the independence of the ECB;

60. Regrets and expresses strong concern that only two of the members of the ECB's Executive Board and only two of the 25 members of the ECB's Governing Council are women; reiterates that the nominations of the Executive Board members should be prepared carefully and take a gender-balanced approach, with full transparency and together with Parliament, in line with the Treaties; recalls that, in accordance with paragraph 4 of its resolution of 14 March 2019 on gender balance in EU economic and monetary affairs nominations, Parliament is committed not to considering shortlists that do not respect the gender balance principle; encourages the ECB to make further progress in this regard; calls on the

⁽⁵⁾ 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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euro area member countries to fully incorporate the principle of gender equality in their appointment processes and to ensure equal opportunities for all genders for the position of governor of their national central banks;

61. Regrets that the gender imbalance also persists across the organisational structure of the ECB, notably in the share of women in senior management positions; notes that, at the end of 2019, the share of women in all ECB management positions rose to 30,3 % and in its senior management positions to 30,8 %; invites the ECB to take further action; welcomes, in this regard, the ECB's new strategy to further improve the gender balance of its staff at all levels, including the objective of hiring women to fill at least half its new and open positions at all levels and the target of increasing the share of women at the different levels to between 40 % and 51 % by 2026; calls on the ECB to further incentivise the participation of women and actively promote a gender-balanced representation in all its positions across the organisational hierarchy;

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

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P9_TA(2022)0030

Implementation report on on-farm animal welfare**European Parliament resolution of 16 February 2022 on the implementation report on on-farm animal welfare (2020/2085(INI))**

(2022/C 342/06)

The European Parliament,

- having regard to Article 13 of the Treaty on the Functioning of the European (TFEU), which affirms that ‘the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage’;
- having regard to the study by the Policy Department for Citizens’ Rights and Constitutional Affairs of its Directorate-General for Internal Policies of November 2020 entitled ‘End the cage age: Looking for alternatives’, to its resolution of 10 June 2021 on the European Citizens’ Initiative ‘End the Cage Age’⁽¹⁾, and to the Commission communication of 30 June 2021 on the European Citizens’ Initiative ‘End the Cage Age’ (C(2021)4747),
- having regard to Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes⁽²⁾ (the General Directive),
- having regard to Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens⁽³⁾,
- having regard to Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production⁽⁴⁾,
- having regard to Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves⁽⁵⁾,
- having regard to Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs⁽⁶⁾,
- having regard to the research paper by the European Parliamentary Research Service of June 2021 entitled ‘Implementation of EU legislation on “on-farm” animal welfare: potential EU added value from the introduction of animal welfare labelling requirements at EU level’,
- having regard to the study drawn up for the Commission in October 2020 to support the evaluation of the EU Strategy for the Protection and Welfare of Animals 2012-2015,
- having regard to its resolution of 14 March 2017 on minimum standards for the protection of farm rabbits⁽⁷⁾,
- having regard to its resolution of 25 October 2018 on animal welfare, antimicrobial use and the environmental impact of industrial broiler farming⁽⁸⁾,

⁽¹⁾ Texts adopted, P9_TA(2021)0295.

⁽²⁾ OJ L 221, 8.8.1998, p. 23.

⁽³⁾ OJ L 203, 3.8.1999, p. 53.

⁽⁴⁾ OJ L 182, 12.7.2007, p. 19.

⁽⁵⁾ OJ L 10, 15.1.2009, p. 7.

⁽⁶⁾ OJ L 47, 18.2.2009, p. 5.

⁽⁷⁾ OJ C 263, 25.7.2018, p. 90.

⁽⁸⁾ OJ C 345, 16.10.2020, p. 28.

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- having regard to its resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives ⁽⁹⁾,
 - having regard to the Council conclusions of 16 December 2019 on animal welfare — an integral part of sustainable animal production,
 - having regard to the Council conclusions of 7 December 2020 on an EU-wide animal welfare label,
 - having regard to the European Court of Auditors Special Report No 31 of 14 November 2018 on animal welfare in the EU: closing the gap between ambitious goals and practical implementation,
 - having regard to the fitness check currently being carried out by the Commission on EU animal welfare legislation,
 - having regard to the opinion of the European Committee of the Regions of 5 December 2018 on reform of the common agricultural policy ⁽¹⁰⁾,
 - having regard to the Special Eurobarometer 505 entitled ‘Making our food fit for the future — Citizens’ expectations’,
 - having regard to the five freedoms described by the World Organisation for Animal Health, namely freedom from hunger, malnutrition and thirst, freedom from fear and distress, freedom from heat stress or physical discomfort, freedom from pain, injury and disease, and freedom to express normal patterns of behaviour,
 - having regard to the Commission communication of 12 May 2021 entitled ‘Strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030’ (COM(2021)0236),
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Agriculture and Rural Development (A9-0296/2021),
- A. whereas animal welfare, an important consideration for our farmers, is an ethical and increasingly important issue for consumers and our society in general; whereas consumer interest in the quality of food purchased and animal welfare is higher than ever and EU citizens want to be able to make more informed choices as consumers; whereas food quality in relation to animal welfare and animal health has an important part to play in achieving the goals of the Farm to Fork strategy;
- B. whereas Article 13 TFEU recognises that animals are sentient beings and stipulates that the Union and its Member States shall pay full regard to their welfare requirements in formulating and implementing the Union’s agriculture and fisheries policies, while respecting customs relating to religious rituals, cultural traditions and regional heritage in the Member States;
- C. whereas although European food production standards, including animal welfare criteria, are among the highest in the world, they still require improvement; whereas several countries and regions have taken further steps in this direction, such as banning certain forms of caged farming;
- D. whereas ensuring the uniform wording and application of animal welfare legislation and updating it in line with the latest scientific knowledge is a prerequisite for raising animal welfare standards and enforcing full compliance therewith;

⁽⁹⁾ Texts adopted, P9_TA(2021)0277.

⁽¹⁰⁾ OJ C 86, 7.3.2019, p. 173.

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- E. whereas some European farmers have made some progress in recent decades by looking critically at their practices and making improvements and adjustments in their work; whereas they rely on the support of advisory and research bodies and a number of non-governmental organisations (NGOs) to improve their practices; whereas the uptake of smart farming technologies to monitor animal health and welfare has the potential to further improve disease prevention and the implementation of animal welfare standards; whereas European farmers want to continue to move forward in this area, but face technical, legislative and economic obstacles; whereas the improvement of animal welfare must take into account the health-related aspects particular to each species, and whereas the cost should not be borne by producers alone;
- F. whereas industrial livestock farming plays a prominent role in EU agriculture; whereas in just over a decade, several million farms — more than a third of all farms in Europe — have ceased to exist, the vast majority of which were small family businesses, as a result of the upscaling and intensification of the agricultural system;
- G. whereas economic volatility is forcing stockbreeders to factor in lengthy periods of amortisation and investment, for example in livestock accommodation designed to enhance animal welfare;
- H. whereas European farmers are currently taking further action regarding the evolution of breeding and animal housing with a view to strengthening convergence with the five freedoms of the World Organisation for Animal Health;
- I. whereas animal welfare goes hand in hand with the well-being of farmers and farm operators, all of which should be given appropriate resources and greater practical support at EU level;
- J. whereas the COVID-19 pandemic has highlighted the direct link between animal and human health and well-being; whereas animal welfare is also linked to the environment, as best explored through the One Welfare framework;
- K. whereas European livestock farms employ around 4 million people (salaried and non-salaried), 80 % of whom reside in the newer Member States ⁽¹¹⁾;
- L. whereas intra-EU fish trade plays an essential role in the EU's fishery trade as a whole, having accounted for 86 % of total trade within and outside the EU in 2014, with a total volume of sale of 5,74 million tonnes for a value of EUR 20,6 billion — the highest registered since 2006 ⁽¹²⁾;
- M. whereas animal health and welfare are key to ensuring food safety, food security and public health and contributing to high-quality standards in the EU;
- N. whereas healthy livestock is a key component of achieving sustainable, lower-carbon farming;
- O. whereas scientific and technical developments have improved our understanding of animal sentience, behaviour and welfare;
- P. whereas significant difficulties were encountered in the collection of data on the implementation of on-farm animal welfare legislation as regards both the quality and the availability of data, due to the lack of requirements for monitoring and data collection on Member States;
- Q. whereas the current legislation is partly obsolete and lags behind the knowledge on the specific needs of animals according to their species, age, size and physical condition, as well as the scientific advances and technical progress made in farming practices;

⁽¹¹⁾ Study undertaken for the Commission entitled 'Future of EU livestock: How to contribute to a sustainable agricultural sector?', June 2020.

⁽¹²⁾ European Market Observatory for Fisheries and Aquaculture Products, *The EU fish market: 2015 edition*.

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- R. whereas co-existing with national laws is the current body of EU legislation, which provides a combination of opt-outs, exceptions and unclear requirements and fails to provide specific safeguards or to guarantee levels of protection, thereby giving rise to a number of undesirable practices, resulting in legislative fragmentation and legal uncertainty on the domestic market, all of which are considered to have distorted competition;
- S. whereas EU animal welfare legislation only establishes species-specific minimum welfare standards for pigs, laying hens, broilers and calves, while there is no species-specific legislation for any other species farmed for the production of food, namely for dairy and beef cattle beyond six months old, sheep and goats, the parent birds of broiler chickens and laying hens, pullets, turkeys, ducks and geese, quail, fish and rabbits; whereas EU animal welfare legislation currently lacks species- and age-specific provisions that cover all production cycle stages; whereas numerous terrestrial farmed animals and farmed fish belonging to different species are currently only protected by the general provisions of the General Directive;
- T. whereas initiatives other than EU legislation and official checks have played a part in the improvement of farming practices; whereas many Member States have implemented their own animal welfare standards that are more stringent than the EU's;
- U. whereas the Member States have been given considerable discretion over how to set requirements and assess compliance therewith; whereas the Member States have taken different approaches to the allocation of resources and prioritisation of official checks;
- V. whereas the implementation of the legislation is highly inconsistent across the Member States; whereas this has led to different levels of compliance and risks disadvantaging compliant farmers;
- W. whereas the directives on pigs (for pregnant sows), calves and laying hens have led to positive structural changes to the way in which animals are reared; whereas in the egg, veal and pigmeat sectors, the directives have led to significant changes to buildings and equipment and played a part in some advances in the number and size of holdings;
- X. whereas the General Directive has generally been found to have had less of an impact than the species-specific directives and a modest effect in terms of improving animal welfare owing to the vague nature of its requirements, its broad margins for interpretation, and the absence of species-specific protections for dairy cows, broiler and hen breeders, rabbits, sheep and turkeys;
- Y. whereas due to production pressure, the main issues that the legislation was designed to address remain widespread, including mutilations and cramped and stressful conditions; whereas the sow housing targets were not attained and implementation of the legislation has been inconsistent overall, with sow housing still too cramped and stressful and lacking sufficient enrichment material;
- Z. whereas Directive 1999/74/EC on laying hens has been a success in providing good definitions for the different production systems; whereas this success is limited, however, given the broad range of approaches applied by the Member States to its implementation and the directive's lack of clear, mandatory and comprehensive provisions, which have enabled distorted competition to persist in the single market, and given that this directive has shown insufficient progress, did not meet the real needs of laying hens and gradually brought pressure for change, which is why alternatives to a cage housing system⁽¹³⁾ began to be used more in individual Member States;
- AA. whereas it is in the interests of both farmers and consumers to ensure equal conditions in the internal market and equal conditions for imports of products from third countries;
- AB. whereas working conditions have improved for laying-hen and veal farmers, but not necessarily for pig farmers;

⁽¹³⁾ European Parliament study entitled 'End the cage age: Looking for alternatives', November 2020.

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- AC. whereas the Commission has decided that it will complete the impact assessment of the ban on cage farming prepared by the European Food Safety Authority (EFSA) in 2022 and the revision of animal welfare legislation, including the General Directive, by 2023;
- AD. whereas a distinction should be drawn between anecdotal cases of non-compliance, which are the focus of too much attention, and the vast majority of farmers who follow the rules;
- AE. whereas livestock farming methods and production systems vary between the Member States;
- AF. whereas Europe's agricultural demography is experiencing an alarming decline; whereas insufficient generational renewal would have an undesirable effect on the implementation of animal welfare norms;
- AG. whereas the EU's agricultural, environmental and international trade strategies and measures to ensure a level playing field within the single market should be coherent, complementary and appropriate;
- AH. whereas the common agricultural policy (CAP) is one of the regulatory and financial tools that can be used as a stimulus to improve the health and welfare of farm animals, notably through eco-schemes but also through supporting investments, although other financing in addition to the CAP is also required to make progress in this direction; whereas according to the Commission's evaluation of the latest EU Animal Welfare Strategy, however, Member States have neglected to take full advantage of the funds for animal welfare purposes and millions of euros in EU rural development funding for improving animal welfare are currently unused or poorly used; whereas livestock farming is the main beneficiary of second pillar aid to farms in areas with natural constraints, which make up 50 % of Europe's utilised agricultural area, as well as of agro-environmental measures, which compensate for the additional costs linked to unfavourable location or the obligation to respect specific legislation ⁽¹⁴⁾;
- AI. whereas particular attention should be paid to ensuring better animal welfare through the entire production cycle and to the promotion of higher animal welfare standards on both the domestic and international markets, and ensuring that our political decisions do not weaken the European livestock production sector or serve to reduce production, which would lead to the relocation of production to other parts of the world where livestock conditions and standards are lower than in Europe, as well as other related problems that are detrimental not only to animal welfare standards but also European environmental objectives;
- AJ. whereas labelling can only be effective if it is science based, easy for consumers to understand and to make an informed choice, designed for an integrated single market applied to all animal products, and underpinned by a coherent EU trade policy to prevent products made to lower standards from entering the market, and only if it does not have additional economic implications for food sector operators, especially farmers, and is truly feasible for our producers without overly onerous implementation costs or constraints; whereas such labelling must also help to create market openings for producers; whereas research and public consultation findings show that certain stakeholders, especially business, are not fully behind the proposal for mandatory labelling; whereas voluntary labelling will earn rewards on the market in the absence of differentiation by the latter based on production characteristics; whereas there is little understanding of the impact of the labelling systems studied on food businesses as well as on consumers' confidence and understanding of animal welfare practices;
- AK. whereas the use of DNA traceability technologies to track and trace every sick animal or infected food has the potential to reassure consumers by ensuring food safety and prevent food fraud;

⁽¹⁴⁾ Study undertaken for the Commission entitled 'Future of EU livestock: How to contribute to a sustainable agricultural sector?', June 2020.

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- AL. whereas information tools for consumers should be designed in such a way as to maintain a level playing field and a harmonised approach, which is currently made impossible by the welter of private initiatives using unprotected animal welfare terms and claims for varying standards; whereas there is a growing market in the EU for animal products from cage-free, free range and organic systems, and for plant-based alternatives;
- AM. whereas the aim in legislative action should be to harmonise and improve the implementation of regulations and standards;
- AN. whereas the majority of animal welfare labelling schemes are initiated by the private sector, while the rest are the result of public-private partnerships or — to a lesser extent — initiatives by national competent actors in some Member States;
- AO. whereas animal welfare systems in the EU are voluntary; whereas most of them include aspects other than animal welfare, such as traceability, sustainability and health; whereas they vary greatly in terms of operation and design;
- AP. whereas there is no consensus on the prospect of mandatory animal welfare labelling rules, mainly due to the economic implications arising from their implementation, in particular for livestock farmers; whereas even if mandatory rules were to even out certain irregularities on the European market, they would have a dampening effect on private initiatives aimed at creating product differentiation and the use of animal welfare as a commercial lever;

Conclusions and recommendations*Implementing the rules*

1. Welcomes the Commission's evaluation and revision of the animal welfare legislation by 2023, including on animal transport and the slaughter of animals, which aims to align it with the latest scientific evidence, broaden its scope, make it easier to enforce and ensure a higher level of animal welfare, as stated in the Farm to Fork strategy;
2. Acknowledges the strides made by many livestock farmers on their farms, particularly in improving animal welfare, and the drive and commitment of some of them to forward thinking and progress;
3. Recommends giving all livestock farmers the means, via an EU-level framework, to take part in a process of progress, based on objective indicators referring to the five fundamental freedoms defined by the World Organisation for Animal Health;
4. Calls for any future legislative initiative (whether the establishment of new legislation or a review of existing texts) entailing an amendment or change to the livestock-raising system (including accommodation) and livestock welfare criteria to be based on sound, recent scientific data or studies derived from research grounded in a systemic approach, taking all aspects into account in order to achieve sustainability and animal welfare; advocates for balance to be maintained, for scientific advice on how the changes to be introduced will affect the animals, the environment and farmers, especially small farmers, and for the competent bodies of the Member States to be consulted as early as possible in the legislative process;
5. Emphasises the need to carry out impact assessments before any decisions are taken and the need to develop a species-by-species approach in order to lay down specific requirements for each type of livestock farm;
6. Calls for the better management of veterinary prevention and promotion of high animal health and welfare standards, notably on vaccination and preventing the unnecessary use of antimicrobials, in order to prevent the spread of zoonotic diseases;

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7. Is aware of the fact that EFSA has produced several opinions on the use of animal-based measures for species not covered by specific legislation (dairy cows and beef cattle) in response to requests from the Commission; regrets the fact that these animal-based measures proposed by EFSA have not been implemented so far; calls on the Commission, therefore, to ensure that these animal-based measures are updated with the latest scientific knowledge and integrated into the existing specific legislation;

8. Acknowledges that according to scientific bodies, animal-based measures — although desirable — are not always enforceable and objectively verifiable; calls on the Commission, therefore, in the context of its revision of the EU animal welfare legislation, to formulate highly specific and verifiable requirements in the light of the latest scientific opinions and the various production systems across the Member States;

9. Calls on the Commission to ensure that the existing animal welfare legislation is complied with and to update the rules, where necessary, to better match them with society's demands, in the light of scientific progress and research findings in this field, while broadening the scope and flexibility of those rules to adapt to the latest scientific and technological developments and the objectives of the Green Deal;

10. Recalls that output-oriented quantifiable changes must be made after appropriate scientific evaluation and in consultation with the competent bodies and stakeholders in the Member States, with a view to meeting the challenges facing stock breeders, on the one hand, and the needs and expectations of citizens and the health and welfare of animals, on the other, taking due account of the best choices for consumers and their purchasing power; recalls that our European food system should provide access to affordable, high-quality food; considers that producers should be guaranteed a fair share of the price of food products complying with EU animal welfare legislation;

11. Calls for shorter supply chains in nutrition, relying on locally or regionally produced food to provide consumers with better direct access to local food and support small farmers;

12. Urges lawmakers to familiarise themselves with and be fully aware of the consequences of these developments; calls for changes to be assessed using a holistic approach taking in the social, environmental, animal welfare and economic components of sustainability, as well as ergonomics for farmers and health-related aspects, and taking particular account of the 'One Health' approach; recalls that animal welfare must be combined with a sustainable economic approach;

13. Underlines the need to improve animal welfare and health in animal agriculture as part of the 'One Health' approach; points to the fact that in order to achieve this goal, improved animal husbandry practices are essential, as better animal welfare improves animal health, thereby reducing the need for medication and curbing the spread of zoonoses; calls on the Commission also to develop the 'One Welfare' approach as part of the revision of the legislation on animal welfare;

14. Calls on the Commission and the Member States to step up their checks monitoring for antibiotics and other banned chemical residues found in imports from non-EU countries, as part of the Commission's strategy to effectively address the unregulated use of antibiotics and pesticides used in animal, seafood and aquaculture production;

15. Calls for measures to be introduced to guarantee the safety and integrity of farmers in the event of certain actions being taken towards animals;

16. Stresses that any change must be considered in the light of the time, support and financing needed for livestock farmers to implement it, its economic and bureaucratic implications, and the inertia it may entail; stresses the need to take particular account of investment costs, given the risk that low profit margins result in lengthy loan repayments; notes that changes to improve on-farm animal welfare need an appropriate transition period; acknowledges that livestock farmers are engaged in an ongoing investment cycle owing to recent animal welfare initiatives and long pay-off periods;

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17. Welcomes the European Citizens' Initiative 'End the Cage Age'; points out that any changes to cage farming will need to be accompanied by precise and unambiguous definitions of what constitutes a cage and its characteristics for different species in order to provide for an effective transition to alternative housing systems, which are already commercially viable and in use, such as barn, free-range and organic systems for hens, park systems, floor pens, outdoor free-range and organic systems for rabbits, free-farrowing and group housing systems for sows, barn and aviary systems for quail, or pair and group housing systems for calves;

18. Urges the Commission, as part of the implementation of the new legislation, to precisely and clearly define the condition and facilities for the breeding of individual species of animals, which should be based on examples of good practices in alternative housing systems; recommends that the Commission focus its activities on enhancing food security and making the EU agricultural market more robust; calls for the revision of Council Directive 1999/74/EC on laying hens in order to rapidly phase out and prohibit battery cages and introduce cage-free systems for all laying hens, create a level playing field, and improve the welfare of animals kept in the EU;

19. Recalls that investments in improved animal welfare incur higher production costs, no matter the type of livestock farming concerned; notes that additional public aid or a clear return on investment from the market must be set out, otherwise the rise in production costs will impede or prevent farmers from investing in animal welfare, which would be an undesirable situation; considers, therefore, that the raising of animal welfare standards should take place gradually and in a responsible manner, based on a system of financial incentives, including funds outside the CAP budget;

20. Urges the Commission to decide on appropriate financial support for livestock farmers to encourage them to invest in better animal welfare; urges the Commission to address these shortcomings as a matter of urgency and to encourage and implement sustainable improvements in remunerating farmers' efforts; calls for further special financial support for breeders linked to the transition to alternative housing systems for animals in connection with the implementation of new legislation banning cage farming, which the Commission has committed to doing by 2027 on the basis of a call by Parliament in its resolution of 10 June 2021 on the 'End the Cage Age' European Citizens' Initiative; acknowledges that this depends on measures to ensure the necessary additional resources coupled with fair market prices; notes that while always welcome, continually raising animal welfare standards and other areas of regulation places additional burdens on compliant farmers; stresses that primary consideration should always be given to ensuring compliance and consistency with existing standards as a first step in order to ensure that the least compliant farmers are brought up to speed and comply with the existing standards before any additional burdens are placed on progressive farmers; underlines that farmers' incomes and the competitiveness of European livestock producers in the global agricultural market need to be taken into account on the basis of reciprocity in the context of measures to enhance EU welfare legislation;

21. Is aware of the limited overall consistency between EU animal welfare legislation and the 2014-2020 CAP, and of the poor integration of the specific legislation into the national rural development plans and insufficient allocation of funding for the objective of animal welfare, with substantial differences from one Member State to another; encourages the Member States to draw up animal welfare eco-schemes in their national strategic plans and calls on the Commission to ensure that the national strategic plans provide support and direction for farmers in improving animal welfare standards; urgently calls for financial support to be provided to livestock farmers who will effect a transition on their farms, including through better housing conditions which meet the physical and behavioural needs of animals, whether by means of public policies (a coherent combination of different tools, including the CAP and the European Maritime, Fisheries and Aquaculture Fund) or the market, and for consumers to be provided with clear and transparent information by ensuring clear and reliable labelling of animal products on welfare-related aspects of the entire production cycle, including the method of production; calls, furthermore, for the implementation of a transparent, positive and non-stigmatising communication strategy across all animal products, taking into account the specificities of certain traditional regional products, in order to raise awareness of the expertise, importance and quality of farmers and animal breeders' work and the benefits of the new animal welfare legislation;

22. Invites the Commission to communicate and help give visibility more effectively to good practices and to assist the livestock sector in its efforts to make progress with positive actions, by supporting the means of implementation, thus respecting the efforts of all stakeholders to get their initiatives off the ground and adopting an encouraging stance that incentivises the incorporation of new practices;

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23. Urges the Member States to exclude the possibility of farmers receiving CAP voluntary coupled support for cattle whose final sale is for activities related to bullfighting, by proportionally excluding the number of heads of cattle from payments;

24. Invites the Commission to invest in the welfare of farmers who handle livestock and the attractiveness of their occupation with a view to enhancing motivation and productivity among settled and future farmers, thereby directly boosting animal welfare;

25. Proposes enhancing affordable training for farmers and operators who handle animals in the sector by adding a specific module for initial and ongoing training with a view to honing skills; calls on the Commission to carry out regular reviews of Member States and farmers' efforts to improve the quality of education and training and to reward special commitments accordingly; supports continued efforts to collate examples of best practice in the field of education and training and the sharing of these with the Member States by means of annual reports; notes that many of the animal welfare hazards identified originated from the action and behaviour of animal handlers and owners; encourages the Commission to check that training for farmers and handlers is included in the national strategic plans;

26. Points out that practices intended to improve animal well-being can incur higher production costs and increase farmers' workload, and that this must be offset by corresponding remuneration; stresses, by way of example, that phasing in loose housing in farrowing units would require a lengthy transition period to ensure that the additional costs incurred are recovered from the markets, and would require the construction of new buildings; demands the cooperation of relevant authorities in issuing building permits and the reduction of administrative burdens;

27. Stresses that some measures believed to improve animal welfare may in fact be counterproductive and undermine other aspects of sustainability, namely welfare and health and safety-related issues and the fight against antimicrobial resistance, as well as efforts to reduce greenhouse gas emissions if they are not developed holistically; cites the fact, by way of example, that keeping rabbits in the open air can increase stress and mortality levels, and that installing collective cages in rabbitries may lead to aggressive behaviour among does, causing stress, injury and reduced performance⁽¹⁵⁾; points out that outdoor rearing may also lead to reduced control over droppings and emissions and to greater amounts of feed needed, thereby potentially causing a greater carbon impact; notes that there is a linear relation between increasing pen dimensions and ammonia emissions⁽¹⁶⁾, leaving farmers facing contradictory legislation on animal welfare and environmental issues; notes that totally 'free farrowing' housing systems or the sudden phasing out of cage rearing could create additional sources of infection among farm animals and increase the stress caused by territorial dominance and rivalry; points out that accommodation in adequate pens at certain times in their life cycles can help curb the spread of animal diseases and pathogenic infections and prevent debilitation and avoidable mortality among young calves or piglets⁽¹⁷⁾; recalls, in this regard, that a species-by-species approach is therefore needed; calls on the Commission to thoroughly assess any potentially harmful effects of each proposal on animal health and welfare;

28. Emphasises the multifaceted complexity of the serious welfare problem of tail biting in pig farming; observes that technical difficulties have been encountered throughout the EU during extensive research and analysis on the risk factors that trigger this behaviour; notes that this has meant that no reliable solutions whatsoever have been found so far and has consequently lead to the widespread practice of tail-docking in spite of the Commission and Parliament's considerable efforts to disseminate information and best practices on keeping pigs with tails intact; regrets the fact that only two Member States have prohibited the practice of tail-docking so far; stresses that providing appropriate environmental enrichment,

⁽¹⁵⁾ Fortun-Lamothe, L., Savietto, D., Gidenne, T., Combes, S., Le Cren, D., Davoust C., Warin, L., *Démarche participative pour la conception d'un système d'élevage cunicole socialement accepté*, 'Colloque Bien-être animal: des valeurs à partager' [Participatory initiative with a view to designing a socially accepted rabbit farming system, 'Animal welfare: shared values' symposium], Strasbourg, 1 and 2 July 2019.

⁽¹⁶⁾ Guingand, N., 'Réduire la densité animale en engraissement: quelles conséquences sur l'émission d'odeurs et d'ammoniac?', *Journées Recherche Porcine* [Reducing stocking density in the fattening phase: effects on odour and ammonia emissions', *French Swine Research Days*], 39, pp. 43-48, 2007.

⁽¹⁷⁾ Kollenda, E., Baldock, D., Hiller, N., Lorant, A., *Assessment of environmental and socio-economic impacts of increased animal welfare standards: transitioning towards cage-free farming in the EU*, Policy report by the Institute for European Environmental Policy, Brussels & London, October 2020.

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particularly materials that can be manipulated, as well as ensuring good space, implementing good feeding-related practices and providing a solid floor, can significantly reduce the problem of tail biting; suggests that more scientific research be funded and carried out with the aim of mapping an economically sustainable pathway to guarantee that pigs can be reared commercially indoors with tails intact; believes that solutions are needed within the scope of the current legislation to safeguard the welfare of pigs and to reduce the use of antimicrobials to treat injured pigs; urges the Commission to ensure that all Member States comply with the ban on the routine tail-docking of pigs; considers, furthermore, that clarity is needed regarding penalties in cases of tail-docking where pigs have been raised in one Member State and are exported to another for fattening ⁽¹⁸⁾;

29. Recalls that the full implementation of the current legislation in every Member State is crucial to enhance on-farm animal welfare and ensure a fair and level playing field in the internal market;

30. Recognises the efforts made by the European pig farming sector to seek alternatives to piglet castration and stresses the need for amendments to the veterinary rules regarding pig farms to take account of progress in the field of alternatives to piglet castration;

31. Invites the Commission to ensure the availability in the various Member States of a harmonised EU list of the available products and protocols for the use of pain-killers and anaesthesia for piglet castration; asks the Commission to permit the short-term storage of veterinary medicines on farms and to allow veterinarians to leave them there in accordance with strict regulatory framework provisions;

32. Notes that the production of foie gras is based on farming procedures that respect animal welfare criteria, since it is an extensive form of production that predominantly takes place on family farms, where birds spend 90 % of their lives in the open air and where the fattening phase, which lasts between 10 and 12 days on average with two meals per day, respects the animal's biological parameters;

33. Applauds the Commission for publishing strategic guidelines on 12 May 2021 for a more sustainable and competitive EU aquaculture; emphasises the importance of promoting the development of the EU aquaculture sector towards more sustainable methods which pay particular attention to fish welfare in order to address the current overdependence on imports; welcomes the fact that Parliament's Committee on Fisheries is drafting an own-initiative report on these guidelines; calls on the Commission to put forward specific, scientifically sound provisions for the welfare of farmed fish;

34. Invites the Commission to improve the internal market by including changes resulting from updated EU animal welfare legislation, devising a harmonised, comprehensive and shared strategy on animal welfare in European countries with harmonised implementation of the relevant legislation and ensuring that the ambition and standards to improve animal welfare are not lowered, while monitoring the proper implementation of and compliance with existing legislation throughout the Member States;

35. Urges the Commission to inform consumers and raise awareness of the reality of livestock farming and its real impact on the environment, biodiversity and the climate, and the diversity and origin of production methods by showing, without dogmatism or stigmatisation, the care and attention that farmers devote to their animals; calls on the Commission and the Member States to significantly improve public awareness and understanding of the reality of livestock farming and animal welfare, including through education in schools;

36. Calls on the Commission to redraft its regulatory framework to improve the welfare of animals in the EU by making it clearer, more comprehensive, more predictable and more accessible with a view to making the objectives and indicators more easily comprehensible and thus leaving less room for interpretation and enabling and facilitating uniform national transposition by the Member States, before tightening the rules further or adding to them; suggests that the General Directive be updated in accordance with the latest scientific knowledge to include the Commission's objectives and citizens'

⁽¹⁸⁾ See the Council conclusions of 5 October 2021 on the crisis in the pigmeat sector and the Commission draft report of an audit carried out in Denmark from 9 to 13 October 2017 in order to evaluate Member State activities to prevent tail biting and avoid routine tail-docking of pigs.

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expectations regarding the welfare of farm animals and systemic research findings, together with work on the species-specific directives, taking due account of the nature of livestock farming, the various stages of the animals' lives, on-farm practices that do not relate to livestock farming, traditions and regional conditions, and the diversity of soil and weather conditions;

37. Notes that the current EU legislation on animal welfare is not comprehensive and invites the Commission to assess the need for and impact of specific animal welfare legislation in the light of the latest scientific knowledge for food-producing species that are not covered by species-specific legislation at present; takes note of the lack of animal-based welfare indicators for the General Directive and Council Directives 2008/120/EC on pigs, 2007/43/EC on chickens, and 1999/74/EC on laying hens; acknowledges, moreover, the lack of quantifiable requirements for the implementation and monitoring of environmental conditions such as air quality (nitrogen, CO₂, dust), lighting (duration, brightness) and minimal noise, which not only affects animal welfare but also distorts competition because of the margin for interpretation; calls on the Commission to set up enforceable and quantifiable such indicators, which should be species-specific and up to date from a scientific point of view;

38. Urges the Commission to clarify its framework for monitoring Member States and to ensure that detrimental practices are tackled and to begin infringement proceedings for non-compliance; emphasises the importance of precision livestock farming technologies, including the potential of on-farm animal health and welfare monitoring tools, which help to prevent and better control disease outbreaks on farms; underlines that there are many factors behind the rate of non-compliance with animal welfare legislation, including unenforceable and unquantifiable animal-based indicators; notes that the frequency of inspections across the Member States ranges from a minimum of 1 % to a maximum of 30 %; is concerned that this large variation in the frequency of inspections either means non-compliance with the Control Regulation⁽¹⁹⁾ or entails considerable pressure for farmers; calls on the Commission and the Member States, therefore, to harmonise the implementation of the Control Regulation to align the frequency of inspections between Member States and livestock sectors; calls on the Commission to report to Parliament every year on its actions and the actions of the Member States to improve the welfare of animals kept on farms in the EU;

39. Asks the Commission to accompany any decision with a scientific and impact assessment (including the environmental, economic and social impacts), which should take into account the diversity of farming methods in each sector in the EU and analyse the situation from the perspective of both the animal (species by species and at different stages of production) and the farmer, with a view to considering citizens' expectations and creating a system of effective breeding to ensure that animals live in favourable conditions, animal welfare is respected and farmers are economically profitable;

40. Stresses that Member States should provide for appropriate enforcement regimes, which could be harmonised between Member States, and that Member States must at all times ensure the strict enforcement of EU legislation; calls on the Commission to submit regular reports to Parliament on the implementation and enforcement of EU animal welfare legislation, which should identify gaps and include a breakdown of infringements by Member State, species and type of infringement;

41. Calls on the Commission to improve cooperation between all the stakeholders concerned and to facilitate dialogue between the various stakeholders in the Member States so as to enable joint consideration of developments in livestock farming systems; encourages the sharing of 'good' practices between livestock farming sectors and countries; wishes to see the development of tools to encourage pioneering livestock farmers to participate in development projects; asks for livestock farmers and animal welfare scientists to be involved at all stages of the studies carried out in Europe's various regions; wishes to see the study documents and documents for disseminating good practice translated into all the languages of the European Union; recognises the potential of the Horizon Europe programme for research and innovation and expects an appropriate balance across the Member States in terms of projects; encourages the Commission to promote an output-oriented approach, as a proper environment to gather Member States' representatives, scientific bodies, stakeholders, farmers and NGOs and exchange views and best practices with a view to ensuring a more uniform implementation of the future animal welfare legislation across the Member States in line with the objectives of the Green Deal;

⁽¹⁹⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1).

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42. Welcomes the setting up of EU reference centres dedicated to the welfare of different species and categories of animals (EURCAWs) as part of the EU Strategy for the Protection and Welfare of Animals 2012-2015; encourages the Commission to further develop the network of EURCAWs, especially for species not covered by the specific legislation, as an effective platform for the consistent and uniform dissemination of technical information across the Member States on how the EU legislation should be implemented;

43. Points out that targeted individual management practices often have a substantial influence on animal welfare; calls on the Commission to introduce a results-based approach to future projects based on scientific evidence and expert knowledge, and on peer-to-peer sharing of best practices among farmers;

44. Stresses the importance of regular exchanges with representatives of national and regional authorities, agricultural farmers' and stakeholder organisations, NGOs, citizens and experts concerning examples of good practice and needed improvements in the area of animal welfare; points out that, despite its low cost, knowledge transfer in this area is highly efficient and should therefore be put into practice more often; welcomes, in this regard, the Commission's renewal of the mandate of the Platform on Animal Welfare; takes the view that exchanges of good practices and knowledge transfer should be further strengthened and facilitated in order to help the parties involved to speed up and simplify their regular exchange process, as well as store and secure their flows of information; stresses the importance of holding such regular exchanges also with representatives of the non-EU countries which import animals from the Union;

45. Urges the Commission to link its various strategies by implementing rules drawn up in a manner consistent with the European Green Deal, the Farm to Fork strategy, the EU Biodiversity Strategy for 2030 and agricultural policies relating to trade, commercial practices and promotion; stresses that consistency between these strategies is a precondition for a viable agricultural sector; calls for the revised animal welfare legislation to be fully aligned with the priorities of the Green Deal and the Farm to Fork strategy, broadening its scope and flexibility to adapt to the latest scientific and technological developments; calls on the Commission to bring trade policy into line with EU animal protection and welfare standards, by re-evaluating trade agreements with third countries and bringing reciprocity to new bilateral and multilateral trade agreements, in order to create a level playing field and avoid undermining the economic profitability of its own producers and ensure that they meet EU animal welfare and product quality standards;

46. Calls on the Commission to join up the various legal texts on animal welfare, whether on farms, during transport or at slaughter;

Animal welfare labelling

47. Deplores the limited return on investment for farmers who take part in voluntary animal welfare recognition schemes; notes, furthermore, that animal welfare labelling will only prove successful if a return on investment is forthcoming from the higher price point and if costs and benefits are fairly distributed throughout the entire agri-food chain, allowing farmers a fair share of the higher price paid by the consumer for the purchase of food products complying with EU animal welfare labelling requirements;

48. Calls on the Commission to negotiate reciprocity clauses at a multilateral level and in bilateral agreements regarding compliance with animal welfare standards for imported products, including for the purpose of providing accurate information to consumers;

49. Stresses that the introduction of any animal welfare labelling requires, at an early stage, harmonised mandatory rules that are drawn up in collaboration with all stakeholders and based on clear scientific indicators together with large-scale promotion campaigns and education activities to provide information to European consumers;

50. Calls on the Commission to also guarantee animal welfare in the rest of the chain downstream of the producer and to incorporate it in the harmonised voluntary labelling provisions;

51. Calls on the Commission to begin work on a comprehensive EU animal labelling system with a view to developing a mandatory EU framework for voluntary labelling, which should cover all livestock farms but include and recognise specific features for each species, so as to limit the risks of competition being distorted in the internal market, while leaving sufficient room for private initiatives that invest in product diversity and observe higher animal welfare standards as market leverage;

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52. Asks the Commission to propose a harmonised and mandatory EU framework with common requirements for voluntary animal welfare labelling which is based on EU rules and which invites the Member States to record the various approaches being used; calls for the specifications of the framework to be drawn up according to a technically realistic and scientifically sound approach that reflects the methods of production throughout the entire cycle and for this framework to ensure that value is redistributed towards livestock farmers in order to enable market-driven progress in animal welfare; insists that the labelling scheme must be based on a clear set of technical references, with a well-defined use of the terms and claims which can be made in marketing, to prevent misleading consumers and animal welfare-washing;

53. Recalls that for the purposes of consistency, processed products and ingredients of animal origin may also be able to benefit from such labelling; recommends that the proposed animal welfare labelling scheme take into account consumers' growing demand for information and the concurrent objectives of Farm to Fork as regards sustainability, health and dietary concerns, alongside animal welfare;

54. Invites the Commission to conduct an in-depth examination of the possible implications, particularly for livestock farmers, of introducing a mandatory EU framework with common requirements for labels, thoroughly assessing the impact on all the actors involved in the food supply chain, from farmers to consumers, while drawing in particular on experience gained in recent public labelling schemes in some Member States; calls on the Commission to avoid conflicts between possible future schemes and existing labelling systems, especially in relation to the mandatory requirements in the specific animal welfare directives; is concerned about the results of a previous impact assessment conducted by the Commission in 2012, which indicated that labelling would increase industry costs without necessarily increasing benefits;

55. Calls on the Commission to implement a policy to protect European livestock farming by prohibiting the import into Europe of livestock or meat that does not comply with European animal welfare standards;

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

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Activities of the European Ombudsman — annual report 2020

European Parliament resolution of 16 February 2022 on the annual report on the activities of the European Ombudsman in 2020 (2021/2167(INI))

(2022/C 342/07)

The European Parliament,

- having regard to the annual report on the activities of the European Ombudsman in 2020,
 - having regard to Article 10(3) of the Treaty on European Union (TEU),
 - having regard to Articles 15, 24(3), 228 and 298(1) of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Articles 11, 41, 42 and 43 of the Charter of Fundamental Rights of the European Union ('the Charter'),
 - having regard to the UN Convention on the Rights of Persons with Disabilities (UNCPRD),
 - having regard to Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom⁽¹⁾,
 - having regard to the European Code of Good Administrative Behaviour adopted by Parliament on 6 September 2001,
 - having regard to the Framework Agreement on Cooperation concluded between Parliament and the European Ombudsman on 15 March 2006, which entered into force on 1 April 2006,
 - having regard to its previous resolutions on the European Ombudsman's activities,
 - having regard to Rules 54 and 142(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A9-0342/2021),
- A. whereas the annual report on the activities of the European Ombudsman in 2020 was formally submitted to the President of Parliament on 6 September 2021 and whereas the European Ombudsman, Emily O'Reilly, presented the report to the Committee on Petitions in Brussels on 14 July 2021;
- B. whereas Articles 20, 24 and 228 TFEU and Article 43 of the Charter empower the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union (CJEU) acting in its judicial role;
- C. whereas Article 10(3) TEU establishes 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';
- D. whereas Article 15 TFEU states that 'in order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible' and that 'any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies'; whereas ensuring that high-quality services are provided to EU citizens and that the EU administration is responsive to their needs and concerns is crucial in protecting citizens' rights and fundamental freedoms;

⁽¹⁾ OJ L 253, 16.7.2021, p. 1.

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- E. whereas Article 41 of the Charter, on the right to good administration, states, inter alia, that ‘every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union’;
- F. whereas Article 43 of the Charter states that ‘any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the CJEU acting in its judicial role’;
- G. whereas Article 298(1) TFEU establishes that ‘in carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration’;
- H. whereas in 2020 the Ombudsman opened 370 inquiries, of which 365 were complaint-based and 5 own-initiative, while closing 394 inquiries (392 complaint-based and 2 own-initiative); whereas most of the inquiries concerned the Commission (210 inquiries or 56,8 %), followed by the EU agencies (34 inquiries or 9,2 %), the European Personnel Selection Office (EPSO) (30 inquiries or 8,1 %), the European External Action Service (EEAS) (14 inquiries or 3,8 %), the European Anti-Fraud Office (OLAF) (12 inquiries or 3,2 %), the Parliament (11 inquiries or 3 %) the European Central Bank (9 inquiries or 2,4 %), the European Investment Bank (9 inquiries or 2,4 %), and other institutions (41 inquiries or 11,1 %);
- I. whereas the top three concerns in the inquiries closed by the Ombudsman in 2020 were transparency, accountability (access to information and documents) (25 %), culture of service (24 %) and proper use of discretionary powers, including in infringement procedures (17 %); whereas other concerns include ethical issues in the EU administration, respect for fundamental rights, sound financial management, whistleblowing, respect for procedural rights, recruitment and good management of EU personnel issues;
- J. whereas the Ombudsman plays a key role in ensuring the full transparency, democratic accountability and integrity of the EU decision-making processes;
- K. whereas the Ombudsman’s main priority is to ensure that citizens’ rights are fully respected and that the right to good administration by EU institutions, bodies, offices or agencies reflects the highest standards;
- L. whereas the Ombudsman carried out a considerable amount of work, following the outbreak of the COVID-19 pandemic, to make sure that all EU institutions comply with the highest standards of good administration in order to protect citizens’ rights and enhance public trust;
- M. whereas the Ombudsman examined the work of the Commission during the COVID-19 crisis and requested information, inter alia, on the transparency of the Commission’s interaction with interest representatives, on its decision-making related to emergency public procurement and on the transparency and independence of scientific advice concerning the pandemic;
- N. whereas following an inquiry into the performance of the European Centre for Disease Prevention and Control (ECDC) during the COVID-19 crisis, the Ombudsman found gaps in the ECDC’s transparency practices, including on the data underlying its risk assessments and interactions with international partners, and made proposals aimed at improving the public scrutiny of the ECDC’s activities related to the COVID-19 vaccines;
- O. whereas publicity and transparency are the main principles underlying the EU legislative process, as confirmed by the case-law of the CJEU, which provided clear legal guidance on the way to ensure their full and consistent respect; whereas the CJEU stated that the lack of transparency and information weakens citizens’ trust in the legitimacy of the EU legislative process as a whole; whereas, contrary to these principles, the Commission was not transparent in the negotiation, purchase and distribution of COVID-19 vaccines;
- P. whereas the EU citizens’ right to know and the EU institutions’ obligation to ensure full transparency, especially when it comes to COVID-19 vaccine contracts between the EU institutions and pharmaceutical companies, prevail over any alleged right of pharmaceutical companies or the EU institutions either to hide or not fully disclose any or some information related to these contracts or COVID-19 vaccines;

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- Q. whereas the EU has planned a period of unprecedented levels of spending and investment under NextGenerationEU, which will also create significant links with the private sector, therefore making it even more crucial for the EU institutions to have a decision-making process founded on full transparency and on the most stringent ethical rules in order to prevent conflicts of interest and corruption cases;
- R. whereas the Council did not follow the Ombudsman's final recommendations, refusing to provide public and timely access to legislative documents concerning the adoption of the annual regulations setting fishing quotas, which contained fundamental environmental information within the meaning of the Aarhus Regulation, thereby undermining the transparency of its decision-making process; whereas the Ombudsman found that the Council's decision constituted maladministration, stressing that it is still failing to fully understand the critical link between democracy and the transparency of decision-making;
- S. whereas the Ombudsman launched an inquiry into the refusal by the Council to address the issue of corporate sponsorships of the Presidency of the Council of the EU; whereas the Ombudsman found maladministration in the Council's inaction in relation to eliminating the reputational risks that such commercial sponsorships entail to the impartiality of its Presidency and for the image of the EU as a whole;
- T. whereas the Ombudsman raised concerns about the Commission's current practices for the approval of the 'active substances' used in pesticides and about the fact that, according to the Commission's system for verifying conflicts of interest, external scientific experts who advise it do not have to declare financial interests below a threshold of EUR 10 000;
- U. whereas the Ombudsman found that the Commission should have carried out a more critical scrutiny of all risks of conflicts of interest before awarding a contract to carry out a study on integrating environmental, social and governance (ESG) objectives into EU banking rules to BlackRock Investment Management, a company managing investments in the fossil fuel and banking sectors, which are areas that fall within the scope of the new rules on ESG; whereas the Ombudsman underlined that the EU rules on public procurement are not robust and clear enough to prevent conflicts of interest;
- V. whereas the former European Investment Bank (EIB) Vice-President left the EIB Management Committee in November 2020 and, after less than three months, joined the board of the Spanish multinational utility company Iberdrola; whereas the former EIB Vice-President was in charge of overseeing the EIB's lending operations in Spain, including Iberdrola; whereas from 2019 onwards Iberdrola benefited from massive loans worth EUR 1,39 billion in total, making it one of the top clients of the EIB in recent years; whereas this case illustrates the unresolved controversial practice at the EIB of allowing its Vice-Presidents, nominated by the Member States, to be put in charge of overseeing EIB lending in their countries of origin, thereby running the risk of giving rise to conflicts of interest;
- W. whereas according to the Ombudsman, the Commission's failure to finalise a 'sustainability impact assessment' (SIA) before concluding the negotiations on a trade agreement between the EU and Mercosur constituted maladministration; whereas the Ombudsman's findings underlined that the Commission had disregarded its own guidelines on the use of SIAs before the conclusion of the trade negotiations;
- X. whereas the Ombudsman found instances of maladministration in the decision by the European Banking Authority (EBA) to approve the job move of its then Executive Director as Chief Executive Officer (CEO) of the Association for Financial Markets in Europe (AFME), a lobby organisation for the financial industry, failing to mitigate the risks of conflicts of interest, as well as continuing to give him access to confidential information; whereas the EBA has begun implementing the Ombudsman's recommendations, enabling the Ombudsman to close the case;
- Y. whereas the Commission's strategy in dealing with petitions refers to its 2016 Communication entitled 'EU law: Better results through better application', whose rules establish no administrative procedure or practice concerning petitions; whereas the Commission's approach, resulting in its systematic refusal to take action on individual petition issues and on petitions concerning areas under Article 6 TFEU is at odds with the provisions of Article 227 TFEU and is creating frustration and disappointment among citizens, while at the same time undermining the possibility to identify systematic shortcomings in relation to EU law occurring in Member States;

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- Z. whereas many petitions received by the Committee on Petitions are related to the Commission's lack of transparency and request that the full details of the COVID-19 vaccine contracts signed between the Commission, the Member States and the pharmaceutical industry, as well as data on patient-level clinical trials, be published;
- AA. whereas the Ombudsman is a redress mechanism for citizens facing problems in gaining access to documents held by the EU institutions; whereas a significant number of the Ombudsman's inquiries in 2020 resulted in access being granted to documents of wider public interest, in spite of the fact that the applicable EU legislation is structurally inadequate, as it is outdated and no longer reflects the current practices adopted by the EU institutions;
- AB. whereas the Ombudsman put in place a set of actions aimed at promoting better and more consistent implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) within the overall EU administration and launched a strategic initiative on the way the Commission accommodated the special needs of staff members with disabilities in the context of the COVID-19 emergency;
- AC. whereas the Ombudsman launched an inquiry into how the Commission ensures that Hungary and Portugal's use of European structural and investment funds (ESI Funds) for care facilities for persons with disabilities is in line with the legal obligations stemming from the Charter, the ESI Funds Regulation and the UNCRPD;
1. Approves the annual report for 2020 presented by the European Ombudsman, and commends its excellent presentation of the most important facts and figures concerning the Ombudsman's work in 2020;
 2. Congratulates Emily O'Reilly on her remarkable work to enhance the openness, accountability and integrity of the EU institutions, bodies, offices and agencies, thereby safeguarding citizens' fundamental rights, in particular in a tragic year marked by the devastating consequences of the outbreak of the COVID-19 pandemic; recalls that transparency is enshrined in the rule of law and represents a key principle of participative democracy;
 3. Recalls that the Ombudsman can make recommendations, proposals for solutions and suggestions for improvement with a view to solving a problem in cases of maladministration; notes that where a complaint falls outside the Ombudsman's mandate, the Ombudsman may advise the complainant to refer it to another authority or to the Committee on Petitions; notes that in 2020 the Ombudsman received more than 1 400 complaints which did not fall within her mandate, mainly because they did not concern activities related to the EU administration;
 4. Congratulates the Ombudsman on her monitoring of how the EU's frontline institutions are carrying out their work during the pandemic and for underlining their obligation to ensure transparency; welcomes the question addressed by the Ombudsman to the Commission about the transparency of the scientific advice it receives, its meetings with interest representatives and its decisions related to emergency public procurement;
 5. Expresses its appreciation of the Ombudsman for her constructive cooperation with Parliament, in particular the Committee on Petitions, and with other EU institutions; commends the Ombudsman for her capacity to improve the quality and accessibility of the services provided to citizens and for the fact that, in spite of the backdrop of the pandemic, there was no fall-off in her core work and no disruption in dealing with complaints;
 6. Notes that the Ombudsman's work has led to positive changes in the EU institutions and bodies;
 7. Emphasises the essential role of transparency and good administration in the work of the EU institutions; regrets the fact that the Commission did not provide adequate explanations to the Ombudsman's requests on key elements of its work during the COVID-19 crisis; calls on the Commission to clarify its decision-making on emergency public procurement, including on the appointment procedures of the members of the various committees, in order to ensure full transparency of the process;
 8. Notes that the Commission has acknowledged the competitive nature of the market for vaccines; believes it is in the interests of European citizens to have clarity and transparency on Advance Purchase Agreements and Purchase Agreements concerning COVID-19 vaccines, and that this must prevail over the request of the manufacturers to introduce

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non-disclosure clauses; stresses that trust between citizens and the institutions is of paramount importance, especially in the context of the COVID-19 crisis; encourages the Ombudsman to continue her inquiries and to ask the Commission to publish non-redacted versions of such Advance Purchase Agreements and Purchase Agreements; urges the Commission to ensure full transparency on all details of the research into, and the development, purchase and distribution of COVID-19 vaccines, by publishing non-redacted versions of the Advance Purchase Agreements and the Purchase Agreements and by making the disclosure of all details in future contracts concerning COVID-19 vaccines a precondition for future negotiations with pharmaceutical companies; emphasises that any lack of transparency in the framework of the COVID-19 pandemic is at odds with citizens' right to information and fuels disinformation and distrust;

9. Stresses the paramount importance of guaranteeing the full and consistent implementation of the Ombudsman's proposals made following her strategic inquiry on improving the transparency practices and the overall work of the ECDC, whose role is crucial in collecting and publicising key information on COVID-19 vaccines and in enhancing public trust in the EU's COVID-19 vaccination strategy;

10. Supports the Ombudsman in her work to ensure that citizens can fully exercise their democratic rights by, inter alia, directly participating in and following in detail the decision-making process within the EU institutions, as well as by having access to all the relevant information as also stipulated by the CJEU's case-law;

11. Welcomes the Ombudsman's action on requests to the Commission to provide public access to documents related to Member States' recovery and resilience plans, which are of significant public interest, and relate to the unprecedented amount that will be allocated under NextGenerationEU; welcomes the fact that the Commission has already made extensive material about the Recovery and Resilience Facility available; stresses that more transparency and strengthened oversight by the relevant authorities is needed in this respect, including strengthened oversight by the Ombudsman of the administrative procedures concerning the EU funds; calls on the Ombudsman to explore, together with European Network of Ombudsmen (ENO) members, other possible actions within their competence on supervising the allocation and use of EU funds, in order to protect Union citizens' rights against possible conflicts of interest and corruption cases, as well as violations of the rule of law, contributing to ensuring the integrity, full transparency and democratic accountability of the EU institutions;

12. Underlines that the transparency of the legislative process represents a core component of any representative democracy; regrets the fact that the Council's current practices with regard to its decision-making process are still marred by a lack of transparency; deplores the fact that the Council is persisting in preventing citizens from having direct and timely access to its legislative documents, while the legislative process is ongoing, in breach of citizens' right to participate effectively in the decision-making process;

13. Commends the Ombudsman for her determination to achieve full transparency in the EU decision-making process; recalls that in its resolution of 17 January 2019 on the Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU⁽²⁾, Parliament supported the Ombudsman's proposals on legislative transparency; stresses the need to monitor the implementation of the Ombudsman's recommendations for transparency in trilogues; calls on the Council to step up its transparency efforts, particularly by recording and publishing Member States' positions and by making more trilogue documents available, in order to uphold citizens' democratic rights;

14. Welcomes the fact that in the context of the wider strategic work on the response of the EU administration during the COVID-19 crisis, the Ombudsman also opened an own-initiative inquiry into the extraordinary decision-making procedures put in place by the Council; encourages the Council to follow the suggestions for the improvement of its work that the Ombudsman put forward;

15. Urges the Commission to refrain from approving 'active substances' used in pesticides in cases where critical areas of concern or no safe use have been identified, or when additional data confirming their safety is needed, given the already serious consequences which the use of pesticides has caused for human health and the environment;

⁽²⁾ OJ C 411, 27.11.2020, p. 149.

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16. Calls on the Commission to ensure an approval process for 'active substances' in pesticides, which is fully transparent and free from conflicts of interest; notes that the European Citizens' Initiative entitled 'Save Bees and Farmers' has gathered over one million signatures across the EU and that this initiative calls for a phase-out of synthetic pesticides in the EU, for measures to restore biodiversity and for support for farmers to make the transition to sustainable agriculture; asks the Ombudsman to continue investigating the systems in place at EU level to make sure that the current policies and procedural safeguards in this field guarantee the highest levels of human health and environmental protection, and that the collection and examination of scientific evidence is fully transparent, accurate and free from conflicts of interest;

17. Recalls that in March 2020, the Ombudsman closed her inquiry into how the Commission ensures that scientific experts who advise it have no conflicts of interest; calls on the Commission to improve its assessment processes of the independence of the scientific experts who advise it, including by fully implementing the Ombudsman's suggestions following her inquiry on this matter, ensuring that the experts concerned do not have any conflict of interest;

18. Encourages the Ombudsman to launch an inquiry on the Commission's strategic approach in dealing with petitions, as its action, which is only limited to issues it considers of strategic importance or which reflect structural problems, and which therefore excludes individual cases, could affect citizens' rights to petition and to good administration;

19. Criticises the Commission for its failure to finalise the SIA before concluding the EU-Mercosur trade negotiations; recalls Parliament's position that the environmental and social impacts of free trade agreements must be thoroughly assessed prior to the conclusion of trade negotiations;

20. Criticises the decision of those Member States, which held the Presidency of the Council, to use corporate sponsorship, as it entails serious reputational risks to the EU's image, stressing the importance for the future to refrain from any sponsorship; considers paramount the adoption of the most stringent rules preventing such practices from taking place with a view to safeguarding the reputation and integrity of the Council and of the EU as a whole; calls on the Member States to comply with their obligation to collaborate with the Ombudsman in full transparency;

21. Commends the Ombudsman's work to protect EU citizens' right to access documents held by the EU institutions and to provide citizens with documents in all EU official languages; welcomes the Ombudsman's initiative on the fast-track procedure related to access to documents cases, aiming to have a decision on the requested documents within 40 working days; underlines that in 2020 the average time taken to handle public access complaints is one third what is was before 2018 when this procedure was introduced; considers it paramount to guarantee full transparency and public access to the documents held by the EU institutions in order to ensure the highest levels of protection of the democratic rights of citizens and their trust in the EU institutions; believes that revision of Regulation (EC) No 1049/2001 ⁽³⁾ must take place as a matter of priority; regrets the fact that EU legislation on access to documents is very much obsolete, thereby also hampering the Ombudsman's activities on this matter;

22. Approves the Ombudsman's repeated commitment to combating revolving door cases, including the one involving the EBA, which persuaded it to agree with her recommendations by adopting a new policy for assessing post-employment restrictions and prohibitions for staff, as well as new procedures to suspend access to confidential information immediately for staff who are leaving;

23. Calls on the Ombudsman to continue her work to ensure the timely publication of the names of all EU officials involved in 'revolving door' cases and to guarantee full transparency with regard to all related information;

24. Welcomes the inquiry launched by the Ombudsman into how the EIB handled its former Vice-President's post-employment application for a senior position at the Spanish company Iberdrola that had received a massive amount in loans from the EIB; criticises the failure of the EIB to act on Parliament's request to include in the Code of Conduct of the EIB Management Committee provisions preventing their Members from overseeing lending and the implementation of

⁽³⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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projects in their countries of origin; calls on the EIB to fully and consistently comply with Parliament's demand, and to strengthen its integrity rules and their enforcement in order to prevent conflicts of interest and reputational damage;

25. Welcomes the Ombudsman's investigations into the protection of refugees' fundamental rights, including her inquiry into how the European Border and Coast Guard Agency (Frontex) handles breaches of fundamental rights and the extension of its mandate, the transparency and effectiveness of the complaint mechanism and the role and the independence of the Fundamental Rights Officer; calls on the Ombudsman to follow this up by looking at the Commission's future actions and by investigating how its established monitoring mechanism checks the effectiveness of border management operations that are funded by the EU; highlights the importance of the Ombudsman's investigation into how the Commission ensures that Member States' authorities respect fundamental rights in border management operations;

26. Asks the Commission to comply fully and in a timely manner with the Ombudsman's recommendations made following her inquiry on the BlackRock case by adopting strengthened and clearer rules, including in the framework of its internal guidelines, aimed at preventing any conflicts of interest in all procedures related to public procurement with a view to, inter alia, safeguarding the integrity of the decision-making processes concerning the adoption of new rules on ESG issues at EU level;

27. Supports the Ombudsman's activities aimed at guaranteeing the full and consistent implementation of the UNCRPD by the EU administration, including the list of best practices set out to promote a consistent approach across the EU administration in accommodating the special needs of staff members with disabilities in the context of the COVID-19 emergency; welcomes the Ombudsman's inquiries following complaints by persons with disabilities, and encourages her in her work as an active participant in the EU Framework for the UNCRPD; recalls, in this regard, that the Ombudsman chaired the EU Framework for the UNCRPD in 2020;

28. Welcomes the continuation of the Award for Good Administration, which aims to recognise actions by the EU public service that have a positive impact on the lives of European citizens; takes the view that the award should be better publicised to show European citizens that the EU institutions are taking practical action;

29. Urges the Commission to investigate the use of ESI Funds which were allocated for the construction of institutional care facilities for persons with disabilities in Hungary and Portugal;

30. Stresses that ESI Funds have been allocated to promote the rights of persons with disabilities to live independently and to be included in the community; stresses that it is essential to monitor the allocated EU funds, which should be used to support deinstitutionalisation in Member States;

31. Notes that there has been a slight increase in the number of complaints addressed to the Ombudsman during recent years, which shows that more citizens are now aware of the existence of the institution and the very useful work it does to defend public interests;

32. Stresses that Member States' obligations as regards the principle of non-discrimination, including paying particular attention to ensuring the participation of persons with disabilities throughout the preparation and implementation of projects, should be respected;

33. Welcomes the fact that in 2020, the average length of the inquiries of cases closed by the Ombudsman was five months, an improvement compared to the previous year where it stood at seven months;

34. Notes with satisfaction that 57 % of the cases were closed in 2020 in less than three months, and that the cases which take up to 18 months to be resolved represented only 1 %, compared to 10 % in the previous year and 27 % in 2013; appreciates, therefore, the efforts to resolve the issues raised by citizens and calls on all institutions concerned to respond to requests from the Office of the European Ombudsman in a timely manner;

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35. Notes that the number of complaints that are outside the European Ombudsman's mandate has remained relatively stable throughout the years (1 420 in 2020; 1 330 cases in 2019; and 1 300 cases in 2018); notes that, according to the 2020 report, most of these complaints do not concern the EU administration; welcomes the efforts of the Office to better inform citizens about the Ombudsman's mandate; points out at the same time the need to improve communication and awareness about the various forms of complaints citizens can submit at national and European level; stresses the role that Parliament and its Members should also play in this regard;
36. Notes that the acceptance rate of the Ombudsman's proposals by the EU institutions stood at 79 % in 2020, representing a slight improvement on the previous year; strongly believes that the Union institutions, agencies and bodies must fully and consistently comply with the Ombudsman's solutions, recommendations and suggestions;
37. Stresses the importance of the ENO and of the annual meetings hosted with national and regional ombudsmen through the ENO to further raise awareness of what the Ombudsman's Office can do for European citizens; welcomes the Ombudsman's actions during the pandemic to keep regular contact with her national colleagues and to organise and host webinars throughout 2020 on topics such as the implications of the pandemic, promoting and sharing best practices in crisis response and on the impact of artificial intelligence; acknowledges the important contribution made by the ENO in providing information on the responsibilities and competences of its members and on the proper implementation of European law; calls on this network to consider the role that national and regional ombudsmen could play in getting EU citizens more involved in the EU decision-making process; encourages further cooperation between the members of ENO, including in the area of promoting future parallel inquiries;
38. Commends the Ombudsman on her activities on digital platforms, raising EU citizens' awareness of her work; notes that the fastest-growing channel in 2020 was Instagram, where the audience grew by 71 % during the year (1 068 new followers); on LinkedIn, where the number of followers increased by 34 % (up by 1 237), while on Twitter, where the Ombudsman has the largest audience, the number of followers reached 29 200 in December 2020, which represents an 11 % increase (up by 2 870);
39. Congratulates the Ombudsman on the 25th anniversary of the establishment of the post, underlining that, since 1995, the Office has handled over 57 000 complaints and conducted more than 7 300 inquiries, which has greatly contributed to improving the ethical and accountability standards of the EU institutions across a wide range of areas; endorses the Ombudsman's strategy 'Towards 2024' aimed at increasing the impact, visibility and relevance of the Ombudsman's Office, setting out its objectives and priorities for the current term, which include raising citizens' awareness of the Ombudsman's work;
40. Welcomes the adoption of the new Statute of the Ombudsman, whose provisions provide clarity on the Ombudsman's role and add further competences on areas related to whistleblowing, harassment and conflicts of interest in the institutions, bodies and agencies of the EU; considers it of the utmost importance to allocate an increased budget to the Ombudsman, in order to provide her with the necessary resources to effectively handle her overall workload;
41. Welcomes the Ombudsman's practical recommendations for the EU administration on the use of 24 official languages when communicating with the public; stresses that these recommendations are vital to the preservation of rich linguistic diversity in Europe; recalls that the equality of languages should be better ensured by the EU institutions; notes that the websites of the EU institutions should better demonstrate the equality of all 24 official EU languages and regrets the fact that many parts of the EU institutions' websites are still available only in some languages;
42. Welcomes the Ombudsman's efforts to improve public participation in the EU decision-making process;
43. Welcomes the new version of the Ombudsman's website, which is more dynamic and easier for European citizens to use; encourages the Ombudsman to translate more of her publications into all of the EU's official languages;
44. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States and their Ombudsmen and equivalent competent bodies.
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P9_TA(2022)0032

A European strategy for offshore renewable energy

European Parliament resolution of 16 February 2022 on a European strategy for offshore renewable energy (2021/2012(INI))

(2022/C 342/08)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, and in particular to Article 194 thereof,
- having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC ⁽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⁾,
- 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⁾ (the Renewable Energy Directive),
- having regard to Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 ⁽⁴⁾ (the TEN-E Regulation),
- having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 ⁽⁵⁾, which is currently being revised,
- having regard to 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, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council ⁽⁶⁾,
- having regard to its resolution of 6 February 2018 on accelerating clean energy innovation ⁽⁷⁾,
- having regard to its resolution of 14 March 2019 entitled ‘Climate change — a European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy in accordance with the Paris Agreement’ ⁽⁸⁾,

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ OJ L 257, 28.8.2014, p. 135.

⁽³⁾ OJ L 328, 21.12.2018, p. 82.

⁽⁴⁾ OJ L 115, 25.4.2013, p. 39.

⁽⁵⁾ OJ L 348, 20.12.2013, p. 129.

⁽⁶⁾ OJ L 328, 21.12.2018, p. 1.

⁽⁷⁾ OJ C 463, 21.12.2018, p. 10.

⁽⁸⁾ OJ C 23, 21.1.2021, p. 116.

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- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽⁹⁾,
- having regard to its resolution of 10 July 2020 on a comprehensive European approach to energy storage ⁽¹⁰⁾,
- having regard to its resolution of 25 November 2020 on a New Industrial Strategy for Europe ⁽¹¹⁾,
- having regard to its resolution of 19 May 2021 on a European Strategy for Hydrogen ⁽¹²⁾,
- having regard to its resolution of 19 May 2021 on a European strategy for energy system integration ⁽¹³⁾,
- having regard to its resolution of 7 July 2021 on the impact on the fishing sector of offshore windfarms and other renewable energy systems ⁽¹⁴⁾,
- 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 10 March 2020 entitled ‘A New Industrial Strategy for Europe’ (COM(2020)0102),
- 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) and its related resolution of 9 June 2021 of the same title ⁽¹⁵⁾,
- having regard to the Commission communication of 8 July 2020 entitled ‘A hydrogen strategy for a climate-neutral Europe’ (COM(2020)0301),
- having regard to the Commission communication of 8 July 2020 entitled ‘Powering a climate-neutral economy: An EU Strategy for Energy System Integration’ (COM(2020)0299),
- 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 report of 14 October 2020 entitled ‘2020 report on the State of the Energy Union pursuant to Regulation (EU) 2018/1999 on Governance of the Energy Union and Climate Action’ (COM(2020)0950),
- 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 the Commission’s proposal of 15 December 2020 for a regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Regulation (EU) No 347/2013 (COM(2020)0824),
- having regard to the European Environment Agency report No 3/2015 of 1 October 2015 entitled ‘Marine protected areas in Europe’s seas — an overview and perspectives for the future’ and its briefing of 6 October 2020 entitled ‘Management effectiveness in the EU’s Natura 2000 network of protected areas’,
- having regard to the agreement adopted at the 21st Conference of the Parties to the UN Framework Convention on Climate Change (COP21) in Paris on 12 December 2015 (the Paris Agreement),

⁽⁹⁾ OJ C 270, 7.7.2021, p. 2.

⁽¹⁰⁾ OJ C 371, 15.9.2021, p. 58.

⁽¹¹⁾ OJ C 425, 20.10.2021, p. 43.

⁽¹²⁾ OJ C 15, 12.1.2022, p. 56.

⁽¹³⁾ OJ C 15, 12.1.2022, p. 45.

⁽¹⁴⁾ Texts adopted, P9_TA(2021)0338.

⁽¹⁵⁾ Texts adopted, P9_TA(2021)0277.

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- having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Transport and Tourism and the Committee on Fisheries,
 - having regard to the report of the Committee on Industry, Research and Energy (A9-0339/2021),
- A. whereas the EU has ratified the Paris Agreement, as well as the European Green Deal and the recently adopted European Climate Law, which set an EU target of reducing greenhouse gas (GHG) emissions by at least 55 % by 2030 and achieving the climate neutrality target by 2050 at the latest, as well as complementary goals, in order to fight the effects of global climate change;
- B. whereas the transition to a net-zero GHG, highly energy-efficient and highly renewables-based economy requires a rapid and clean energy transition that ensures sustainability, security of supply and affordability of energy, as well as the necessary energy infrastructure;
- C. whereas the significant decrease in renewable offshore electricity prices has made it one of the most competitively priced sources of energy, with the global weighted average levelised cost of energy for offshore wind declining by 48 % between 2010 and 2020, from EUR 0,14 to EUR 0,071 kWh, and consequently a critical element in the green transition, paving the way for a modern, resource-efficient and competitive economy, and has become one of the most important pillars of the EU's climate ambitions; whereas offshore renewable energy (ORE) has the ability to utilise massive energy sources to protect households from energy poverty;
- D. whereas the EU strategy on offshore renewable energy should take into account the different geographical features of the EU's sea basins, which make it challenging to develop a one-size-fits-all approach;
- E. whereas the EU ORE production sector is a technological leader with significant potential to boost the EU economy by supporting the growth of clean energy production in Europe and around the world;
- F. whereas the total amount available for EU research and development (R&D) programmes for offshore wind over the past 10 years was EUR 496 million; whereas public R&D investments in the wind energy value chain have already played a crucial role in allowing the sector to develop; whereas the investment needed to pursue the large-scale deployment of ORE by 2050 is estimated to be almost EUR 800 billion, around two thirds to fund the associated grid infrastructure and around a third for offshore power generation; whereas the NextGenerationEU recovery plan provides a unique opportunity to mobilise significant amounts of public capital in addition to private investment;
- G. whereas the skills and qualifications of the workforce are key to the success of the offshore renewable energy strategy;
- H. whereas EU ports play crucial role in ensuring offshore wind is cost-effective, and act as gateways to local development in coastal communities;
- I. whereas the North Sea is currently the world's leading region for deployed capacity in offshore wind; whereas other European sea basins such as the Atlantic, the Mediterranean, the Baltic Sea and the Black Sea are promising locations to scale up offshore wind production and deployment in the EU; whereas the Atlantic-neighbouring western EU Member States have high natural potential for both bottom-fixed and floating offshore wind energy; whereas the Mediterranean-neighbouring southern EU Member States have high potential for mostly floating offshore wind energy; whereas the Baltic-Sea-neighbouring EU Member States have high natural potential for bottom-fixed wind energy; whereas the Black-Sea-neighbouring eastern EU Member States have great potential for both bottom-fixed and floating offshore wind;
- J. whereas additional research on the impact of different offshore renewable technologies and infrastructure on marine ecosystems, marine biodiversity and marine protected areas is needed;

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- K. whereas the transition towards a climate-neutral economy should be accompanied by restoration of nature, without compromising on the existing nature targets of the EU Biodiversity Strategy for 2030 or leaving anyone behind, as set out in the European Green Deal; whereas the energy transition should be fair and inclusive;
- L. whereas ORE projects and their environmental impact assessments must follow the mitigation hierarchy approach; whereas when avoidance is impossible or very difficult, reduction measures should be adopted and effectively implemented during all phases, from site selection to exploitation and decommissioning; whereas these mitigation measures include those against underwater noise set out in environmental impact assessments;
- M. whereas the feasibility of establishing an important project of common European interest for a large-scale floating windfarm and connecting electrolyser project should be assessed by the Commission;
- N. whereas the possibility of benefitting from compatibility between sea space requirements to ensure ORE compliance with the EU Biodiversity Strategy for 2030 exists; whereas offshore windfarms can benefit marine biodiversity if designed and built sustainably; whereas a large expansion of offshore wind energy production requires an intelligent approach to ensure its coexistence with the activities that already take place in the affected areas, as well as to do the least possible harm to the environment; whereas noise pollution from the construction and operation of wind farms, and especially from maritime transport, has an impact on the marine ecosystem and should be addressed in environmental legislation; whereas the involvement of renewable energy developers at an early stage of the process will undoubtedly contribute to the successful allocation of sea space; whereas the allocation of space should be the result of joint maritime spatial planning and integrated coastal management that goes beyond national borders; whereas offshore wind turbine electricity yields surpass those of onshore turbines and are more likely to be accepted by those living nearby;
- O. whereas any human activity, including renewable energy, should not be allowed in strictly protected areas of the EU designated as such in the framework of the EU Biodiversity Strategy for 2030;
- P. whereas the strategy aims to provide a long-term framework that promotes sound coexistence between offshore infrastructure and other uses of the sea space, contributes to the protection of the environment and allows fishing communities to thrive;
- Q. whereas a just transition of workers from the offshore oil and gas sector to the ORE sector should be endorsed by improving recognition of their skills and qualifications; whereas upholding the highest social and environmental standards is important;
- R. whereas the uptake of ORE is dependent on the efforts of the public and private sectors; whereas publicly owned companies can play a role alongside private companies in the ORE sector; whereas the revision of State aid and public procurement rules should provide more flexibility in implementing the green transition, including ORE projects;
1. Believes that combating climate change with the take up of ORE is vital to achieving the Paris Agreement goals and upholding the EU's commitment to achieve net-zero GHG emissions by 2050 at the latest, in line with the latest scientific evidence, as confirmed in the European Green Deal and the NextGenerationEU recovery plan; stresses that a net-zero emissions economy requires renewable energy to be deployed on an unprecedented scale; stresses that many Member States are lagging behind in deploying the necessary renewable energy and infrastructure; further stresses that all Member States should make considerable efforts to reach their full renewable energy potential; emphasises that the EU will not be able to live up to its climate commitments if no further actions are taken to accelerate the deployment of ORE;

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2. Calls on the Commission to make ORE and other relevant energy technologies core components of the EU's energy system by 2050;
3. Emphasises that energy savings, energy efficiency and renewable energy are among the key drivers for reaching a net-zero emissions economy; recalls the Union's commitment to the energy efficiency first principle and underlines the importance of implementing this principle in all relevant legislation and initiatives;
4. Highlights that the energy production targets for ORE in all of the EU's sea basins, as outlined in Commission communication COM(2020)0741, are at least 60 GW by 2030 and 340 GW by 2050; recalls that according to the Commission impact assessment accompanying communication COM(2020)0562 ⁽¹⁶⁾, the installed capacity of offshore wind should be 70-79 GW to ensure a cost-competitive road to a 55 % reduction by 2030; calls on the Member States and the public and private sectors to exceed the 55 % reduction target by 2030; urges the Commission to revise public procurement and State aid rules to secure a cost-competitive transition supported by a well-functioning market pushing the uptake of offshore wind; notes that there are areas with largely untapped ORE potential, such as the Atlantic, the Mediterranean, the Baltic Sea and the Black Sea; stresses that the decision to find space for this additional ORE capacity by 2030 is of the utmost importance and should be considered a priority and identified in the EU before 2023/2024 to allow construction by 2030; highlights that the competitiveness of offshore wind energy and ocean energy as an energy source will continue to increase and prices will continue to fall further in step with continuous development and deployment; highlights that ORE is a viable source of energy and that a sustainable and reliable energy system needs to combine ORE with other energy technologies, storage opportunities and flexible energy consumption;
5. Believes that ORE needs to be sustainable across the entire value chain and have limited adverse impacts on the environment and on economic, social and territorial cohesion; recalls the promise of the European Green Deal that no-one should be left behind; underlines that the wellbeing of people should be at the heart of the green transition;
6. Notes the competitive advantage of EU companies and technologies in the ORE sector; calls on the Commission to ensure that the EU is maintaining technological leadership, retaining talent and providing affordable, safe and sustainable energy while taking into account potential impacts, including those related to climate change and impacts on the marine environment; stresses the importance of maintaining this competitive advantage; underlines the potential for significant growth of the sector and its contribution to the EU economy, including technology and systems exports; stresses the importance of supporting R&D investments and building on the innovative ORE technology industry system through cross-border collaboration and partnership under Horizon Europe in order to facilitate and support robust European value chains, which are crucial for the twin transitions, while ensuring the swift uptake of the innovations developed in this field; emphasises the importance of high-quality industrial workplaces in facilitating a just transition;
7. Underlines the need to maintain a clean, competitive and sustainable supply chain for ORE in the European Union; therefore stresses the need for suppliers to apply the highest quality health, safety and environmental standards according to European certification and standards determined in a dialogue process with all relevant stakeholders; further stresses the need to minimise transport costs in the supply chain; believes that public tenders should take these elements into consideration;
8. Highlights that the deployment of ORE is an ideal opportunity for outermost regions and islands to decarbonise their energy mix and dramatically decrease their dependency on fossil fuel imports; calls for the 'Clean Energy for EU Islands' initiative to be stepped up with a strong focus on ORE; recalls that islands are particularly affected by sea level rise;
9. Calls on the Commission to conduct, as soon as possible, an impact assessment to clarify the economic and socio-economic impacts of ORE, with a special focus on existing jobs and jobs created by deploying 300-450 GW of capacity by 2050;

⁽¹⁶⁾ SWD(2020)0176.

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10. Calls for local competent authorities to assess initiatives that boost local economies, local sustainable jobs and economic activities through the uptake of ORE; calls for the identification of synergies between sectors that can best support the twin green and digital transitions and help to future-proof the economic recovery, along with the development of synergies with the actions enabling a sustainable blue economy;

Infrastructure and grids

Investment in infrastructure

11. Stresses the urgency of improving and expanding existing infrastructure, without prejudice to the EU's Biodiversity Strategy for 2030 and EU nature legislation, to enable the increased use of renewables-based electricity; regrets that a number of Member States have not yet reached their target of 10 % electric interconnection by 2020 and calls on the Commission and the Member States to ensure adequate infrastructure, such as transmission lines, to integrate and transport offshore electricity from ORE; recalls the EU 2030 electricity interconnection target of 15 % by 2030, which is set out in Article 2 of Regulation (EU) 2018/1999; calls for the Commission to come up with a proposal that can speed up the deployment of the interconnection target; considers that the Union and its Member States should develop agreements on offshore energy infrastructure with neighbouring geographical regions;

12. Calls on the Commission and the Member States to ensure there is adequate infrastructure in the EU to ensure a cost-effective deployment of ORE;

13. Highlights the importance of ensuring a sustainable and responsible development of the ORE sector, taking into account the important role of maritime transport and seaports; stresses that the development of ORE should take into account the need for safe maritime access lanes and corridors, and anchorage areas for shipping, as well as the future development of maritime access lanes to ports; underlines the importance of modern, sustainable and innovative seaports for the assembly, manufacturing and servicing of ORE equipment, and the considerable investment needed to upgrade port infrastructure, including transport terminals, and vessels to provide these services; points out the role of seaports as onshore landing points for renewable offshore-generated energy and the associated logistics, and as renewable energy hubs for electric offshore grid connection and cross-border interconnectors;

14. Underlines that access to renewable offshore energy will also contribute to the greening of ports, including in terms of the onshore power supply for ships when at berth and their development as circular industry clusters; stresses that the Member States' maritime spatial plans should be compatible with future trends, including new traffic flows, new shipping routes and bigger vessels, and should ensure that offshore energy infrastructure can coexist with maritime transport routes, the fishing industry, traffic separation schemes, anchorage areas, naval access and activities, and port development; strongly believes that the highest levels of safety for ships transiting near ORE infrastructure need to be ensured, including sufficient coverage of vessel traffic services and the provision of emergency support vessels in the area;

15. Welcomes the Commission's proposal for a revision of the TEN-E Regulation to achieve the objective of the European Green Deal and make the legislation fit for 1,5 °C, and also welcomes the attention it gives to the ORE sector's needs and priorities; stresses that the development of sustainable and efficient hybrid and radial offshore wind assets for generation, interconnection and transmission requires forward-looking public and private planning and investment; believes strongly that regulatory frameworks should facilitate anticipatory investments; stresses the need to secure coordination and alignment between onshore and offshore grid development plans, including through the identification of landing points for offshore connections and onshore grid uptakes; encourages the Member States to speed up the necessary grid infrastructure to facilitate the green transition, for which electrification is crucial; recognises that the huge investments made, which are often implemented simultaneously, will require carefully and precise planning;

16. Underlines the importance of jointly defining and agreeing to cooperate on the amount of offshore renewable generation to be deployed within each sea basin by Member States in 2030, 2040 and 2050, in terms of ensuring investment security and the achievement of climate and energy goals;

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17. Recognises the potential for ORE in all European sea basins and calls on the Commission and the Member States to further advance the key technologies that will harness this energy;
18. Welcomes the Commission's commitment with regard to the strategy to facilitate dialogue on the environmental, economic and social sustainability of ORE and to promote a 'community of practice' where all stakeholders, including industry, NGOs, fishers and scientists, can exchange views, share experience and work on joint projects at an early stage;
19. Notes the potential advantages of combining offshore production facilities and transmission assets in the tender process; invites the Commission and the Member States to analyse the potential and possible challenges of this full-scope tendering approach and assess its applicability to different set-ups; stresses that this analysis has to take into account the possible challenges as regards ensuring incentives and optimal planning of offshore and onshore transmission grids;
20. Recalls that electricity production from ORE also creates an opportunity for renewable hydrogen production as outlined in Commission communications COM(2020)0741, COM(2020)0299 and COM(2020)0301;
21. Notes the inherent complementarity between different renewable energy technologies, in terms of shared infrastructure, supply chain synergies and more reliable aggregate power production;
22. Underlines the need for investment in infrastructure to support the expansion of the ORE sector, notably investment in ports to accommodate larger turbines and components, cater for operations and maintenance (including training facilities), and build decommissioning and manufacturing centres for bottom-fixed and floating offshore wind; highlights the fact that ORE will become critical for the security of the energy supply and that necessary measures must be taken in order to secure infrastructure against cyberattacks;

Member State collaboration

23. Stresses that Member State collaboration is vital in order to maximise effective use of offshore energy resources, taking into account the specificities of each area; highlights the importance of the North Seas Energy Cooperation and the need to include the UK again; notes that the current legal framework should be improved in order to facilitate such collaboration to a sufficient extent; strongly believes that failure to enhance collaboration between Member States and inter-connected non-EU countries will inhibit the roll-out of offshore energy; urges the Commission and the Member States to take the necessary action without any further delay; encourages the Member States to immediately coordinate and put forward plans for offshore development;
24. Stresses that regional cooperation between Member States and neighbouring states at sea-basin level should be fostered through joint planning, by removing regulatory barriers, and also by creating regional marine spatial usage maps that are accessible to all stakeholders and regularly revised via a common monitoring framework;
25. Welcomes the Commission's intention to coordinate with Member States to support the deployment of at least 100 MW of wave and tidal energy by 2025 and at least 1 GW by 2030;
26. Welcomes the Commission's proposal for a regulation on guidelines for trans-European energy infrastructure and repealing Regulation (EU) No 347/2013 and supports the creation of a unique point of contact per priority offshore grid corridor, which should facilitate coordination between Member States and the permit process for ORE projects of common interest;

District heating and cooling

27. Notes that electricity and direct heating and cooling produced using ORE can contribute to the greening of any end uses of electricity, such as heat pumps, leading to a decrease in and eventually an elimination of GHG emissions; highlights the potential to incorporate ORE in district heating through clean electricity and heat pumps;

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28. Calls on the Commission to analyse best practices from mature district heating and cooling markets for the benefit of emerging markets; stresses that the Member States have the ability to build capacity to store heating and cooling and thereby encourage the uptake of major fluctuating ORE; stresses that a lack of data and disconnection with building renovation strategies at the municipality level is holding back further integration of renewable energy sources in district heating and cooling markets;

29. Highlights the role of national and local authorities in strategic planning for heating and cooling and supporting district energy operators by de-risking investments and facilitating access to direct funding from the public sector;

Research and development

30. Strongly believes that the EU and the Member States should support research into and the development of multipurpose interconnectors (MPIs); stresses the need to create a long-term framework for MPIs that can efficiently integrate the offshore and onshore markets; calls on the Commission to assist manufacturers of different equipment in developing a common standard that can ensure compatibility and interoperability among interconnectors; highlights that new technologies, such as MPIs, need to be designed, tested, demonstrated and de-risked in order to speed up market entry; calls for suitable framework conditions to be created in order to ensure fast development of these technologies;

31. Urges the Commission, the Member States and the private sector to increase investment in research and development into circular and nature-inclusive ORE design, as well as technology for recycling and dismantling ORE stations;

32. Underlines that the EU ORE sector relies on imported raw materials and components for production and that the supply chain of these materials should be protected; reiterates the need for suppliers to apply the highest quality, health, safety and environmental standards according to European certification and standards;

33. Strongly believes that the EU and the Member States should support research into and the development of floating offshore wind, tidal, wave and current stations, which can be adapted to the different seabed conditions in Europe; also underlines, in this respect, the need to support research into and the development, scaling-up and commercialisation of the decarbonisation of the entire ORE value chain, of technologies using renewable energy sources such as offshore wind power to decarbonise other sectors, and of sector coupling;

34. Highlights the need to exploit ORE in deep waters; highlights that floating technology enables access to higher and more constant wind speeds, which can also minimise the turbine's environmental impact and reduce the pressure associated with coastal planning; calls on the Commission and the Member States to promote research, development, monitoring and innovation relating to technologies such as floating platforms; stresses that it is an outstanding opportunity for the EU to become a global leader in ORE technologies that will be key for decarbonisation;

35. Considers it essential to have key segments of renewable energy value chains within Europe in order to achieve the EU's climate goals and bring significant economic benefits to residents; calls for adequate measures to support the role of local European content in the renewable energy strategy supply chain and legislation;

36. Welcomes the fact that the Commission and the European Investment Bank are committed to working with other financial institutions to support strategic and higher risk investments in offshore energy through InvestEU, while ensuring the EU remains a technological leader;

37. Calls on the Commission and the Member States, in the context of the European Green Deal, to make enhanced use of Union funds to support the development of ORE in outermost territories and islands in order to efficiently reduce their dependency on fossil fuels;

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38. Highlights that the expansion of ORE will require a large highly specialised and qualified workforce and calls on the Commission and the Member States to take the necessary steps to pre-empt a shortage of skilled workers by ensuring attractive working conditions, taking into account health and safety; supports the Commission's ambition to support competent national and regional authorities in creating and delivering ORE-specific education and training programmes and the need to develop a skills pool in the ORE field; calls on the Commission to include the ORE field in its next European skills agenda in order to help individuals, multinational enterprises and small and medium-sized enterprises to develop the necessary skills for the ORE sector; underlines the importance of female employment in the highly technical environment of the offshore sector;

39. Believes that throughout the full project cycle, it is crucial to design, develop and deploy renewable offshore energy in a circular and renewable way; especially stresses that the substantial amount of metals and minerals needed to support the growth of renewable technologies need to be responsibly and circularly sourced;

40. Highlights the significant opportunity to develop offshore renewable hydrogen that can contribute to the wider development of the renewable hydrogen market; invites the Commission to assess how ORE sources could pave the way for the development of renewable hydrogen production;

41. Highlights the importance of private and public investment in the ORE sector for the large-scale deployment of ORE technologies; reiterates its call on the Commission to tailor Horizon Europe to the development, scaling-up and commercialisation of breakthrough technologies and innovations in the Union so as to bridge the gap between innovation and market deployment, by providing risk financing for early-stage technology and demonstration projects and developing early value chains in order to support the development of research infrastructure, also with the aim of reducing the existing gaps between Member States;

42. Highlights that improved ORE skills and sector-specific knowledge are assets that can be exported to non-EU countries and can thus support the EU's export of services and contribute to mitigating climate change at global level;

Permits and maritime spatial plans

Streamlining the issuing of permits

43. Stresses that meeting the 2030 and 2050 targets requires speeding up the deployment of ORE; highlights the need for a more sustainable management of maritime space and coasts to unlock the potential of ORE; strongly believes that a proper maritime spatial planning process needs to be accompanied by a solid approach to public participation so that the views of all stakeholders and coastal communities are taken into consideration; notes that the huge interest in ORE will attract an increasingly large number of permit applications; calls on the Member States to urgently simplify the relevant procedures and coordinate their efforts; encourages the Member States to embrace the single points of contact;

44. Notes the current lengthy process for launching ORE projects and the urgent need to speed it up in order to reach the 2030 and 2050 goals; notes that streamlining the Member States' procedures and technical standards will facilitate more rapid deployment; calls on the Member States to set up a transparent process and consider introducing time limits for issuing permits, including necessary environmental assessments and studies as well as stakeholder consultations, and to introduce time limits for authorisation when fully complete dossiers have been provided, with a deadline for a decision; stresses the importance of shortening procedures where necessary and taking measures to ensure deadlines are met;

45. Underlines the importance and potential of pre-approved licencing for offshore development sites as well as the placement of connection and transmission lines in order to remove the uncertainty surrounding projects and reduce delivery times;

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46. Considers it of paramount importance to build a broad public consensus around ORE projects through the involvement of local actors to increase public acceptance of offshore wind and the large infrastructure it requires; calls for the transparent and meaningful involvement of coastal communities in projects, including those situated in the most peripheral regions and islands, as well as other stakeholders; stresses the importance of increasing the general public's trust in the ability of renewable energy to achieve energy independence and secure energy supplies; encourages the Commission and the Member States to develop one-stop shops with streamlined information on financing possibilities for demonstration projects for breakthrough ORE technologies;

Aligning maritime spatial plans and national energy and climate plans

47. Notes that the total space required to ensure the offshore wind capacity for the northern seas meets the 2050 goals is expected to be 2,8 %; strongly believes that involving ORE developers early on in the process will contribute to the successful allocation of sea space; stresses that space allocation should be the result of joint maritime spatial planning and integrated coastal management that goes beyond national borders; calls for a transparent process and for regional maritime spatial plans to be accessible in order to facilitate an early and inclusive approach for all stakeholders;

48. Draws attention to the recommendations of the Horizon-2020-funded project on multi-use in European seas, which is exploring the opportunities for multi-use in European seas across five EU sea basins; recalls its guidance that sustainable development of the ocean can no longer rely on single-sector management, but requires a more holistic, integrated approach, and that the multi-use is not limited to sharing the 'same' maritime space, but should encompass joint use of infrastructure and other assets and joint activities;

49. Underlines the urgency of ensuring sufficient space for the development of ORE, and considers that multi-use needs should be proactively facilitated and incentivised through public regulatory bodies and respective support programmes, going well beyond mere spatial planning solutions; notes that when developing their maritime spatial plans, the Member States were asked to seek not only best available data and broad public participation, but also opportunities for co-location of maritime activities;

50. Notes that pursuant to Regulation (EU) 2018/1999, the Member States were required to submit their national energy and climate plans (NECPs) by 31 December 2019 and are required to submit a progress report every two years; notes that pursuant to Directive 2014/89/EU, the Member States were required to draw up maritime spatial plans by 31 March 2021; deplores the fact that not all Member States have submitted their maritime spatial plans yet and urges the Commission to take action; notes the risk of incompatibility of the NECPs and maritime spatial plans as regards space allocation; stresses that urgent alignment of the Maritime Spatial Planning Directive and NECP Regulation, as well as other relevant EU legislation, is needed; urges the Member States to immediately coordinate and lay out plans for 2030 and post-2030 offshore development;

51. Welcomes, in this regard, the strategy's aim of providing a long-term framework that promotes sound coexistence between offshore infrastructure and other uses of sea space and contributes to the protection of the environment;

52. Calls on the Commission and the Member States to adopt a full and holistic life-cycle approach when planning and deploying the 300 GW to 450 GW of ORE capacity by 2050;

53. Calls on the Commission to conduct an analysis of the impacts of the decommissioning of offshore installations and to adopt, if necessary, an EU strategy on sustainable decommissioning of offshore infrastructure in order to minimise environmental, safety and economic impacts; highlights that such a strategy should include the dismantling of the existing infrastructure and cover future decommissioning activities; stresses that a future EU-wide legal framework will only be necessary if the analysis shows that the current legal framework and instruments in the EU Member States have significant shortcomings; urges the Commission to set up a simple monitoring framework that can secure transparent and efficient reporting of the progress of the deployment of ORE showing whether Member States are on track to reach the 2030 and 2050 GW targets; believes that the Commission should report to Parliament, in line with the reporting requirements under the Renewable Energy Directive, on whether the deployment of ORE is on track;

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54. Calls for an EU-wide landfill ban on decommissioned wind turbine blades by 2025 in order to ensure circularity, minimise the negative environmental impacts on soil and oceans and increase the level of soil protection;

Market design

55. Stresses that the uptake of ORE is dependent on the adequate implementation of well-designed market rules and a stable regulatory framework given the long duration of such investments; highlights that the cost of offshore wind has fallen dramatically during the last two decades, and, as a result, calls on the Commission and the Member States to ensure the best possible framework conditions for market-driven offshore wind development; stresses that without a phase-out of fossil fuels and fossil fuel subsidies as soon as possible and a considerable increase in offshore wind energy production, meeting renewable energy goals and limiting global warming to less than 1,5 °C by the end of the century would be impossible;

56. Calls for the assessment of the distribution of costs and benefits between the generation and transmission of ORE to be sustainable and socio-economically viable, ensuring the right incentives and a stable regulatory framework for developers; stresses that uncertainty regarding the distribution of costs and benefits is deterring companies from launching ORE projects; invites the Commission to expedite the publishing of EU guidance on sharing the costs and benefits of offshore hybrid projects;

57. Stresses that existing EU funding instruments, such as the Connecting Europe Facility, can support the mobilisation of the required funding to promote cross-border renewable energy solutions and joint projects in the EU; notes that the Connecting Europe Facility can be used to identify potential offshore development sites and fund the necessary studies and construction works for projects between two or more EU Member States;

58. Calls on the Commission to encourage the Member States, where relevant, to include ORE projects in their national recovery and resilience plans and other national programmes financed through EU funds;

59. Calls for a revision of the existing regulatory framework governing EU electricity markets in order to facilitate the uptake of ORE and eliminate artificial trade barriers, fixed prices, subsidies and other market-distorting mechanisms that prevent the further successful integration of ORE; calls on the Commission and the Member States to carefully analyse the option of creating dedicated offshore bidding zones and existing bidding zones and their suitability for integrating the growing capacity for ORE; invites the Commission to identify existing regulatory mechanisms that successfully promote the integration of ORE in a well-functioning energy market, as part of a future-proof model including the facilitation of hybrid projects and new forms of collaboration; calls on the Commission to examine better development conditions in hybrid projects in order to ensure better and faster implementation of ORE hybrid projects and more flexible terms to enhance innovation, including new asset categories, in particular for offshore wind farms connected to interconnectors for two or more markets; recognises that tariffs should accommodate the risks of being an industrial first mover investing in the deployment of a new technology;

60. Underlines the need for a market design that is fully compatible with ORE, including the need to ensure an optimal ORE bidding zone configuration; believes that ORE infrastructure at transmission level should be regulated based on unbundling rules with a clearly defined separation of roles and responsibilities in terms of systems responsibility, third-party access and transparent tariffs and conditions, thus contributing to the single market and the energy union;

61. Recognises that the clean energy transition requires the sustainability and the carbon footprint of the entire value chain to be taken into consideration when exploiting ORE and other energy technologies; stresses that offshore tender processes should include sustainability criteria;

62. Recognises that renewable hydrogen will play a key role in the EU's path to carbon neutrality by 2050; stresses that ORE, due to sheer project scale and high capacity, will play an essential role in the acceleration of renewable hydrogen production; believes that support for research and development is required so as to incentivise the industry to take up renewable hydrogen in the market via large commercial projects, thus creating a real sustainable demand in hard-to-abate sectors;

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63. Instructs its President to forward this resolution to the Council and the Commission.
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Assessment of the implementation of Article 50 TEU

European Parliament resolution of 16 February 2022 on the assessment of the implementation of Article 50 TEU (2020/2136(INI))

(2022/C 342/09)

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Article 50 and Article 8 thereof,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 218 thereof,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the notification of 29 March 2017 by the UK to the European Council of its intention to withdraw from the European Union and from the European Atomic Energy Community, pursuant to Article 50(2) TEU and to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to the European Council (Article 50) guidelines of 29 April 2017 following the UK's notification under Article 50 TEU, of 15 December 2017 for the second phase of the Brexit negotiations, and of 23 March 2018 on the framework for the future EU-UK relationship,
- having regard to the Council Decision of 22 May 2017 which lays down the directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union, and to the Council Decision of 29 January 2018 supplementing the Council Decision of 22 May 2017 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out arrangements for its withdrawal from the European Union, setting out supplementary directives for the negotiation,
- having regard to Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement ⁽¹⁾ and the directives set out in the addendum thereto for the negotiation of a new partnership with the United Kingdom of Great Britain and Northern Ireland, which have been made public,
- having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union ⁽²⁾, of 3 October 2017 on the state of play of negotiations with the United Kingdom ⁽³⁾, of 13 December 2017 on the state of play of negotiations with the United Kingdom ⁽⁴⁾, of 14 March 2018 on the framework of the future EU-UK relationship ⁽⁵⁾, of 18 September 2019 on the state of play of the UK's withdrawal from the European Union ⁽⁶⁾, of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement ⁽⁷⁾, and of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland ⁽⁸⁾,
- having regard to its recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland ⁽⁹⁾,

⁽¹⁾ OJ L 58, 27.2.2020, p. 53.

⁽²⁾ OJ C 298, 23.8.2018, p. 24.

⁽³⁾ OJ C 346, 27.9.2018, p. 2.

⁽⁴⁾ OJ C 369, 11.10.2018, p. 32.

⁽⁵⁾ OJ C 162, 10.5.2019, p. 40.

⁽⁶⁾ OJ C 171, 6.5.2021, p. 2.

⁽⁷⁾ OJ C 270, 7.7.2021, p. 21.

⁽⁸⁾ OJ C 294, 23.7.2021, p. 18.

⁽⁹⁾ OJ C 362, 8.9.2021, p. 90.

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- having regard to its legislative resolution of 29 January 2020 on the draft Council decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁰⁾,
 - having regard to the Commission Declaration for the European Parliament plenary of 16 April 2019,
 - having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹¹⁾ (‘the Withdrawal Agreement’) and to the accompanying political declaration setting out the framework for the future relationship between the European Union and the United Kingdom ⁽¹²⁾ (‘the Political Declaration’),
 - having regard to European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament ⁽¹³⁾,
 - having regard to the judgment of 10 December 2018 of the Court of Justice of the European Union (CJEU), *Andy Wightman and Others v Secretary of State for Exiting the European Union*, C-621/18, ECLI:EU:C:2018:999,
 - having regard to the in-depth analysis of November 2020 of the European Parliamentary Research Service, entitled ‘Article 50 TEU in practice: How the EU has applied the “exit” clause’,
 - having regard to the study of March 2021 commissioned by the European Parliament Policy Department for Citizens’ Rights and Constitutional Affairs, entitled ‘Interpretation and implementation of Article 50 TEU — Legal and institutional assessment’,
 - having regard to the Belfast Agreement of 10 April 1998, signed by the Government of the UK, the Government of Ireland and the other participants in the multi-party negotiations (the ‘Good Friday Agreement’),
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the opinion of the Committee on Foreign Affairs,
 - having regard to the letter from the Committee on International Trade,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0357/2021),
- A. whereas the objective of this report is to analyse the ways in which the provisions of Article 50 TEU have been interpreted and applied, and the way that the procedure for the UK’s withdrawal from the EU under that Article was organised and conducted, including the lessons drawn with respect to EU law and the functioning of the European Union;
- B. whereas reflections on the implementation of Article 50 TEU contribute to a better understanding of the key components of the EU’s constitutional identity, the principles underpinning European integration, the importance of decision-making autonomy and the right to regulate, all of which will be taken into account in future treaty changes;
- C. whereas Article 50 TEU addresses the pre-existing uncertainty and ambiguity surrounding the right to withdraw from the EU by explicitly giving Member States the unilateral right to withdraw, subject to no conditions apart from compliance with their own national constitutional requirements;
- D. whereas Article 50 TEU, by providing explicitly for withdrawal under EU law, establishes the only procedure under which a Member State may lawfully withdraw from the EU;

⁽¹⁰⁾ OJ C 331, 17.8.2021, p. 38.

⁽¹¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽¹²⁾ OJ C 34, 31.1.2020, p. 1.

⁽¹³⁾ OJ L 165 I, 2.7.2018, p. 1.

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- E. whereas Article 50 TEU is silent or not clear enough on several aspects of the procedure that arose during the withdrawal of the UK from the Union;
- F. whereas Article 50 TEU does not impose any formal requirements on the notification of the intention to leave the Union or on the time-limit or revocation of that notification; whereas Article 50 TEU does not explicitly provide for the possibility of transitional arrangements;
- G. whereas Article 50 TEU does not define specific requirements on the possible extension of the two-year period set out under Article 50(3) TEU, which therefore allows for flexibility in the negotiation process;
- H. whereas Article 50 TEU confirms that EU membership is voluntary, which implies that a Member State cannot be forced to stay or leave; whereas the decision to withdraw from the Union is a sovereign decision of a Member State made in line with that withdrawing state's internal constitutional order;
- I. whereas the principle of sincere cooperation requires the handing in of the notification as soon as the decision to leave is taken;
- J. whereas in its judgment of 10 December 2018, in Case *Andy Wightman and Others v Secretary of State for Exiting the European Union*, the CJEU clarified that the withdrawing Member State is free to unilaterally revoke the notification of its intention to withdraw from the Union while the Treaties still apply to that Member State;
- K. whereas Article 50 TEU is not clear as regards the application of parts of Article 218 TFEU, other than its paragraph 3;
- L. whereas the will to leave the EU, as expressed by the British people despite a majority of citizens in Scotland and Northern Ireland voting in favour of remaining, was respected in line with the values of freedom and democracy, as referred to in Article 2 TEU;
- M. whereas the UK referendum was not accompanied by a sufficient number of awareness-raising campaigns, as citizens were never given a clear picture of the relationship that their country would have with the EU once it left, and were often misled about the implications of the withdrawal, especially as regards Northern Ireland, thus revealing the risks and challenges posed by misinformation;
- N. whereas Article 50 TEU confers on the Union institutions the exceptional horizontal competence to negotiate an agreement covering all matters necessary to arrange the withdrawal of a Member State;
- O. whereas the role of all EU institutions in the withdrawal procedure was key in the interpretation and implementation of the provisions of Article 50 TEU and in minimising institutional disruption, safeguarding the unity of Member States and ensuring an orderly withdrawal;
- P. whereas the two-phase approach adopted by Michel Barnier, the Chief Negotiator on behalf of the Commission, proved to be the correct one;
- Q. whereas under the TEU, citizens are directly represented at Union level in the European Parliament; whereas Parliament is part of the decision-making procedure under Article 50 TEU and exercises general political control, as provided for in Article 14 TEU, and should therefore be closely involved in withdrawal negotiations in order to be able to give its consent under Article 50 TEU;
- R. whereas, in the procedure provided for in Article 50 TEU and as in all cases of international agreements negotiated using the procedure laid down in Article 218(3) TFEU, Parliament plays a marginal role that is limited to approving a possible withdrawal agreement; whereas, despite these limitations, Parliament has engaged actively in the withdrawal process since the very beginning and has committed to protecting the interests of EU citizens and safeguarding the integrity of the European Union throughout the whole process;
- S. whereas Parliament played a crucial role in representing all EU citizens, both from the EU-27 and the UK, during the process;

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- T. whereas the withdrawal of the UK had an impact on the composition of the European Parliament as provided for in Article 3(2) of European Council Decision (EU) 2018/937;
- U. whereas the withdrawal process has led to unpredictability and has constituted a challenge not only for the EU and the withdrawing Member State, but also and even more so for the citizens and entities most directly affected; whereas the economic and social costs of this uncertainty have proven to be very high and have also put pressure on the political relations between the EU and the withdrawing Member State; whereas greater certainty could be achieved during the separation process by, among other things, demanding that the notification of the decision to withdraw be accompanied by a blueprint of the future relationship that the withdrawing Member State has in mind;
- V. whereas the Union institutions have undertaken all efforts not to politicise the process of withdrawal, but withdrawal under Article 50 TEU is nevertheless inherently political as it stems from and is influenced by fundamental choices regarding membership of the EU and/or the relationship with the EU;
- W. whereas withdrawal from the European Union by a Member State constitutes a major political, economic and social shock of which the negative consequences can only partly be mitigated by carefully planned and negotiated orderly withdrawal arrangements;
- X. whereas the Political Declaration setting out a framework for the future relationship between the EU and the UK establishes the parameters for an ambitious, broad, deep and flexible partnership that encompasses foreign policy, security, defence and wider areas of cooperation;
- Y. whereas after the entry into force of the Withdrawal Agreement, the only legal path for a re-accession to the EU is on the basis of Article 49 TEU;
- Z. whereas Article 8 TEU emphasises the special relationship between the EU and its neighbouring countries;
- AA. whereas according to Parliament's rules of procedure, the Committee on Constitutional Affairs is responsible for the institutional consequences of withdrawal from the Union;

Unprecedented process

1. Highlights that the withdrawal of one of its Member States has been an unprecedented and extremely critical process for the European Union;
2. Recognises, but nevertheless considers regrettable, the withdrawal of the UK from the European Union;
3. Emphasises that the historical significance of the UK's withdrawal on EU membership did not and does not deviate the Union from its integration process, as Article 50 TEU provides guarantees to the EU legal order and protects the fundamental goals of European integration;
4. Underlines that the provisions of Article 50 TEU and the way in which they have been interpreted and implemented reflect and uphold the common values and goals that are at the foundation of the Union, in particular freedom, democracy and the rule of law;
5. Believes that Article 50 TEU has met its objective of preserving the sovereign right of a Member State to withdraw from the European Union, thus confirming explicitly the voluntary nature of EU membership, and its objective of ensuring the orderly withdrawal of the UK from the Union, while allowing for the subsequent building of an enhanced relationship between the EU and the UK as a third country;

EU priorities

6. Considers that the aims of Article 50 TEU and the withdrawal negotiations with the UK of ensuring disentanglement from the Union, providing legal stability and minimising disruption, and providing a clear vision of the future for citizens and legal entities by ensuring an orderly withdrawal, while protecting the integrity and interests of the European Union, its citizens and its Member States, were generally achieved;

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7. Considers that the swift and firm identification of the priorities in the context of the withdrawal of the UK from the Union, and in particular, the protection of the rights of the millions of EU citizens in the UK and UK nationals in the EU affected by the withdrawal, the special circumstances confronting the island of Ireland and a single financial settlement were key in structuring the process and stabilising its impact in the Union; considers, however, that there should have been more clarity during the negotiations regarding the resolution of any disputes that might arise from the application of the withdrawal agreement, particularly in regard to the role of the CJEU;

8. Believes that the clear division of tasks among the institutions and the unprecedented inclusive and transparent approach of the Commission and its Chief Negotiator, including towards Parliament, were paramount in maintaining consistency and unity within the EU and among its Member States, in promoting the EU's priorities and interests in the negotiations and in safeguarding the integrity of the legal order of the Union;

9. Commends the main institutional actors for having safeguarded unity among the 27 Member States as well as within and among the Union institutions, which respected the nature of the withdrawal as a Union process;

10. Believes that the Union's interests have been protected thanks to strategic organisation and conditionality between the various stages of the procedure; recalls, in particular, the sequencing of the negotiations, which started with an agreement on the withdrawal arrangements, then moved on to addressing the transitional period arrangements and then concluded with an agreement on an overall understanding on a new and close partnership between the EU and the UK on the basis of substantial progress in the negotiations on citizens' rights, the issue of Ireland and Northern Ireland, the financial settlement and the justified and meaningful application of the extension of the period referred to in Article 50(3) TEU;

11. Appreciates that the negotiations with the United Kingdom prioritised the issue of the rights of citizens, which is and will remain a major concern, and that this chapter of the withdrawal arrangements was agreed rather early in the negotiations, as the initial version of the draft Withdrawal Agreement of 19 March 2018 contained an entirely agreed Part Two on citizens' rights, including on the direct effect of its provisions, and on the jurisdiction of the CJEU on the relevant provisions on citizens' rights;

12. Stresses that the Union clearly identified from the outset of the process that the specific circumstances of the island of Ireland and the need to safeguard the Good Friday Agreement and mitigate the effects of the United Kingdom's withdrawal on Ireland were issues that concerned the EU as a whole;

13. Considers that the time-limited transitional period with the continued application of existing EU regulatory, budgetary, supervisory, judicial and enforcement instruments and structures following the withdrawal was in the interest of both parties and facilitated the negotiation of and bridging to the future relationship;

14. Recalls that the framework for the future relationship between the EU and the UK is laid down in the Political Declaration accompanying the Withdrawal Agreement, which includes clear provisions established by both parties on cooperation in the areas of foreign policy, security and defence;

15. Regrets that the legally non-binding nature of the Political Declaration gave the UK the legal grounds to not engage with crucial parts of its content, in particular those relating to foreign and security policy, which therefore formed no part of the negotiations;

The withdrawing Member State

16. Believes, nevertheless, that the withdrawal process was characterised, on the part of the UK, by protracted uncertainty from the outset, until the end of the negotiations, which was reflected among others in the gap of time between the referendum and withdrawal notification under Article 50 TEU; believes that this uncertainty impacted citizens and economic operators, in particular those on the island of Ireland; considers that raising the spectre of a no-deal withdrawal endangered the prospects of an orderly withdrawal;

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17. Considers, in this regard, that the political and economic consequences of the decision to leave the Union are significant; believes that these were not genuinely and fully assessed by the UK prior to its decision to withdraw, which resulted in a lack of preparation for the procedure; believes that British citizens had scant knowledge about the European Union and were not adequately informed about the far-reaching consequences of the decision to leave the Union;

18. Is of the view that the provisions of Article 50 TEU on the notification and extension of the period under Article 50 (3) TEU have been handled in a sufficiently flexible manner to respond to the political vacillations and inconsistencies of successive UK governments, while preserving the integrity of the withdrawal process and upholding the legal order of the Union;

19. Recalls that the decision to withdraw is the sovereign right of a Member State and that the Union is obliged to acknowledge the intention of that state; highlights that Article 50 TEU does not specify and therefore places no constraints on the form of the notification of the intention to withdraw; believes in this context that when a Member State does not respect EU law and/or expresses its intention to refuse to apply the Treaties or recognise the jurisdiction of the CJEU and respect its judgments, this represents a clear rejection of the obligations linked to EU membership;

20. Points out that withdrawal from the European Union is by nature a complex process and that the political choices of the withdrawing Member State regarding its future relations with the Union can add to such complexity;

The importance of an orderly withdrawal

21. Believes that although the withdrawal is not conditional upon an agreement between the withdrawing Member State and the Union, the process of the withdrawal of the UK shows the importance of concluding an agreement on the withdrawal arrangements, particularly with a view to protecting the rights and legitimate expectations of the citizens affected;

22. Considers that the EU institutions did their utmost and accomplished their obligation to ensure the conclusion of an agreement; commends the efforts made to avoid a no-deal scenario; notes, in this regard, that in accordance with Article 50 (3) TEU, if an agreement is not reached, the withdrawal becomes effective two years after the Council is notified; emphasises that there are no provisions in the TEU to tackle a no-deal scenario and a disorderly withdrawal;

23. Underlines that given the high integrated nature of the EU single market, the withdrawal of a Member State affects all areas of economic activity and legal and administrative adjustments are necessary at all EU, Member State and local levels; reiterates the importance of the work undertaken by the Commission and the Member States at all levels of public administration and in raising awareness and preparing citizens and the private sector through the publication of many specific stakeholder preparedness notices and the timely adoption of unilateral and temporary contingency measures to tackle the possibility of a no-deal scenario and of a disorderly withdrawal;

24. Notes that the TEU does not specify any substantive requirements regarding the framework for the future relationship between the withdrawing Member State and the Union and its link with the withdrawal arrangements; recalls however that, according to Article 50(2) TEU, the withdrawal agreement is to take account of the framework for the withdrawing state's future relationship with the Union;

25. Notes that in the case of the withdrawal of the UK, the two-year period laid down in Article 50(3) TEU for when the Treaties cease to apply to the withdrawing Member State from the moment of its notification of withdrawal has proved too short for an orderly withdrawal, as three extensions of this period as well as a subsequent transition period were deemed necessary; recalls that this time period can be increased via an extension in accordance with Article 50(3) TEU; considers that such an extension allows for the continuation of the negotiations in order to avoid a cliff edge; recalls, however, that throughout the two-year period and its further extensions, citizens, economic operators, Member States and third country trading partners faced an unprecedented and prolonged level of legal uncertainty;

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26. Observes that the withdrawal of a Member State has produced unprecedented legal consequences for the EU's international commitments, notably with regard to the need to renegotiate the tariff rate quotas agreed at the World Trade Organization (WTO) level to take into account the quota share used by the departing Member State, which thus allowed third countries to make additional claims for market access; considers that with the UK's withdrawal the apportionment of the EU's tariff rate quotas was, as a principle, managed well by first adopting an internal legislative act laying down newly apportioned EU quota shares (notably in the form of Regulation (EU) 2019/216⁽¹⁴⁾) and then by following up through negotiations with third countries at the WTO level even though there are no legal provisions at that level that address the disintegration of a customs union;

Flexibility under Article 50 TEU

27. Considers that Article 50 TEU strikes a good balance between ensuring a legally sound withdrawal process and safeguarding the political flexibility necessary for adaptation to the specific circumstances; notes however, the lack of detail in the provisions of Article 50 TEU on the following aspects:

- the formal requirements for the notification of the intention to leave and the explicit possibility of its revocation,
- the appropriate framework for the extension of the two-year period set out under Article 50(3) TEU, allowing for flexibility in the negotiations while respecting the principle of sincere cooperation,
- the implications of the obligation to take into account the framework for the future relationship,
- the application of the provisions of Article 218 TFEU, in particular on the role of the European Parliament and of the Court of Justice of the European Union,
- possible transitional arrangements;

28. Regrets that the withdrawal of the UK from the Union has entailed the departure of an entire community of EU citizens; recalls that the European Parliament was particularly active in advocating for and engaging in active dialogue with citizens and organisations representing them through consultations, auditions and meetings organised by parliamentary committees and the Brexit Steering Group (BSG), who have striven to give a voice to citizen concerns and expectations during the withdrawal process; considers nevertheless that the EU institutions could have done more to provide information to citizens during the different phases of the withdrawal;

29. Believes that, given the unpredictability of the withdrawal process, the withdrawal provisions of the TEU should ensure legal certainty for the vast number of EU citizens and citizens of the departing Member State affected by the withdrawal, by safeguarding their rights obtained on the basis of EU law and ensuring an effective enforcement system, without excluding the creation of follow-up mechanisms and information campaigns; underlines the necessity of informing affected citizens, in particular vulnerable citizens, in a timely and adequate manner about their rights and obligations related to withdrawal;

30. Believes that, given the nature of the decision to leave the Union and its fundamental impacts on citizens of the departing Member State, the holding of a referendum to confirm the final decision to leave can be an important democratic safeguard; considers that the confirmation of this final choice by its citizens is also crucial in case negotiations of a withdrawal agreement fail to conclude, provoking a no-deal scenario; considers that all possible steps should be taken during this process to avoid disinformation, foreign interference and funding irregularities;

The role of the institutions in the withdrawal process

31. Believes that the EU institutions and the Member States have collectively been responsive and have followed a coherent and unified approach by providing for a timely, clear and well-structured definition of the aspects of the withdrawal process, including those which are not explicitly specified in Article 50 TEU, in particular the objectives and general principles of the negotiations, the EU's competences on issues related to the withdrawal, the sequencing of negotiations, the scope of the Withdrawal Agreement, the transitional arrangements and the framework for the future relationship;

⁽¹⁴⁾ OJ L 38, 8.2.2019, p. 1.

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32. Emphasises that Parliament has played a pivotal role in the entire withdrawal process and has actively contributed to the identification of strategies and to the protection of the interests and priorities of the EU and its citizens with duly substantiated resolutions, since the run-up to the UK referendum on EU membership; recalls in this regard that Parliament's contribution was structured mainly through the BSG), created by the Conference of Presidents on 6 April 2017, with the support and close involvement of Parliament's committees and the Conference of Presidents;

33. Stresses that Parliament was mobilised as a whole and in unison for the monitoring of the withdrawal process, both through its political bodies and through its committees, which, from early on, were called to identify the impact of the UK's withdrawal on the policy areas and legislation within their respective fields of responsibility; reiterates the importance of the continuous involvement of the committees responsible for sectoral policies during the negotiations; commends the long and exhaustive preparatory work undertaken by the committees in gathering evidence, advice and expertise through hearings, workshops and studies on all issues related to the withdrawal or the future relationship between the EU and the UK;

34. Is of the view that the European Council played an aggregating and stabilising role in the process, including through its guidelines under Article 50(2) TEU, by interpreting and applying the provisions of Article 50 TEU, including in relation to the elements on which the provisions are silent, and by setting a clear political direction in line with the interests of the Union in defining the negotiation terms and nominating the Commission as the Union's negotiator;

35. Stresses that according to Article 50(4) TEU, the member of the European Council or of the Council representing the withdrawing Member State cannot participate in the discussions of the European Council or Council or in decisions concerning the withdrawal process, while the Members of the European Parliament elected in the withdrawing Member State continue to serve with all their rights and obligations intact until the withdrawal becomes effective;

36. Recognises the unprecedented nature of the inter-institutional cooperation and transparency in the implementation of Article 50 TEU, including the working methods and structures involved in the negotiations, information channels, the publication of negotiating documents and participation in meetings, in particular in Sherpa meetings and meetings of the General Affairs Council;

37. Acknowledges the relevance of the core principles proposed by the European Parliament and introduced by the European Council in its successive negotiation guidelines, which were subsequently implemented in the negotiations and consist of:

- protecting citizens' rights derived from their status as EU citizens;
- acting in the interest of the Union and preserving its constitutional integrity and the autonomy of its decision-making;
- safeguarding the role of the Court of Justice of the European Union;
- preserving the financial stability of the Union;
- defending the withdrawing state's enjoyment of all the rights and fulfilment of all the obligations derived from the Treaties, including the principle of sincere cooperation;
- defending the clear difference in status between Member States and non-member states, as a state having exited the Union cannot have the same rights and obligations as a Member State;

38. Continues to support these principles fully;

39. Is of the opinion that these principles reach beyond the context of Article 50 TEU, as they underpin European integration and have become key elements of the EU's constitutional identity and legal order even though they are not part of the TEU;

40. Notes that in this respect, the exit procedure provided for in Article 50 TEU has led both the EU and its Member States to reaffirm the Union's constitutional identity;

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Rights and obligations of the EU and the withdrawing Member State

41. Reiterates that, until a withdrawal agreement enters into force or, failing that, until either the two-year period or the extended period mentioned in Article 50(3) TEU has elapsed, the withdrawing state remains a Member State, enjoys all of the ensuing rights and is under all the obligations derived from the Treaties without exception, including the principle of sincere cooperation laid down in Article 4(3) TEU and the obligation to hold elections to the European Parliament, appoint its representatives to the institutions and bodies of the Union, ensure full protection of citizens' rights and respect its financial obligations;

Parliament's scrutiny

42. Emphasises that the role of political oversight of the European Parliament is indispensable in a parliamentary democratic system and guarantees transparency and political accountability; insists, in this regard, that the parliamentary powers regarding the scrutiny phase should be guaranteed and exercised with sufficient time as regards the conclusion of any international agreements, including in the case of provisional applications, in particular, if concluded in the context of a withdrawal from the European Union; notes, in this respect, the importance of the full application of Article 218(10) TFEU in relation to Parliament's prerogatives regarding the withdrawal, which states that the European Parliament must be informed at all stages of the procedure of negotiations between the Union and third countries; underlines that the Commission must keep Parliament informed on an equal footing with the Council;

43. Believes that both the BSG and the UK Coordination Group structures created by the European Parliament during every phase of the negotiations with the UK were of the utmost importance in guaranteeing the follow-up and involvement of Parliament and in ensuring transparency in the negotiations; believes that the implementation of Article 50 TEU provided a good example of collective coordination between institutions in support of Union interests that should be applied to all negotiations of international agreements;

44. Considers, in this context, that the role of Parliament is essential in safeguarding the parliamentary and democratic dimension of a procedure with such a constitutional and institutional impact on the Union and on the rights of EU citizens; considers that its role in political oversight should be safeguarded and enhanced to include necessary consent in all relevant aspects of the process;

45. Emphasises, in this regard, that while the Article 50 TEU process has concluded and the withdrawal from the EU has taken effect, the actual unwinding of EU membership and implementation of the Withdrawal Agreement is a long term process; reaffirms, in this context, that Parliament will play its full role in the monitoring of the implementation of the Withdrawal Agreement;

Issues for reflection

46. Considers that Article 50 TEU addresses and allows for the solving of the procedural aspect of a Member State's withdrawal, but does not solve the significant political, social and economic consequences and disruptive effects of the withdrawal of a Member State from the EU, within and across the Member States and internationally;

47. Reiterates its call for an in-depth reflection on the withdrawal of the UK from the European Union, and on its impact on the future of the EU; believes that such a reflection should ensure an open and broadened dialogue on the reforms that the Union needs in order to reinforce democracy and the capacity to deliver on citizens needs and expectations; recalls, for this purpose, the Union's unprecedented process of reflection on its future in the framework of the Conference on the Future of Europe; emphasises that this reflection involves civil society and the representatives of citizens' rights organisations;

48. Believes that it is the responsibility and role of the Union and its Member States to do more to preserve the European integration process, protect European values and principles, including the principle of sincere cooperation, and prevent the repetition of a withdrawal from the EU; regrets, in this context, the restraint and limited engagement of the European Parliament and its committees in the run-up to the UK referendum, which left UK citizens, who were EU citizens at the time, without full access to information on the functioning of the EU and the implications of the withdrawal; emphasises that safeguards should be established to ensure that the public debate preceding the triggering of Article 50 TEU by a Member State allows for citizens concerned to make an informed decision; calls for the Member States and the EU to consistently provide wide-reaching information to EU citizens on the functioning of the European Union, its areas of action,

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its decision-making processes, the rights of EU citizens and the consequences of leaving the EU; considers that, for this purpose, the Conference on the Future of Europe offers an opportunity for enhanced dialogue with citizens and civil society on the European Union and how it should evolve; encourages the Commission to come forward with a proposal to allow European political parties to finance referendum campaigns related to the implementation of the TEU or the TFEU;

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

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P9_TA(2022)0034

Implementation of the Sixth VAT Directive

European Parliament resolution of 16 February 2022 on the implementation of the Sixth VAT Directive: what is the missing part to reduce the EU VAT gap? (2020/2263(INI))

(2022/C 342/10)

The European Parliament,

- having regard to Articles 4 and 14 of the Treaty on European Union,
- having regard to Article 113 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 entitled ‘The harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment’ ⁽¹⁾ (the Sixth VAT Directive),
- having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽²⁾ (the VAT Directive),
- having regard to Council Directive (EU) 2017/2455 of 5 December 2017 amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods ⁽³⁾,
- having regard to Council Directive (EU) 2018/1910 of 4 December 2018 amending Directive 2006/112/EC as regards the harmonisation and simplification of certain rules in the value added tax system for the taxation of trade between Member States ⁽⁴⁾,
- having regard to Council Directive (EU) 2019/1995 of 21 November 2019 amending Directive 2006/112/EC as regards provisions relating to distance sales of goods and certain domestic supplies of goods ⁽⁵⁾,
- having regard to Council Directive (EU) 2020/285 of 18 February 2020 amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises and Regulation (EU) No 904/2010 as regards the administrative cooperation and exchange of information for the purpose of monitoring the correct application of the special scheme for small enterprises ⁽⁶⁾,
- having regard to Council Directive (EU) 2020/284 of 18 February 2020 amending Directive 2006/112/EC as regards introducing certain requirements for payment service providers ⁽⁷⁾,
- having regard to Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax ⁽⁸⁾,
- having regard to Council Regulation (EU) 2017/2454 of 5 December 2017 amending Regulation (EU) No 904/2010 on administrative cooperation and combating fraud in the field of value added tax ⁽⁹⁾,

⁽¹⁾ OJ L 145, 13.6.1977, p. 1.

⁽²⁾ OJ L 347, 11.12.2006, p. 1.

⁽³⁾ OJ L 348, 29.12.2017, p. 7.

⁽⁴⁾ OJ L 311, 7.12.2018, p. 3.

⁽⁵⁾ OJ L 310, 2.12.2019, p. 1.

⁽⁶⁾ OJ L 62, 2.3.2020, p. 13.

⁽⁷⁾ OJ L 62, 2.3.2020, p. 7.

⁽⁸⁾ OJ L 77, 23.3.2011, p. 1.

⁽⁹⁾ OJ L 348, 29.12.2017, p. 1.

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- having regard to Council Implementing Regulation (EU) 2017/2459 of 5 December 2017 amending Implementing Regulation (EU) No 282/2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax ⁽¹⁰⁾,
- having regard to Council Regulation (EU) 2018/1541 of 2 October 2018 amending Regulations (EU) No 904/2010 and (EU) 2017/2454 as regards measures to strengthen administrative cooperation in the field of value added tax ⁽¹¹⁾,
- having regard to Council Implementing Regulation (EU) 2019/2026 of 21 November 2019 amending Implementing Regulation (EU) No 282/2011 as regards supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods ⁽¹²⁾,
- having regard to Commission Implementing Regulation (EU) 2020/194 of 12 February 2020 laying down detailed rules for the application of Council Regulation (EU) No 904/2010 as regards the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods ⁽¹³⁾, which relates to the VAT e-commerce package,
- having regard to Regulation (EU) 2021/847 of the European Parliament and of the Council of 20 May 2021 establishing the ‘Fiscalis’ programme for cooperation in the field of taxation and repealing Regulation (EU) No 1286/2013 ⁽¹⁴⁾,
- having regard to the proposal for a Council directive amending Directive 2006/112/EC as regards rates of value added tax (COM(2018)0020),
- having regard to the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises (COM(2018)0021),
- having regard to the proposal for a Council directive amending Directive 2006/112/EC as regards the introduction of the detailed technical measures for the operation of the definitive VAT system for the taxation of trade between Member States (COM(2018)0329) ⁽¹⁵⁾,
- having regard to the Commission communication of 6 December 2011 entitled ‘The future of VAT: Towards a simpler, more robust and efficient VAT system tailored to the single market’ (COM(2011)0851),
- having regard to the Commission communication of 4 October 2017 entitled ‘On the follow-up to the Action Plan on VAT: Towards a single EU VAT area — Time to act’ (COM(2017)0566),
- having regard to the Commission action plan of 7 April 2016 entitled ‘Towards a single EU VAT area — Time to decide’ (COM(2016)0148),
- having regard to its position of 12 February 2019 on the proposal for a Council directive amending Directive 2006/112/EC as regards the introduction of the detailed technical measures for the operation of the definitive VAT system for the taxation of trade between Member States ⁽¹⁶⁾,

⁽¹⁰⁾ OJ L 348, 29.12.2017, p. 32.

⁽¹¹⁾ OJ L 259, 16.10.2018, p. 1.

⁽¹²⁾ OJ L 313, 4.12.2019, p. 14.

⁽¹³⁾ OJ L 40, 13.2.2020, p. 114.

⁽¹⁴⁾ OJ L 188, 28.5.2021, p. 1.

⁽¹⁵⁾ Entry into force deferred until 1 July 2022.

⁽¹⁶⁾ OJ C 449, 23.12.2020, p. 295.

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- having regard to its position of 10 March 2021 on the proposal for a Council directive amending Council Directive 2011/16/EU on administrative cooperation in the field of taxation ⁽¹⁷⁾,
- having regard to its position of 19 May 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 ‘Fiscalis’ programme for cooperation in the field of taxation and repealing Regulation (EU) No 1286/2013 (06116/1/2021 — C9-0179/2021 — 2018/0233(COD)) ⁽¹⁸⁾,
- having regard to its resolution of 13 October 2011 on the future of VAT ⁽¹⁹⁾,
- having regard to its resolution of 24 November 2016 entitled ‘Towards a definitive VAT system and fighting VAT fraud’ ⁽²⁰⁾,
- having regard to its resolution of 26 March 2019 on financial crimes, tax evasion and tax avoidance ⁽²¹⁾,
- having regard to its resolution 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’ ⁽²²⁾,
- having regard to its resolution of 16 September 2021 entitled ‘The implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome’ ⁽²³⁾,
- having regard to the study of 30 August 2021 entitled ‘VAT gap, reduced VAT rates and their impact on compliance costs for businesses and on consumers’ drafted by DIW Econ and published by Parliament’s Directorate-General for Parliamentary Research Services,
- having regard to Opinion No 11/2020 of the European Court of Auditors (issued pursuant to Articles 287(4) and 322(2) TFEU) of 11 December 2020 concerning the draft Council Regulation (EU, Euratom) amending Regulation (EEC, Euratom) No 1553/89 on the definitive uniform arrangements for the collection of own resources accruing from value added tax,
- having regard to the European Court of Auditor’s Special Report No 12/2019 of 16 July 2019 entitled ‘E-commerce: many of the challenges of collecting VAT and customs duties remain to be resolved’,
- having regard to the public consultation open from 8 February 2021 to 3 May 2021 entitled ‘VAT rules for financial and insurance services — review’,
- having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
- having regard to the report of the Committee on Economic and Monetary Affairs (A9-0355/2021),

⁽¹⁷⁾ OJ C 474, 24.11.2021, p. 182.

⁽¹⁸⁾ OJ C 15, 12.1.2022, p. 270.

⁽¹⁹⁾ OJ C 94 E, 3.4.2013, p. 5.

⁽²⁰⁾ OJ C 224, 27.6.2018, p. 107.

⁽²¹⁾ OJ C 108, 26.3.2021, p. 8.

⁽²²⁾ OJ C 15, 12.1.2022, p. 204.

⁽²³⁾ Texts adopted, P9_TA(2021)0392.

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- A. whereas in 1977, the Council adopted the Sixth VAT Directive with a view to achieving a uniform tax base under which harmonised rates were to be set out; whereas at the time, all of the Member States had already adopted a system of value added tax in accordance with the first ⁽²⁴⁾ and second ⁽²⁵⁾ Council Directives of 11 April 1967 on the harmonisation of legislation of Member States concerning turnover taxes; whereas the Member States decided to apply a transitional period in which to achieve this, which has since been extended;
- B. whereas the VAT Directive has recast and repealed the Sixth VAT Directive, for the purposes of greater clarification; whereas this directive provides for the transitional rules to be replaced by a definitive system based on taxation in the Member State of origin; whereas the transitional system is complex, flawed and structurally vulnerable to fraud;
- C. whereas VAT collection is primarily the responsibility of each Member State;
- D. whereas in 2013 a major overhaul was initiated to introduce a definitive system based on the destination principle, which would be less vulnerable to fraud ⁽²⁶⁾; whereas the destination principle implies that VAT is sent to the Member State of final consumption;
- E. whereas on 25 May 2018 a proposal for a directive was adopted which introduced detailed arrangements for a definitive VAT regime for intra-EU business-to-business trade in goods and put an end to the 'transitional' system ⁽²⁷⁾; whereas Parliament adopted its position thereon on 12 February 2019; whereas the Council has not yet adopted a position; whereas this decision blockade is delaying important decisions on adapting VAT for the challenges we will face during the EU's economy recovery and whereas the absence of action means loopholes that could allow the VAT gap to grow have not been closed;
- F. whereas the VAT gap in the EU was reduced from 20 % in 2009 to 10 % in 2019, with preliminary estimates at the time indicating that the gap could fall below EUR 130 billion; whereas owing to the pandemic and its socio-economic effects, this trend was reversed in 2020; whereas estimated losses of EUR 164 billion have been incurred, of which one third has fallen into the hands of fraudsters and organised crime networks; whereas these losses could represent a VAT gap of 13,7 %; whereas this scenario demands strategic policy options;
- G. whereas according to the 2020 Final Report of 10 September 2020 of the 'Study and Reports on the VAT Gap in the EU-28 Member States' prepared for the Commission, the VAT gap in the Member States varies greatly, from less than 1 % to more than 33 %;
- H. whereas this loss is detrimental to the EU budget (VAT is the EU's second own resource), national budgets, businesses and people living in the EU;
- I. whereas the Fiscalis programme for 2021-2027, with a budget of EUR 269 million, aims to fight tax injustice by helping national tax authorities to cooperate better to combat tax fraud, tax evasion and aggressive tax planning; whereas the previous programme brought in EUR 591 million in revenue for the EU;
- J. whereas the platform of anti-fraud experts of the Member States, Eurofisc, which was created in 2010, must, in order to be effective, be strengthened and provided with sufficient resources to carry out joint risk analyses, coordinate investigations and cooperate with the European Anti-Fraud Office (OLAF), Europol and the European Public Prosecutor's Office, in particular with a view to investigating VAT fraud; whereas a system of differentiated VAT rates and high compliance costs could increase fraud;

⁽²⁴⁾ OJ 71, 14.4.1967, p. 1301.

⁽²⁵⁾ OJ 71, 14.4.1967, p. 1303.

⁽²⁶⁾ As outlined in the EU Action Plan on a single EU VAT area.

⁽²⁷⁾ COM(2018)0329.

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- K. whereas Opinion No 11/2020 of the Court of Auditors focuses on the new method put forward for calculating the VAT-based own resource; whereas this opinion states that the proposal 'significantly simplifies the calculation of the Member States' VAT-based own resource as compared to the current system' but 'identified the risk that the definitive multiannual Weighted Average Rate may not be representative for all Member States';
- L. whereas the socio-economic crisis caused by the COVID-19 pandemic has required substantial fiscal and budgetary efforts from the Member States' governments, including in the form of aid to businesses;
- M. whereas the VAT-based own resource accounted for 11 % of the EU budget in 2019, for a total amount of EUR 17,8 billion;
- N. whereas the Commission's 'action plan for fair and simple taxation supporting the recovery' is part of the EU's new strategy for simplifying and adapting taxation to the digitalisation of the economy and the green transition, and for combating tax fraud and evasion; whereas this action plan identifies matters related to VAT as priorities, focusing on the fight against VAT fraud and the modernisation of VAT on financial services, taking into account the digitalisation of the economy;
- O. whereas, since the adoption of the VAT Directive, financial services have been, with certain exceptions, exempt from VAT on the grounds that they are subject to other taxes (such as tax on insurance premiums);
- P. whereas VAT, as an indirect tax collected by all 27 Member States, is collected under several different national regimes, and whereas it is possible to identify good practices from all of them and apply them to an EU-wide reform; whereas national examples should be considered as models to take into account and whereas the Commission must act as a platform to exchange such good practices; whereas the national legislative changes introduced by one Member State, creating incentives for consumers to request invoices in hard-to-tax sectors, are one such good example;
- Q. whereas the general objective of digitalising taxation is key to ensuring transparency, simplicity, accountability and automated reporting, and is essential for a definitive, simplified and future-proof VAT regime; whereas the COVID-19 pandemic has been a catalyst for the development of digitalisation for all transactions; whereas small and medium-sized enterprises (SMEs) are at the centre of this digitalisation process and should be supported in this respect in acquiring the latest technology and know-how;
- R. whereas VAT is broadly harmonised at EU level and is an own resource for the EU budget, and thus requires extensive cooperation at EU level;
- S. whereas Parliament fully respects the principle of national tax sovereignty;

Tax rates, tax bases and VAT gaps in Member States

1. Welcomes the fact that the overall trend is positive, with the VAT gap falling to 10 % in 2019 from 20 % in 2009 in the Member States, which suggests that VAT fraud in the EU is in decline and VAT revenue as a proportion of gross domestic product is on the rise;
2. Calls on the Commission and the Member States to analyse and exchange the best practices in those Member States that have succeeded in avoiding a large VAT gap; supports the goal of coming up with innovative tax solutions in line with new economic, social and environmental realities;
3. Notes that according to some estimates, a revenue-neutral tax reform could reduce the standard VAT rate on average by seven percentage points in the EU-27, in addition to reducing compliance costs; highlights the fact that according to those estimates, the size of the reduction varies between EU Member States, from 2 (Estonia) to 13 (Greece) percentage points; notes that this is not the only answer to the need to tackle the complexity of the tax system; observes that a lower standard VAT rate could benefit consumers, in particular low-income households; notes that the Member States have the possibility to explore what benefits a single reduced standard rate would have for fair competition in their market;

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4. Takes the view that applying a multitude of reduced rates has a legitimate purpose in society, notably to reduce the regressiveness of the VAT system and help to achieve certain national policy objectives, such as access to essential goods and sectors such as health and food, but that it also aggravates the complexity and opacity of the tax system, increases compliance costs and may facilitate fraud; understands that the application of reduced rates can lead to a decrease in the price to the consumer, but depends on several other factors; notes, therefore, that a thorough analysis and impact assessment need to be carried out;

5. Notes the significant differences in the standard rates applied in the Member States and the complexity that this brings to the system, even if justified by different national economic systems; underlines that this complexity is aggravated by the different ways in which reduced rates are applied, which is legitimate in order to pursue social and environmental objectives; recalls that the possibility to apply super reduced rates (in five Member States) or parking rates (in five Member States) constitutes an additional obstacle to a coherent and fully interoperable common system;

6. Understands that the system is becoming increasingly complicated because of the different rates, but also because of exemptions and derogations, which must be exceptions; recalls the specific situation of unequal treatment of Member States who joined before and after 1992, to which different rules apply; calls on the Commission to address this issue in future legislative proposals;

7. Notes that, over the past two decades, the Commission has launched almost 200 infringement procedures on VAT; calls on it to present a summary of the main findings of these procedures as a basis for future legislative proposals, namely on reduced rates, exemptions and non-transposition;

8. Notes that the COVID-19 pandemic justified VAT-related exception rules, which proves the need for a degree of flexibility when facing urgent or unexpected circumstances; urges the Commission to take this into account in future legislative proposals regarding VAT;

9. Observes that the VAT gap fluctuates in line with the business cycle, and that low tax compliance is sometimes associated with high standard VAT rates, lower legal and judicial efficiency, weaker legal institutions, higher perceived levels of corruption and the overall share of the shadow economy in the wider economy;

10. Notes with concern that some Member States do not generally exempt in-kind donations from VAT, leading businesses to destroy consumer goods, notably returns, even though such an exemption is possible under the existing VAT Directive; calls on the Commission to issue guidance to Member States, clarifying that VAT exemptions for in-kind donations will be compatible with the existing EU law on VAT until Council proposal COM(2018)0020 (Article 98(2)) is adopted by the Member States;

11. Regrets the lack of available data on regional differences, which could be a major limitation for measuring the VAT gap; calls on the Commission to check whether producing and publishing regional VAT gap measurements could be a valuable tool in improving transparency and reducing the VAT gap;

Impact of the wide variety of reduced rates on businesses

12. Takes the view that the current diversity of reduced rates creates additional administrative burdens for businesses; notes that the total cost of VAT compliance ranges from 1 % to 4 % of company turnover within the Member States; notes that digitalisation can contribute greatly to the reduction of compliance costs for businesses;

13. Observes that SMEs pay proportionately higher compliance costs, as these costs are fixed and independent of company size, and that high compliance costs constitute a barrier to entry into the EU internal market; takes the view, therefore, that differentiated VAT regimes within the EU may act as a disincentive to intra-EU trade for all businesses, specially for SMEs; notes, however, that the empirical evidence is inconclusive regarding the effects of differentiated VAT systems on international trade, and whether they could create an unequal playing field in such trade, notably due to high compliance costs, exemptions and deficient refund systems;

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14. Notes the potential of digitalisation to reduce compliance costs, although these benefits often only materialise in the long term; maintains that digital innovations⁽²⁸⁾ are likely to reduce compliance costs, help to increase the transparency of commercial transactions and reduce red tape; stresses the need to ensure data security, individual privacy and corporate confidentiality; insists that businesses need to be supported in a subsidiary way⁽²⁹⁾ through EU programmes, and that SMEs and other vulnerable economic actors in particular need to be supported through EU-organised training on the digital transition, in order to benefit from and contribute to it; stresses that such a general approach towards accelerating the digitalisation of SMEs' know-how and operations on the ground would ultimately benefit VAT collection; highlights the potential of distributed ledger technology to prevent VAT fraud — e.g. missing trader intra-community fraud — and looks forward to the legislative proposal for modernising VAT reporting obligations; calls on the Commission, furthermore, to come up with an initiative focusing on the easy application of distributed ledger technology by traders and reductions in red tape;

15. Is of the opinion that in order to facilitate trade and increase legal certainty in the internal market, the Commission, in cooperation with the Member States, should improve the Taxes in Europe database, an EU VAT web information portal for businesses; stresses that the portal should provide quick, up-to-date and accurate access to relevant information about the implementation of the VAT system in the different Member States, and in particular on the correct VAT rates for different goods and services in the different Member States, and the conditions for zero-rate VAT; notes that this portal could also help to address the current VAT gap; proposes that the EU One-Stop Shop be introduced in the EU VAT web information portal;

16. Points to the EU One-Stop Shop as an example of digital innovation allowing EU businesses to simplify their VAT bills and thus compliance costs in the area of e-commerce sales within the EU; notes that such a reduction in compliance costs is particularly beneficial for SMEs; takes note of the willingness of the Commission to propose, for 2022/2023, an amendment to the VAT Directive with a view to further expanding the scope of the VAT One-Stop Shop; calls on the Commission to explore how to expand the scope of the One-Stop Shop;

17. Calls on the Member States to increase and improve cooperation between themselves and thoroughly apply the set of rules on the exchange of VAT payment data to facilitate the detection of tax fraud in cross-border e-commerce transactions, which were adopted in February 2020;

18. Notes that the Member States are already employing new technologies to improve the efficiency of checks on domestic purchases for tax purposes; understands that these national measures must be taken into account in any VAT system reform as good practices to be considered; stands for more coordination between Member States in this regard, in order to facilitate cross-border transactions, without excessive costs for operators and consumers; calls on the Commission to present concrete proposals to promote a quicker system of exchange of information on intra-EU VAT transactions and to make it interoperable with national mechanisms; stands for the expansion of e-invoicing and calls for the introduction of an EU e-invoicing standard harmonising, in particular, the information contained in an e-invoice in order to facilitate cross-border interoperability, ensure legal compliance, increase transparency in commercial transactions and thus limit fraud and errors;

19. Underlines the urgency of tackling VAT cross-border fraud and carousel fraud through the proper implementation of efficient exchange of information mechanisms and adequate means (both human, financial, technical and technological) for national authorities and other authorities such as OLAF; stresses the valuable contribution of organisms like Eurofisc; recalls the role of payment service providers and the need to guarantee high standards of reporting on VAT; considers it necessary to receive an impact study from the Commission to assess the introduction of a generalised reverse charge mechanism in

⁽²⁸⁾ Such as artificial intelligence, big data and blockchain technology.

⁽²⁹⁾ This means that support comes first from the Member States, and then from the EU.

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several Member States following the implementation of the Council Directive on the temporary application of a generalised reverse charge mechanism in relation to supplies of goods and services above a certain threshold⁽³⁰⁾, in order to combat missing trader intra-Community fraud, and assess, in particular, its impact on the fight against all types of VAT fraud and the consequences for the compliance costs of businesses;

20. Observes that the wide variety of rates may cause price distortion in the internal market, creating incentives for cross-border purchases; notes that in particular, the diversification of VAT rates creates an incentive to exploit price differences across countries by shifting consumption to Member States with lower VAT rates, and distort revenue collection by governments;

21. Recalls that companies need simplified and centralised access to information on rates, the correct VAT rates for different goods and services in the different Member States, and the conditions for zero-rate VAT, as well as and clear and unambiguous VAT rules to encourage cross-border business and reduce their administrative burdens; welcomes, in this respect, the simplified and digitised method for registering, through an online portal, for the VAT scheme for small businesses engaging in cross-border activities, which reduces costs and administrative burdens; notes that 26 out of the 27 Member States use reduced rates as an inherent part of their tax and social policies; recalls that a common web information portal about the implementation of VAT systems in different Member States would encourage cross-border business and reduce the administrative burdens of companies;

22. Welcomes the positive trend of reducing compliance costs through the continuing digitalisation of businesses and public administration; notes that in OECD countries, the time necessary for tax compliance fell from 230 hours to 162 hours between 2006 and 2020, mainly due to the adoption of electronic filing and payment systems⁽³¹⁾;

23. Stresses that a well-designed VAT system is neutral and should not affect trade, but that in practice this principle is difficult to verify at global level given the application of VAT exemptions, the ineffectiveness of refund systems and the wide variety of rates, which incur higher compliance costs; recalls that an effective VAT system contributes to the fight against tax evasion and tax optimisation; stresses that an increasing number of SMEs are willing to trade across the EU, especially through online transactions, and that the EU VAT system should be aimed at facilitating cross-border growth;

24. Notes that empirical evidence shows that the current system of multiple VAT rates is regressive in the Member States when measured as a percentage of disposable income, but tends to be proportional or slightly progressive in most Member States when measured as a percentage of expenditure; notes further that when measured in terms of expenditure, existing reduced and zero VAT rates help to make VAT more progressive compared to single-rate VAT systems; notes, in addition, that evidence also shows that only VAT rates which are reduced with the aim of supporting low-income households (such as reduced rates on food) make VAT more progressive; calls on the Member States, when implementing reduced VAT rates, to do so with the specific aim of supporting lower-income households;

25. Stresses that the Member States should be allowed to apply zero VAT rates on essential goods;

Impact of reduced VAT rates on consumers and social and environmental objectives

26. Observes that the application of reduced rates does not systematically give rise to permanent price reductions for the consumer and that the effectiveness of a reduced rate depends on a number of factors, such as the extent to which businesses pass it on to consumers, its duration over time, the size of the reduction and the complexity of the rate system; stresses that the passing-on of reductions in their entirety is therefore a complex process and should not be undertaken without a sound impact assessment; notes that while existing reduced and zero VAT rates are of greater proportional benefit to low-income households in the EU (measured as a proportion of expenditure), they are typically of greater benefit to high-income households in absolute (cash) terms; notes, therefore, that extensive analyses and impact assessments need to be carried out to make sure that reductions only apply where they can benefit low-income households;

⁽³⁰⁾ Council Directive (EU) 2018/2057 of 20 December 2018 amending Directive 2006/112/EC on the common system of value added tax as regards the temporary application of a generalised reverse charge mechanism in relation to supplies of goods and services above a certain threshold (OJ L 329, 27.12.2018, p. 3).

⁽³¹⁾ PWC and World Bank Group study of 26 November 2019 entitled 'Paying Taxes 2020: The changing landscape of tax policy and administration across 190 economies', p. 27.

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27. Highlights the fact that reduced rates normally pursue the legitimate purpose of ensuring that essential goods are accessible to everyone; stresses that reduced VAT rates on necessities (e.g. food) tend to make VAT more progressive; stresses that reduced rates can be more effective in societies with significant income disparities and a high level of social and economic inequality; notes that empirical evidence on the effectiveness of reduced VAT rates in promoting socially desirable or environmental goods is scarce and ambiguous;

28. Is deeply concerned about the regressive nature of consumption taxes; stresses that VAT should be kept at low rates as it burdens lower-income households disproportionately, exacerbating inequality in the distribution of wealth;

29. Observes that the effectiveness of reduced VAT rates in promoting environmentally friendly goods is still difficult to assess due to a lack of empirical evidence, although in certain case studies and according to certain models, positive impacts can be measured; stresses, however, that in order to promote environmentally friendly consumption, it is of primary importance for Member States to phase out all zero VAT rates and reduced rates for harmful environmental goods and services; calls on the Member States to phase out reduced rates for high polluting goods and services by 2030 to achieve the EU's climate objectives enshrined in the European Green Deal; calls on the Member States to study the implementation of compensation mechanisms to help low-income households to cope with the decrease in disposable income arising from higher VAT rates for polluting goods and services;

30. Stresses, in this regard, that reduced rates should take into account the sustainability of public finances; notes that rationalisation designed to achieve a uniform VAT system should take into account the historical and temporary application of reduced rates, provided that other conditions are fulfilled;

31. Stresses that evidence suggests that reduced VAT rates are often a rather inefficient instrument to achieve social or environmental objectives since they lead to considerable costs for governments owing to the size of the rate gap, reduced tax revenues, increased administrative costs, costly checks and inspections, pressure from social and economic representatives compliance costs, economic distortions or even tax evasion, and difficulties in reaching target groups;

32. Notes that to fully assess the efficiency and effectiveness of non-standard VAT rates, it is necessary to compare them with alternative policy instruments; take the view that these measures can be more effective, flexible, visible and cost-effective tools for achieving these social and environmental objectives, if used by governments in an efficient manner; notes, however, that these instruments are at the core of national tax sovereignty and are included in national competences because there is no EU legislation harmonising them; points out that they must nevertheless respect EU competition policy;

33. Stresses that a uniform VAT system, combined with alternative policy instruments and a raft of social reforms and environmental tax instruments, are all options worth exploring when designing an effective economic, social and green holistic tax system, as long as they do not place an undue burden on low-income households; notes that New Zealand has an uniform 15 % flat-rate VAT system and applies tax credit for low-income households; notes that the effort to simplify or harmonise the VAT system in the EU would not lead to higher standard VAT rates; points out that flat-rate subsidies and information campaigns could be an option for the promotion of merit goods;

Conclusion

34. Recalls that VAT revenue is one of the chief sources of public revenue, accounting for some 21 % of total tax revenue in the EU on average; notes that the VAT gap stands at 10 % on average, and that VAT also constitutes an own resource for the EU budget; stresses that any reduction in the VAT base may lead to less revenue for public finances; calls on national tax authorities to take initiatives to reduce the VAT gap in order to improve public finances, especially in the light of the economic downturn caused by the COVID-19 pandemic, and increase EU own resources;

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35. Welcomes, in this regard, the fact that significant progress has been achieved on cooperation between the tax authorities of the Member States over the last decade; supports further discussions among Member States in order to strengthen administrative cooperation;

36. Endorses the findings of the DIW Econ study, which stresses that on average the standard rate was applied to 71 % of the total tax base in the Member States in 2019; points out that compliance costs of diversified VAT systems can be significantly reduced by continuing digitalisation of businesses and public administrations; points out that the costs of diversified VAT systems on businesses, particularly SMEs, the distortions they may cause in the internal market and trade, and their impact on governments in terms of loss of revenue need to be carefully assessed in order to achieve a cohesive, fair and efficient VAT system in the EU; notes that reduced rates on necessities (e.g. food) tend to make VAT more progressive and that low-income households do benefit from reduced VAT rates even if they are less efficient means of achieving revenue distribution or environmental objectives;

37. Notes that the difficulties in reducing the VAT gap between Member States are caused by a combination of factors, such as the need to maintain a number of VAT exemptions for certain goods and services and the willingness of Member States to maintain reduced rates of at least 5 %; acknowledges that Member States need to retain the flexibility to set their own VAT rates given the importance of this tax as a budgetary instrument;

38. Calls for a simplified and modernised VAT system with limits on exemptions and non-standard rates to be introduced with a view to promoting fair and efficient business competitiveness within the internal market, reducing compliance costs and improving voluntary compliance; notes that such a simplified VAT system would still benefit from a One-Stop Shop in order to reduce compliance costs for EU companies and boost intra-EU trade; takes note of the proposal by the former Portuguese Council presidency and the current Slovenian Council presidency to phase out all zero VAT rates and reduced rates on environmentally harmful goods and services at Member-State level, such as fossil fuels, chemical pesticides and chemical fertilisers; calls for the implementation of social measures for low-income households to be studied in order to compensate for the decrease in disposable income arising from higher VAT rates for polluting goods and services; urges the Member States to quickly adopt the proposal for a revised directive on VAT rates ⁽³²⁾;

39. Stresses that the VAT gap is chiefly attributable to a combination of factors in each Member State, such as legislative loopholes, a lack of resources and digital efficiency in tax administrations, the ineffectiveness of enforcement and control measures, particularly those against tax evasion and avoidance, and aggressive tax planning; calls, in this regard, on the Member States to improve administrative cooperation and enhance the performance of national tax authorities; welcomes the Transaction Network Analysis tool and supports the establishment of enhanced cooperation between Eurofisc members in order to rapidly detect carousel-type fraud; calls on the Conference on the Future of Europe to address this issue in the context of the protection of the EU's financial interests;

40. Considers it necessary to explore a more harmonised introduction of electronic invoicing in all Member States, beyond its current mandatory use in public procurement across the EU, given that it has proved to be an effective tool for combating fraud and evasion in the countries where it also has been introduced for other types of transactions, and has also led to greater simplification and reduced compliance costs;

41. Recalls the importance of the independence and non-partisan character of the European Tax Observatory, which was created on the initiative of Parliament; stresses that the Fiscalis 2021-2027 programme is an essential tool to ensure rapid and constructive cooperation between tax authorities;

42. Recalls that the effectiveness of reduced rates as a policy tool must always be assessed in the specific context of other existing policy tools; adds that reduced rates are often complementary to existing social and environmental policy tools, and that direct tax incentives are instruments that better target low-income households — e.g. a tax-free threshold and progressive tax rates — and are generally less costly, provided that other conditions are fulfilled;

⁽³²⁾ COM(2018)0020.

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43. Stresses the need to move to a definitive VAT system based on the principle of taxation in the country of destination; urges the Council to adopt, as soon as possible, the proposal for a directive of 25 May 2018 (COM(2018)0329) given the extent of the loss of national and EU budgetary resources under the current regime; highlights, in this regard, the main principles of the prospective definitive VAT system for cross-border taxation of intra-EU goods at the destination and charging and collecting VAT in the Member State of destination by the supplier;
44. Calls on the Commission to follow up on this report with concrete legislative proposals, addressing the specific topics referred to above; calls on the Council to value dialogue and cooperation with Parliament on pursuing a proper reform of the VAT system, bearing these proposals in mind, as well as the fundamental need to guarantee the democratic character of the changes on the EU's taxation policy;
45. Supports the Court of Auditors's proposal⁽³³⁾ to consider establishing a mechanism revising the multiannual weighted average rate during the period covered by the multiannual financial framework in order to avoid distortions in the level of contributions based on VAT during this period if a Member State decides to change its VAT policy;
46. Notes that the VAT Directive is subject to unanimous approval in the Council in accordance with Article 113 TFEU;
47. Recalls the merits of the taxpayer identification number as a useful instrument to guarantee compliance with and respect for tax obligations; calls on the Commission and the Member States to explore all the possibilities of the taxpayer identification number as a mechanism to safeguard high efficiency standards for reporting;
48. Supports the idea of expanding the scope of the VAT One-Stop Shop, which has been in place since 2015, to the declaration and payment of VAT; underlines the need to specifically target the adaptation of the One-Stop Shop at the expanding e-commerce market;
49. Calls on the Commission to assess the current framework and propose concrete legislative proposals on the verification of cross-border transactions, which must be reinforced to secure VAT; underlines, in this regard, the need to specifically address the opportunities that come from the use of new digital technologies, with high standards of data protection and privacy as corollaries of taxpayer rights;
50. Recalls the importance of guaranteeing the full transposition and proper implementation of the VAT e-commerce package; calls on the Commission to evaluate the state of play in this regard and present concrete proposals to adapt the rules, where needed, taking the exponential growth of e-commerce into consideration; notes that there is a considerable VAT collection gap in the e-commerce sector; invites the Commission to study the conclusions of the European Court of Auditors' special report on the matter, in order to close the collection gap;
51. Recalls the importance of closer dialogue with international partners, mainly the most relevant trade partners, regarding VAT; considers that this cooperation should start with and be based on the principle of administrative cooperation, in order to guarantee an effective logic of exchange of information that can enhance the combat against schemes leading to fraud or evasion;
52. Notes the Commission's intention to change the nature of its VAT Committee and its objectives regarding a future comitology committee; underlines the need to count on Parliament's position on this matter; recalls the need to guarantee full respect for the EU institutional framework on taxation and the distribution of competences regarding indirect taxation;

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

⁽³³⁾ Opinion No 11/2020.

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Implementation of the Toy Safety Directive

European Parliament resolution of 16 February 2022 on the implementation of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive) (2021/2040(INI))

(2022/C 342/11)

The European Parliament,

- having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys ⁽¹⁾ (Toy Safety Directive),
- having regard to the Commission evaluation of 19 November 2020 of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (SWD(2020)0287),
- having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽²⁾ (GPSD),
- having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 ⁽³⁾,
- having regard to Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC ⁽⁴⁾,
- having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽⁵⁾,
- having regard to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 ⁽⁶⁾,
- having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) ⁽⁷⁾,
- having regard to Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 ⁽⁸⁾,

⁽¹⁾ OJ L 170, 30.6.2009, p. 1.

⁽²⁾ OJ L 11, 15.1.2002, p. 4.

⁽³⁾ OJ L 218, 13.8.2008, p. 30.

⁽⁴⁾ OJ L 218, 13.8.2008, p. 82.

⁽⁵⁾ OJ L 316, 14.11.2012, p. 12.

⁽⁶⁾ OJ L 169, 25.6.2019, p. 1.

⁽⁷⁾ OJ L 151, 7.6.2019, p. 15.

⁽⁸⁾ OJ L 153, 3.5.2021, p. 1.

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- having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC⁽⁹⁾,
- having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products⁽¹⁰⁾,
- having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on the classification, labelling and packaging of substances and mixtures (CLP Regulation), amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006⁽¹¹⁾,
- having regard to Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC⁽¹²⁾,
- having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)⁽¹³⁾,
- having regard to Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products⁽¹⁴⁾ (Product Liability Directive),
- having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment⁽¹⁵⁾ (RoHS Directive),
- having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products⁽¹⁶⁾ (Cosmetics Regulation),
- having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC⁽¹⁷⁾ (Food Contact Materials Regulation),
- having regard to Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC⁽¹⁸⁾ (Batteries Directive),
- having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006⁽¹⁹⁾ (CLP Regulation),

⁽⁹⁾ OJ L 396, 30.12.2006, p. 1.

⁽¹⁰⁾ OJ L 342, 22.12.2009, p. 59.

⁽¹¹⁾ OJ L 353, 31.12.2008, p. 1.

⁽¹²⁾ OJ L 153, 22.5.2014, p. 62.

⁽¹³⁾ OJ L 119, 4.5.2016, p. 1.

⁽¹⁴⁾ OJ L 210, 7.8.1985, p. 29.

⁽¹⁵⁾ OJ L 174, 1.7.2011, p. 88.

⁽¹⁶⁾ OJ L 342, 22.12.2009, p. 59.

⁽¹⁷⁾ OJ L 338, 13.11.2004, p. 4.

⁽¹⁸⁾ OJ L 266, 26.9.2006, p. 1.

⁽¹⁹⁾ OJ L 353, 31.12.2008, p. 1.

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- having regard to Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants ⁽²⁰⁾ (POPs Regulation),
- having regard to its resolution of 25 November 2020 on addressing product safety in the single market ⁽²¹⁾,
- having regard to its resolution of 25 November 2020 towards a more sustainable single market for business and consumers ⁽²²⁾,
- having regard to its resolution of 12 February 2020 on automated decision-making processes: ensuring consumer protection and free movement of goods and services ⁽²³⁾,
- having regard to its resolution of 12 December 2018 on the single market package ⁽²⁴⁾,
- having regard to its resolution of 4 July 2017 on European standards for the 21st century ⁽²⁵⁾,
- having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies ⁽²⁶⁾,
- having regard to its resolution of 26 May 2016 on the Single Market Strategy ⁽²⁷⁾,
- having regard to its resolution of 20 October 2020 with recommendations to the Commission on the Digital Services Act: Improving the functioning of the Single Market ⁽²⁸⁾,
- having regard to its resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies ⁽²⁹⁾,
- having regard to its resolution of 18 April 2019 on a comprehensive European Union framework on endocrine disruptors ⁽³⁰⁾,
- having regard to its resolution of 10 July 2020 on the Chemicals Strategy for Sustainability ⁽³¹⁾,
- having regard to the European Parliamentary Research Service (EPRS) briefing of April 2021 entitled 'The EU Toy Safety Directive',
- having regard to the Commission proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)0825),
- having regard to the Commission proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts (COM(2021)0206),
- having regard to the Commission communication of 10 March 2020 on a long-term action plan for better implementation and enforcement of single market rules (COM(2020)0094),
- having regard to the Commission communication of 14 October 2020 entitled 'Chemicals Strategy for Sustainability — Towards a Toxic-Free Environment' (COM(2020)0667),
- having regard to the Commission communication of 21 April 2021 entitled 'Fostering a European approach to Artificial Intelligence' (COM(2021)0205),

⁽²⁰⁾ OJ L 169, 25.6.2019, p. 45.

⁽²¹⁾ OJ C 425, 20.10.2021, p. 19.

⁽²²⁾ OJ C 425, 20.10.2021, p. 10.

⁽²³⁾ OJ C 294, 23.7.2021, p. 14.

⁽²⁴⁾ OJ C 388, 13.11.2020, p. 39.

⁽²⁵⁾ OJ C 334, 19.9.2018, p. 2.

⁽²⁶⁾ OJ C 334, 19.9.2018, p. 60.

⁽²⁷⁾ OJ C 76, 28.2.2018, p. 112.

⁽²⁸⁾ OJ C 404, 6.10.2021, p. 2.

⁽²⁹⁾ OJ C 404, 6.10.2021, p. 63.

⁽³⁰⁾ OJ C 158, 30.4.2021, p. 18.

⁽³¹⁾ OJ C 371, 15.9.2021, p. 75.

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- having regard to the Commission communication of 13 November 2020 entitled ‘New Consumer Agenda — Strengthening consumer resilience for sustainable recovery’ (COM(2020)0696),
 - having regard to the Commission communication of 24 March 2021 on an EU strategy on the rights of the child (COM(2021)0142),
 - having regard to Council conclusions of 15 March 2021 entitled ‘Sustainable Chemicals Strategy of the Union: Time to Deliver’,
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0349/2021),
- A. whereas the Toy Safety Directive (TSD) was adopted in 2009 to ensure a high level of health and safety for children and improve the functioning of the internal market for toys by removing barriers to trade in toys between Member States;
- B. whereas the EU’s strict toy safety framework is designed to ensure children enjoy the safest play experience possible and is widely regarded as a global benchmark;
- C. whereas play is recognised as every child’s right by the United Nations Convention on the Rights of the Child, to which all EU Member States are signatories; whereas playing contributes to children’s development, health and wellbeing and is an essential part of growing up; whereas studies show that toys can enrich play and keep children playing for longer;
- D. whereas the TSD is a maximum harmonisation directive, meaning that Member States are not allowed to adopt any different requirements than those provided in it; whereas the rules and requirements for toys are, in many cases, stricter than those for other products owing to the vulnerability of the consumers for whom they are designed;
- E. whereas the effectiveness of the EU’s TSD is too often undermined by the actions of rogue traders and by online sales of non-compliant products;
- F. whereas, despite the lack of comprehensive data on its full impact, the TSD is still largely effective in guaranteeing the free movement of toys in the single market and whereas the number of companies operating in the market since the full application of the TSD increased by 10 % from 2013 to 2017, while the turnover of the EU toy industry has constantly increased since its entry into force; whereas 99 % of companies in the sector are SMEs and the majority of these companies are micro-enterprises;
- G. whereas the TSD requires that toys made available on the EU market are safe and ensures a high level of protection of children against hazards caused by chemical substances in toys; whereas quick adaptation of specific requirements and standards might be needed if the scientific and technological developments show the emergence of previously unknown risks and challenges related to toys;
- H. whereas in the chemicals strategy for sustainability, the Commission stressed the need to introduce or reinforce provisions to take into account the combination effects of chemicals, including for toys, and to extend the generic approach to risk management to ensure that consumer products, including toys, do not contain chemicals that cause cancers or gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative; whereas the chemicals strategy for sustainability in addition commits the Commission to assessing the modalities and timing for an extension of the same generic approach, with regard to consumer products, to further harmful chemicals, including those affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ;

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I. whereas improved sustainability is important but the safety of toys should always take precedence; whereas requirements to improve sustainability should not compromise safety;

1. Welcomes the Commission's evaluation report on the TSD, aiming at assessing its functioning since its entry into force;

2. Acknowledges the added value of the TSD in improving the safety of children and ensuring an equally high level of protection across the single market, compared to the previous directive, and its role in providing legal certainty and a level playing field for businesses; regrets that some of the non-EU manufacturers that are selling their products in the single market, especially through online marketplaces, do not comply with the EU legislation, and that many toys sold in the EU are still posing significant threats to children;

3. Recognises the key role of standards in allowing for the efficient and agile application of the directive by manufacturers, as well as the role of notified bodies in ensuring compliance when standards are not available or are not applied; stresses the need to increase the number of notified bodies in some regions; highlights that Member States should have open, inclusive, sustainable, transparent and high-quality standards; underlines that standards should also be technology neutral and performance based, ensuring equal conditions of competition among economic operators, in particular SMEs;

4. Stresses the need to develop ambitious standards for adaptive toys, which allow children with disabilities to enjoy and interact with toys they may not otherwise be able to;

5. Notes that some market surveillance authorities face problems in enforcing the provisions contained in Article 11 of the TSD, which obliges manufacturers to mark warnings on toys in a clearly visible, easily legible, understandable and accurate way; underlines that such problems are caused by a lack of specified requirements and related standards; calls on the Commission, therefore, to introduce specific requirements on the visibility and legibility of warnings on toys, in order to enable Member States to enforce these requirements in a uniform way;

6. Recognises that the implementation of and preparation for the proper application of the TSD was a laborious process extending over many years and requiring significant financial investment by European toy manufacturers; stresses the importance of legal stability for the stable development of domestic businesses, especially small and medium-sized family enterprises;

7. Notes, however, that inconsistencies that call for a revision of the TSD remain; asks the Commission, therefore, to continue its evaluation process and perform an exhaustive impact assessment in order to check whether and how to address them; stresses that further efforts are needed, especially from law enforcement authorities, to ensure that strict safety requirements are applied by all economic operators who place toys on the EU market; underlines the need to take into account the challenges, the specific risks and the negative impact on companies producing compliant toys, arising from the sales of non-compliant, unsafe and counterfeit toys, which mostly come from non-EU countries, and to address risks coming from the use of new technologies;

Chemicals

8. Recognises the flexibility and relatively future-proof nature of the current TSD, given that in the period 2012-2019, the directive was amended 14 times to adapt to the new scientific evidence pointing out previously unknown risks for children, especially in the area of chemicals; is concerned, however, that problems remain that can jeopardise children's safety and that can only partially be solved through implementing acts;

9. Highlights the need for toys that are placed on the EU market to comply with the TSD, as well as the relevant EU legislation on chemicals, in particular the REACH Regulation and the RoHS Directive, as well as the Cosmetics Regulation, the Food Contact Material Regulation, the Batteries Directive, the CLP Regulation and the POPs Regulation, regardless of where they are manufactured;

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10. Stresses that spreading out requirements across several pieces of legislation, and providing for different limit values, can be burdensome, especially for SMEs, and can in some cases necessitate a duplication of the measuring of substances, as in the case of migration and content limit values; calls on the Commission, therefore, to consider consolidating all applicable limits for toys to uniform values, justified by further assessment, in one piece of legislation, in order to streamline conformity assessment and to make it easier and less burdensome to comply with the requirements; calls on the Commission, in addition, to consider streamlining access to information, including through an online portal, in order to clarify what is required in which circumstances and to facilitate the navigation of these different pieces of legislation for market surveillance, economic operators and consumers;

11. Is concerned by the fact that the derogation from the prohibition of chemicals that are carcinogenic, mutagenic or toxic to reproduction (CMRs) set out in the TSD allows in specific cases for the presence of those chemicals in concentrations that appear to be too high to ensure the protection of children; calls on the Commission to conduct an impact assessment in order to analyse if generic limits for derogated CMRs in the TSD should be reduced, following the recommendations made by the relevant scientific committee, and to explore if, in line with the chemicals strategy for sustainability, the possibility to derogate from the rules on the presence of CMRs that are inaccessible to the child in toys should be deleted and if adequate provisions to avoid children's exposure to dangerous, toxic, harmful, corrosive and irritant substances should be made; calls on the Commission to take into account children's combined exposure to chemicals as well as potential low-dose effects;

12. Underlines that lower limit values in toys for children below 36 months or intended to be placed in the mouth for chemicals such as nitrosamines and nitrosatable substances set out at national level compared to those established in the TSD create inconsistencies, even when justified by the Commission; notes, however, that all EU children should enjoy the same high level of protection; acknowledges that this limit value cannot be amended by an implementing act but would require a legislative procedure; calls on the Commission, therefore, to evaluate the need for adapting the limit value to the strictest value in force at national level in a revision of the TSD, following an exhaustive impact assessment, and for providing for a flexible mechanism that allows for quick adaptation of the limit values for dangerous chemical substances and avoiding a situation whereby different values are set at national level, thus ensuring a level playing field in the internal market to the benefit of consumers and economic operators; underlines the need to maintain the in-depth scrutiny by Parliament of the implementing acts to be adopted with that aim;

13. Welcomes the commitment of the Commission to extend the generic risk approach on CMRs to endocrine disruptors, on the basis of the definition of the World Health Organization (WHO), and to analyse in the impact assessment whether to apply it in a future revision of the TSD to ensure that endocrine disruptors are banned in toys as soon as they are identified, as well as to consider introducing horizontal legislation with that aim, as repeatedly requested by Parliament and the Council, while respecting the 'one substance, one assessment' principle contained in the chemicals strategy for sustainability; welcomes in this regard the commitment to assess the extension of this approach to chemicals affecting the immune, neurological or respiratory systems and to chemicals toxic to a specific organ, in order to guarantee a high level of protection against these chemicals as well as to ensure a future-proof regulatory response to their use in toys, consistent with the Commission's intention to prioritise all uses of these chemicals for REACH restrictions;

14. Is concerned that the stricter provisions for chemicals in toys intended for children aged under 36 months do not take into account the fact that older children remain vulnerable to dangerous substances; notes that this distinction can result in manufacturers circumventing the provisions by indicating that the toy is intended for children above 36 months even when it is clearly not the case; stresses that several stakeholders, the Commission and Member States have indicated that this distinction is clearly inadequate, since it may create loopholes and may limit the effectiveness of the TSD, and have asked for it to be eliminated; calls on the Commission, therefore, to analyse this issue within the impact assessment for the revision of the TSD and in full accordance with the latest scientific evidence, to decide whether this distinction needs to be abolished and to set specific limit values for chemicals in toys; is of the opinion that when scientific evidence emerges showing that a chemical is dangerous for children, its use should be restricted in toys as well as in all child-related products;

Market surveillance and new technologies

15. Notes that the TSD contains an obligation for the competent authority of the Member States to perform market surveillance taking due account of the precautionary principle, to test toys on the market and verify manufacturers' documentation with a view to withdrawing unsafe toys and taking action against those responsible for placing them on the

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market; is concerned that the effectiveness of market surveillance under the TSD is limited, while it remains key to protecting the health and safety of children at risk, and that it undermines the level playing field and the competitiveness of economic operators that comply with the legislation, to the benefit of rogue traders, who do not apply EU rules; notes that difficulties are still reported in obtaining information and documentation from some economic operators;

16. Welcomes the adoption of Regulation (EU) 2019/1020, which aims to improve market surveillance by strengthening and harmonising controls by national authorities to ensure that products entering the single market, including toys, are safe and comply with the rules, and calls on the Member States to implement it swiftly and to equip customs and market surveillance authorities with adequate human, financial and technical resources in order to increase the number and effectiveness of controls, so that effective enforcement of the TSD can be ensured and the proliferation of unsafe and non-compliant toys in the EU prevented;

17. Calls on the Commission to assess the Member States' implementation and application of Regulation (EU) 2019/1020 and to provide active support to Member States in the enforcement of national market surveillance strategies; urges the Commission to adopt implementing acts laying down benchmarks and techniques for checks on the basis of common risk analysis at EU level, in order to ensure consistent enforcement of EU law, strengthen controls on products entering the EU market and avoid divergences and achieve an effective and uniform level of such controls; calls on the Commission to adopt implementing acts specifying the procedures for the designation of EU testing facilities, in line with Article 21 of Regulation (EU) 2019/1020;

18. Calls on the Commission to continuously explore possibilities for using new technologies such as e-labelling, blockchain and artificial intelligence with a view to detecting unsafe products, mitigating risk and improving compliance with the TSD, as well as facilitating the work of market surveillance authorities by providing easily accessible, up-to-date, structured and, if possible, digital information on products and their traceability in the supply chain;

19. Reiterates the limited funding and human resources, which in recent years has reduced the effectiveness and reach of many market surveillance authorities; welcomes, in this connection, the adoption of the single market programme and the introduction of a specific objective, with a specific budget line and dedicated resources for market surveillance, which will contribute to supporting Member States' actions in ensuring that only safe and compliant toys enter the EU market;

20. Underlines that effective market surveillance is essential in order to detect unsafe toys and ensure the proper application of the TSD; calls on the Member States, therefore, to step up the coordination of their market surveillance activities, including through the exchange of best practices and the digitalisation of their systems, and to strengthen collaboration between market surveillance authorities and other authorities such as customs, telecommunication and data protection authorities; calls on market surveillance and customs authorities, therefore, to actively share experiences and to step up coordination and cooperation among themselves, including at cross-border level, so that the swift transfer of information on unsafe toys can be enabled and imports of unsafe toys can be effectively stopped; stresses that maintaining constant and effective controls throughout the EU on toys entering the internal market remains essential in order to ensure that they comply with EU requirements; calls on the Commission to organise and finance joint market surveillance actions, including training activities, to step up enforcement of the Union legislation on toys, and to cooperate with the competent authorities of non-EU countries to exchange information on unsafe toys; calls on the Member States, moreover, to set minimum sampling rates or checks to improve enforcement;

21. Highlights that in order to detect unsafe toys more efficiently the market surveillance authorities should carry out mystery shopping on a regular basis and at least once a year, including on online marketplaces, in particular because toys are the products that are notified most often on the EU rapid alert system for dangerous non-food products (Safety Gate);

22. Is concerned by the new vulnerabilities and risks posed by connected toys, in terms of child safety, security, privacy and mental health; highlights the importance of safeguarding children's privacy when using connected toys; is concerned that some of these toys already placed on the EU market have shown inadequate security, as well as limited or no safeguards against cyber threats; encourages producers of connected toys to integrate safety and security mechanisms in their toys by design; calls on the Commission to explore different options for action with respect to the level of risk and the

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proportionality principle, such as extending the scope of the TSD to include provisions on privacy and information security, adopting horizontal legislation on cybersecurity requirements for connected products and associated services, such as the European cybersecurity resilience act, or reinforcing the relevant horizontal legislation, such as the Radio Equipment Directive, as well as the GDPR, while involving Parliament in its choices;

23. Is concerned that consumers respond poorly to recalls, and that unsafe toys continue to be used by children even though they have been recalled; asks the Commission, therefore, to publish guidelines on recall procedures, including a checklist with concrete requirements, and asks the online marketplaces to establish effective mechanisms to make sure they can reach their users, buyers and sellers in order to inform them as quickly as possible when recalls are necessary and to increase the number of consumers reached by recalls;

E-commerce

24. Recognises the positive role of e-commerce, including the role of online marketplaces, which have enabled the development of EU toy manufacturers; stresses, in this context, the growth in these businesses' activities both inside and outside the EU; highlights that the development of e-commerce benefits consumers but also poses challenges for market surveillance authorities in ensuring the compliance of products sold online; notes that many products bought online fail to conform to EU safety requirements and is concerned by the high number of dangerous toys sold online by rogue sellers; considers it necessary to eliminate the sale of non-compliant and dangerous toys online;

25. Welcomes the guidance of the Commission on Article 4 of Regulation (EU) 2019/1020, which clarifies the tasks of economic operators, in particular with regard to products sold online and placed on the EU market from non-EU countries; highlights the need to tackle non-compliant products sold directly to consumers from non-EU countries through online marketplaces; recalls that only safe products can be put on the EU market by economic operators; highlights that compliance with EU rules by all economic operators is key to ensuring the safety of children and providing a level playing field for companies; calls on market surveillance and customs authorities to step up their cooperation, including the exchange of information on non-compliance findings, and perform robust enforcement actions to stop rogue traders from exploiting the EU market;

26. Highlights the added value of the 'know your business customer' principle to increase compliance and traceability of toys sold online; points out to the voluntary nature of the product safety pledge and the limited participation of market operators therein; regrets that the product safety pledge has shown limited effects so far;

27. Stresses that online marketplaces can play a tremendous role in limiting the circulation of unsafe toys; believes therefore that they should be obliged to take more responsibility in ensuring the safety and compliance of toys sold on their platforms, in particular in identifying and removing non-compliant toys, also by consulting the Safety Gate system, and cooperating effectively with the market surveillance authorities on removing the non-compliant toys and preventing the reappearance of unsafe toys; insists in the strongest terms, in this sense, that it is fundamental to ensure effective and predictable enforcement as well as full consistency between the TSD and different instruments such as the Digital Services Act, the Artificial Intelligence Act, the General Product Safety Regulation and the future legislative act revising the Product Liability Directive, in order to guarantee the highest standards on safety and fundamental rights; calls for solutions allowing for the notification of non-compliant toys by consumer organisations and trusted flaggers;

28. Highlights the need to step up cooperation with non-EU countries with a view to preventing unsafe and non-compliant toys from entering the EU market, while ensuring a level playing field for businesses; calls on the Commission to publish information on its monitoring activities;

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Legal instrument and way forward

29. Calls on the Commission, since the TSD acts as a de facto regulation, to consider whether its revision could be the opportunity to convert it into a regulation in order to enhance its effectiveness and efficiency and avoid implementation inconsistencies among Member States and market fragmentation;

30. Calls on the Commission to assess the need for a broader scope for amendments in the future revision, supported by an in-depth impact assessment to analyse if and how mechanical and physical requirements, CMRs, limit values for nitrosamines and nitrosatable substances, as well as labelling provisions for allergenic fragrances and dangerous chemicals, could be inserted in the future revision of the TSD, in order to allow for easy and flexible modifications;

31. Is concerned that some producers avoid complying with the TSD by claiming that their products are not toys, while they are clearly used as such; highlights that the guidance documents from the Commission are helpful to clarify if the product is a toy or not and to ensure the harmonised implementation of the TSD to the benefit of both market surveillance authorities and economic operators; stresses, nonetheless, that there are still products within the 'grey zone' and therefore calls on the Commission to solve this problem within the definition of toys in the future revision of the TSD; highlights the need for an open and constructive dialogue with relevant stakeholders to that end;

32. Highlights the important role of toys in children's development and skill formation, and the pedagogical support they give for the performance of new tasks and the improvement and learning of skills from a very young age; calls on the Commission to revise the toy directive with a view to improve toy safety while at the same time reducing the burden and the administrative and legal costs to manufacturers in order to ensure a clear path to safe and affordable toys for all children in the European Union;

33. Considers that consumers and the actors in value chains need information to drive more sustainable behaviour; calls on the Commission, therefore, to analyse in the impact assessment whether the durability and reparability of toys can influence their safety and if such an influence is proven, to then analyse whether better information on toys' durability and reparability could be added in the labelling provisions in a proportionate and non-restrictive manner; believes in this regard that innovative and digital solutions could be used to make this information available to consumers, ensuring that safety information is clearly identifiable, while avoiding excessive burdens on companies and minimising packaging materials;

34. Considers that warnings and safety information are important for consumers; notes that additional labelling requirements should be kept to a minimum to avoid attention being diverted from this; calls on the Commission to assess the possibility of indicating conformity information not intended for the final consumer electronically;

Data

35. Highlights that the lack of consistent EU-wide statistics on accidents caused by toys has made it difficult to quantitatively assess the level of protection granted by the TSD and to inform standardisation work on toys; believes that insufficient coordination and funding at EU level is a root cause of the absence of consistent data and calls on the Commission to address this in a future revision of the directive; calls on the Commission to assess the possibility of establishing a pan-European accident and injury database with a special section for toys, that is public, user-friendly and accessible for consultation by public authorities, consumers and manufacturers, and that allows for introduction and collection of information on accidents and injuries that occur because of dangerous toys, including those sold online; considers, moreover, that an additional option would be by using indicators and data such as those gathered from the Information and Communication System on Market Surveillance, Safety Gate and joint actions to assess the efficiency of the TSD, and invites the Commission to assess the possibility of establishing digital solutions which could improve traceability along the supply chain and contribute to a higher safety level for toys;

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36. Calls on the Member States to step up their data collection on the TSD, which is now uneven, not representative and incomplete, and to exchange information about risks and vulnerabilities in relation to toy safety; calls on businesses to step up cooperation with Member States, sharing more data on toy-related accidents in order to enhance children's safety and to improve trust in toys placed on the internal market;

37. Calls on the Commission to use the opportunity provided by the TSD revision to develop indicators to monitor its correct implementation by Member States and its overall effectiveness; calls on the Commission to improve the collection of data to be regularly provided by Member States, market surveillance authorities and notified bodies; recommends that the Commission elaborate a general report at EU level based on the national reports, and make them public and easily accessible by all interested parties;

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

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P9_TA(2022)0038

Strengthening Europe in the fight against cancer**European Parliament resolution of 16 February 2022 on strengthening Europe in the fight against cancer — towards a comprehensive and coordinated strategy (2020/2267(INI))**

(2022/C 342/12)

The European Parliament,

- 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 the working document of its Special Committee on Beating Cancer of 27 October 2020 entitled 'Inputs of the Special Committee on Beating Cancer (BECA) to influence the future Europe's Beating Cancer Plan' ⁽²⁾,
- having regard to the Commission communication of 3 February 2021 on Europe's Beating Cancer Plan (COM(2021)0044),
- having regard to the EU's Framework Programme for Research and Innovation 2021-2027 (Horizon Europe) ⁽³⁾ and the dedicated Horizon Europe Mission on Cancer ⁽⁴⁾,
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to the Council conclusions of 15 June 2021 on access to medicines and medical devices for a stronger and resilient EU ⁽⁵⁾,
- having regard to the guides developed by the Joint Actions on cancer (EPAAC, CANCON, iPAAC) and the Rare Cancer Agenda 2030 established under the Joint Action on Rare Cancers (JARC),
- having regard to the Commission communication of 30 September 2020 on a new ERA for Research and Innovation (COM(2020)0628),
- having regard to Council Recommendation 2003/878/EC of 2 December 2003 on cancer screening ⁽⁶⁾,
- having regard to the report of the International Agency for Research on Cancer (IARC) of May 2017 on the implementation of the Council Recommendation on cancer screening ⁽⁷⁾,
- having regard to the European guidelines for quality assurance in breast, cervical and colorectal cancer screening and diagnosis,
- 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),

⁽¹⁾ OJ C 362, 8.9.2021, p. 182.

⁽²⁾ Working document of 27 October 2020.

⁽³⁾ Regulation (EU) 2021/695 of 28 April 2021 establishing Horizon Europe — the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (OJ L 170, 12.5.2021, p. 1).

⁽⁴⁾ Interim report of the Mission Board for Cancer entitled 'Conquering cancer: Mission possible'.

⁽⁵⁾ OJ C 269 I, 7.7.2021, p. 3.

⁽⁶⁾ OJ L 327, 16.12.2003, p. 34.

⁽⁷⁾ https://ec.europa.eu/health/sites/default/files/major_chronic_diseases/docs/2017_cancerscreening_2ndreportimplementation_en.pdf

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- having regard to the Commission communication of 28 June 2021 on the EU strategic framework on health and safety at work 2021-2027 (COM(2021)0323),
- having regard to the Commission communication of 25 November 2020 on the Pharmaceutical Strategy for Europe (COM(2020)0761),
- having regard to the Commission communication of 14 October 2020 entitled ‘Chemicals Strategy for Sustainability — Towards a Toxic-Free Environment’ (COM(2020)0667),
- having regard to the Commission communication of 12 May 2021 entitled ‘Pathway to a Healthy Planet for All — EU Action Plan: “Towards Zero Pollution for Air, Water and Soil”’ (COM(2021)0400),
- having regard to Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (the Carcinogens and Mutagens Directive — CMD) ⁽⁸⁾, including its three amending directives and the proposal by the Commission for the fourth amending directive (COM(2020)0571),
- having regard to Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work ⁽⁹⁾,
- having regard to the public consultation synopsis report of its Special Committee on Beating Cancer of 19 April 2021 entitled “The impact of the COVID-19 pandemic on cancer prevention, health services, cancer patients and research: lessons from a public health crisis”,
- having regard to the Commission communication of 11 November 2020 entitled “Building a European Health Union — preparedness and resilience” (COM(2020)0724), and to the related Commission proposals for, and the provisional agreements on, regulations of the European Parliament and of the Council of 11 November 2020 on serious cross-border threats to health (COM(2020)0727), on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (COM(2020)0725), and amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control (COM(2020)0726),
- having regard to 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 ⁽¹⁰⁾,
- having regard to the Commission proposal for, and the agreement on, a regulation of the European Parliament and of the Council on health technology assessment and amending Directive 2011/24/EU (COM(2018)0051),
- having regard to 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 ⁽¹¹⁾ (the Clinical Trials Regulation) and to the Clinical Trials Information System set up in accordance with that regulation,
- having regard to Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme ⁽¹²⁾,

⁽⁸⁾ OJ L 158, 30.4.2004, p. 50.

⁽⁹⁾ OJ L 131, 5.5.1998, p. 11.

⁽¹⁰⁾ OJ L 107, 26.3.2021, p. 1.

⁽¹¹⁾ OJ L 158, 27.5.2014, p. 1.

⁽¹²⁾ OJ L 166, 11.5.2021, p. 1.

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- having regard to Report No 21/2019 of the European Environment Agency (EEA) entitled “Healthy environment, healthy lives: how the environment influences health and well-being in Europe”⁽¹³⁾,
- having regard to the opinion of the European Economic and Social Committee of 9 June 2021 on Europe’s Beating Cancer Plan⁽¹⁴⁾,
- having regard to the conclusions and recommendations of the study prepared for its Panel for the Future of Science and Technology (STOA) in July 2021 on “The health impact of 5G”⁽¹⁵⁾,
- having regard to the UN Sustainable Development Goals (SDGs), in particular SDG 3 on good health and well-being,
- having regard to the fourth edition of the European Code Against Cancer⁽¹⁶⁾,
- having regard to the European Code of Cancer Practice⁽¹⁷⁾,
- having regard to the Commission communication of 24 March 2021 entitled “EU strategy on the rights of the child” (COM(2021)0142),
- having regard to the Commission staff working document of 19 July 2018 on combatting HIV/AIDS, viral hepatitis and tuberculosis in the European Union and neighbouring countries — State of play, policy instruments and good practices (SWD(2018)0387),
- having regard to the report of the World Health Organization (WHO) of 2020, entitled “Alcohol and cancer in the WHO European Region: An appeal for better prevention”⁽¹⁸⁾,
- having regard to the activity and conclusions of the all-party interest group MEPs Against Cancer (MAC),
- having regard to its resolution of 15 January 2020 on the European Green Deal⁽¹⁹⁾,
- having regard to its resolution of 2 March 2017 on EU options for improving access to medicines⁽²⁰⁾,
- having regard to its resolution of 10 July 2020 on the Chemicals Strategy for Sustainability⁽²¹⁾,
- having regard to its resolution of 12 February 2019 on the implementation of the Cross-Border Healthcare Directive⁽²²⁾,
- having regard to its resolution of 16 January 2019 on the Union’s authorisation procedure for pesticides⁽²³⁾,
- having regard to its resolution of 10 July 2020 on the EU’s public health strategy post-COVID-19⁽²⁴⁾,
- having regard to its resolution of 17 September 2020 on the shortage of medicines — how to address an emerging problem⁽²⁵⁾,
- having regard to its resolution of 15 December 2016 on the regulation on paediatric medicines⁽²⁶⁾ and the Commission’s inception impact assessment concerning the revision of the EU legislation on medicines for children and rare diseases,

⁽¹³⁾ <https://www.eea.europa.eu/publications/healthy-environment-healthy-lives>

⁽¹⁴⁾ OJ C 341, 24.8.2021, p. 76.

⁽¹⁵⁾ [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690012/EPRS_STU\(2021\)690012_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690012/EPRS_STU(2021)690012_EN.pdf)

⁽¹⁶⁾ <https://cancer-code-europe.iarc.fr/index.php/en/>

⁽¹⁷⁾ <https://www.europecancer.org/2-standard/66-european-code-of-cancer-practice>

⁽¹⁸⁾ <https://apps.who.int/iris/bitstream/handle/10665/336595/WHO-EURO-2020-1435-41185-56004-eng.pdf?sequence=1&isAllowed=y>

⁽¹⁹⁾ OJ C 270, 7.7.2021, p. 2.

⁽²⁰⁾ OJ C 263, 25.7.2018, p. 4.

⁽²¹⁾ OJ C 371, 15.9.2021, p. 75.

⁽²²⁾ OJ C 449, 23.12.2020, p. 71.

⁽²³⁾ OJ C 411, 27.11.2020, p. 48.

⁽²⁴⁾ OJ C 371, 15.9.2021, p. 102.

⁽²⁵⁾ OJ C 385, 22.9.2021, p. 83.

⁽²⁶⁾ OJ C 238, 6.7.2018, p. 128.

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

 - having regard to the report of its Special Committee on Beating Cancer (A9-0001/2022),
- A. whereas Europe's Beating Cancer Plan ("the Plan") should effectively respond to the call for progress by the families and health professionals of the 1,3 million people who die from cancer each year in Europe, including 6 000 children and young people, the crucial needs of patients who are currently in need of timely diagnosis and effective, innovative, accessible and affordable treatments and care for cancer and cancer-related complications and comorbidities, the rightful expectations of more than 12 million cancer survivors and their families facing the difficult return back to a "normal life", the clear will of future generations to be protected against health threats and risk factors, and the concern of governments facing a growing economic and social burden from cancer and its related treatments; whereas Union actions in the fight against cancer should aim to increase the five-year survival rate of cancer patients;
- B. whereas Europe represents less than 10 % of the world's population, but accounts for a quarter of all cancer cases, and whereas cancer is the second leading cause of death in Europe after cardiovascular diseases and the first cause of death by disease in children older than one year; whereas the specific needs of children and adolescents with cancer require continued attention and support globally, and paediatric oncology should be differentiated from adult cancer management; whereas although there has been a slight decrease in mortality rates thanks to screening campaigns, improved diagnostics and therapeutic innovation, the number of cases diagnosed is nevertheless increasing, notably due to longer life expectancies, which result in ageing populations; whereas almost three quarters of all cancer diagnoses in the EU occur in people aged 60 or above;
- C. whereas cancer illustrates social injustice and inequity in healthcare, as differences in cancer survival rates across the EU Member States exceed 25 %; whereas EU citizens are facing inequities in terms of prevention, and are unequally protected against risk factors, unequally educated in terms of healthy behaviours and unequally equipped against misinformation; whereas EU citizens are unequal in terms of timely access to affordable and quality treatment and care from Member State to Member State and from region to region in any given country; whereas access to fully multidisciplinary and multiprofessional medical teams varies widely across Europe; whereas after recovery or when in remission, EU citizens are unequal in their ability to return to work, to be financially independent and to return to a harmonious familial, social and emotional life; whereas class and gender are important measures and drivers of inequalities and inequities at all stages of the disease;
- D. whereas specific national or regional cancer policies have been set up in most Member States, whose missions, capacities and budgets are heterogeneous; whereas some regions have become hubs in the fight against cancer, with an expertise that should be shared all over the Union;
- E. whereas the goal of the Plan should not only be to fight against a crucial public health issue and to help patients live longer and better lives, but should also be to initiate a reduction in health inequalities and inequities and lower the social and economic burden of the disease; whereas the Commission should promote a patient-centred and citizens' rights-based approach by integrating considerations of justice, sustainability, equity, solidarity, innovation and collaboration at the very core of the Plan, including its 'Helping Children with Cancer Initiative';
- F. whereas the COVID-19 pandemic has caused, and is still causing, severe disruptions to cancer screening programmes, treatment, research, and survivorship and follow-up services, with the resulting impact on cancer patients, families and healthcare professionals; whereas the pandemic has created an urgent need to build back cancer services in all European countries and to address highly concerning backlogs in prevention actions, as well as in early detection and

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diagnosis; whereas an estimated 100 million screening tests were not performed in Europe during the pandemic and 1 million cancer cases are undiagnosed; whereas 1 in 5 cancer patients did not receive the surgical or chemotherapy treatment they needed on time⁽²⁷⁾; whereas healthcare professionals have taken on the burden of a pandemic and have had to cope in a very stressful working environment;

- G. whereas health literacy includes the acquisition of knowledge and skills, awareness of rights and the confidence to take action to improve personal and community health; whereas actions to promote health literacy under the Plan should focus on empowering patients and citizens through state-of-the-art communication tools, and also by seeking the expertise of, and collaborating with, patient organisations and other NGOs which have been working on disseminating and spreading health literacy for years; whereas patient empowerment requires assisting patients in understanding their rights; whereas all efforts to increase health literacy, including digital literacy, should take into account people who are experiencing exclusion and the needs of people with learning disabilities; whereas inequalities in knowledge of, access to and use of IT technologies, as well as regional, national, social and economic differences, should be taken into account; whereas the necessary information should be available in common non-EU languages in order to reach migrants, new arrivals and other vulnerable groups and minority communities; whereas in efforts to improve health literacy, the onus should also be on assisting citizens in identifying misinformation, noting the harmful impacts this can have across all areas of cancer care, including prevention, vaccination and treatment;
- H. whereas about 40 % of cancer cases in the EU are preventable; whereas prevention is more effective than any cure, as well as the most cost-effective long-term cancer control strategy; whereas the Plan should address all key risk factors and social determinants of cancer; whereas the EU level is crucial in cancer prevention as it has significant competences that have an impact on most risk factors for cancer;
- I. whereas according to Report No 21/2019 of the EEA, cancer is the top non-communicable disease attributable to the environment, with more than 250 000 cancer deaths attributed to the environment in 2016 in 32 high-income European countries; whereas the EEA identified ambient air pollution, chemicals, indoor fuel combustion and radiation as environmental risk factors for cancer;
- J. whereas air pollution is a main driver of mortality, with pollutants from a wide range of sources, including energy, transport, agriculture and industry, contributing to 400 000 premature deaths per year, including from lung cancer, heart disease and strokes;
- K. whereas the Commission communication on strengthened cooperation against vaccine-preventable diseases (COM(2018)0245) recommends developing EU guidance to establish comprehensive electronic immunisation information systems at national level for effective monitoring of immunisation programmes; whereas this should be done in full compliance with data protection rules; whereas human papillomavirus (HPV) is a sexually transmitted infection associated with almost 5 % of all cancers in women and men worldwide, namely cervical and oropharyngeal, but also anal, penile, vaginal and vulval cancers; whereas both reaching HPV vaccination coverage targets for girls and setting up high-quality organised cervical cancer screening is necessary in order to reach the 2030 WHO goals regarding the elimination of cervical cancer as a public health problem; whereas HPV vaccination rates are worryingly low across the Member States; whereas, regrettably, there are major discrepancies in vaccination coverage between Member States, ranging from less than 30 % to more than 70 % (with the required level of population immunity being at 70 %); whereas *Helicobacter pylori* is the principal infectious cause of cancer worldwide, mainly for non-cardia gastric adenocarcinoma;
- L. whereas certain endocrine cancers (such as thyroid, breast and testicular cancer) are on the rise; whereas endocrine treatments for hormone-dependent cancers can have endocrine side effects; whereas cancer treatments can have long-term effects such as endocrine comorbidities in cancer survivors; whereas obesity is a known risk factor for many cancers, including endocrine cancers; whereas exposure to endocrine-disrupting chemicals (EDCs) is known to have an

⁽²⁷⁾ <https://www.europecancer.org/resources/201:time-to-act.html>
<https://www.europecancer.org/timetoact/impact/data-intelligence>

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effect on the development of obesity and cancer; whereas EDCs cost the Member States between EUR 157 and 270 billion annually (up to 2 % of EU GDP)⁽²⁸⁾ in healthcare expenses and lost earning potential, largely due to neurodevelopmental and metabolic disorders and cancer;

- M. whereas exposure to dangerous substances at work is responsible for about 120 000 work-related cancer cases each year, leading to approximately 80 000 fatalities annually, which represents 8 % of all cancer deaths (12 % of cancer deaths among men, and 7 % of cancer deaths among women); whereas it can be difficult to establish causal relationships, however, due to long latency periods; whereas the WHO's IARC has identified 50 priority carcinogens and shown that workers are widely exposed to them in Europe; whereas the vast majority of cancers induced by occupational carcinogens at work appear to be preventable if the carcinogens are regulated accordingly but, under Directive 2004/37/EC, binding occupational exposure limit (OEL) values exist to date for only 27 of them; whereas further action is necessary to prevent, detect and better recognise occupational cancers related to night-shift work as well as UV radiation (for outdoor workers);
- N. whereas a changing labour market with demographic developments, new technologies and new types of jobs has potential impacts on occupational health and safety; whereas more workers are moving into platform work, non-traditional work or atypical employment; whereas factors such as radiation, stress, work organisation and working conditions have all been linked to work-related cancer⁽²⁹⁾; whereas there is currently a lack of reliable and comparable EU-level data on workplace exposure to cancer risk factors⁽³⁰⁾;
- O. whereas contrary to workplace accidents, where injuries can be more easily assessed and compensation awarded, it can take years or decades before work-related cancers are diagnosed and the cause is properly identified; whereas the Commission Recommendation on occupational diseases⁽³¹⁾ recommends that Member States introduce, as soon as possible, into their national laws, regulations or administrative provisions concerning occupational diseases liable for compensation the European schedule set out in Annex I to the aforementioned recommendation; whereas the existing disparities between Member States with regard to the recognition rate of occupational diseases mean that many workers never have their occupational disease recognised;
- P. whereas radon is a radioactive gas that has no colour or odour, and as radon decays in the air, it releases radiation that can damage the DNA of cells inside the body; whereas radon levels vary widely in different regions or even residential areas and can be present in both outdoor and indoor air;
- Q. whereas in 2011 the IARC classified radiofrequency electromagnetic fields as possibly carcinogenic to humans, based on an increased risk of glioma associated with mobile phone use; whereas there are studies, published in 2015 and 2018, showing a significant increase (more than doubling) in glioblastoma tumours over 20 years (1995-2015) in all age groups, and others showing the increased risk of glioblastoma associated with mobile and cordless phone use in people aged 18-80; whereas more studies are needed to establish these associated risks;
- R. whereas 24 % of all new cancer diagnoses, including all paediatric cancers, across Europe each year are rare forms of cancer and represent a public health challenge in themselves; whereas patients with rare cancers face challenges linked to late or incorrect diagnosis, lack of access to appropriate therapies and expertise, lack of understanding of underlying science, lack of commercial feasibility in developing new therapies, few available tissue banks, difficulties in conducting well-powered clinical studies, and also feelings of isolation;

⁽²⁸⁾ <https://www.endocrine.org/news-and-advocacy/news-room/2015/estimated-costs-of-endocrine-disrupting-chemical-exposure-exceed-150-billion-annually-in-eu>

⁽²⁹⁾ EU-OSHA: <https://osha.europa.eu/en/themes/work-related-diseases/work-related-cancer>

⁽³⁰⁾ EU-OSHA: <https://osha.europa.eu/en/publications/worker-survey-exposure-cancer-risk-factors/view>

⁽³¹⁾ Commission Recommendation of 19 September 2003 concerning the European schedule of occupational diseases (OJ L 238, 25.9.2003, p. 28).

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- S. whereas the Plan should be implemented in close association with the recommendations and actions of the IARC, the UN SDGs for global health, including the objective of achieving universal health coverage, the recommendations and guidelines of the WHO, international health agreements including the WHO Framework Convention on Tobacco Control and the WHO Global Initiative for Childhood Cancer, the EU Joint Actions on Cancer, and recommendations and guidelines by experts and patients' associations; whereas the Plan should acknowledge as a priority the EU's solidarity and partnership with low- and middle-income countries, including those in the wider WHO Europe region;
- T. whereas the Act concerning the conditions of accession of Austria, Finland and Sweden grants an exemption to Sweden from the EU-wide prohibition of the sale of certain types of tobacco for oral use;
- U. whereas the Mediterranean diet is known as a healthy, balanced diet that plays a protective role in the primary and secondary prevention of the main chronic degenerative diseases;
- V. whereas while the Plan gives remarkable attention to a range of policy needs in respect of cancer screening, less initiative is offered for early detection of cancers not covered by screening programmes; whereas targeted action is therefore necessary to foster better awareness of cancer warning signs among citizens and healthcare professionals;
- W. whereas the increase in the prices of cancer medicines has exceeded the increase of total cancer spending, and new cancer medicines coming onto the market at a high price were identified as an important driver of the increase in cancer care expenditure; whereas the WHO Technical Report of 2018 on the pricing of cancer medicines and its impacts⁽³²⁾ recognised that prices of cancer medicines were higher than for other indications and their costs were growing at a faster rate, resulting in lack of access to treatment for many patients worldwide and hampering the capacity of governments to provide affordable access for all;
- X. whereas addressing cancer in a comprehensive strategy such as the Beating Cancer Plan presented by the Commission could be used as a model for other non-communicable diseases, and whereas patients with other chronic diseases should therefore also benefit from the achievements and principles of the Plan, and similar plans should be developed for other pathologies with high mortality rates;
- Y. whereas coordination between European countries, a common policy driven at European level and cross-border knowledge-sharing are absolutely essential for progress in the area of cancer; whereas the primary responsibility for health protection and healthcare systems lies with the Member States;
- Z. whereas a comprehensive, multidisciplinary and coordinated approach to addressing behaviour-related, biological, environmental, work-related, socio-economic and commercial health determinants is needed at regional, national and European level in order to support actions targeting all aspects of cancer (prevention, detection, treatment, palliative care, follow-up care for survivors and reintegration) through the effective mobilisation of key tools such as adequate resources and funding, legislation, research and knowledge-sharing; whereas patient-centred approaches to treatment have been shown to improve the quality of life and overall survivorship of patients; whereas new technologies and artificial intelligence have high potential for improvements in the field of cancer research, treatment processes and care;
- AA. whereas research and innovation are our only hope of definitely beating cancer one day; whereas sustained and effective funding is needed to support ambitious projects and good and stable working conditions for researchers working in the cancer field; whereas pharmaceutical companies, including SMEs, are key stakeholders for innovation in the cancer field;
- AB. whereas the 'Health in All Policies' and 'One Health' approaches should be promoted further, and efforts to fight cancer should be integrated into all EU policies;

⁽³²⁾ <https://www.who.int/publications/m/item/technical-report-on-pricing-of-cancer-medicines-and-its-impacts>

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AC. whereas the EU and its Member States should mobilise their forces and provide adequate incentives and sustainable budgets so as to achieve the ambitious objective of conquering the cancer burden and the fatality of cancer in Europe;

AD. whereas the Plan could therefore represent an important step towards a real European Health Union and a public demonstration to citizens of the success that EU health cooperation can achieve;

1. Welcomes the Plan and calls on the Commission to seek new synergies between the Plan and the EU4Health Programme, the Pharmaceutical Strategy for Europe, the Chemicals Strategy and the updated European Industrial Strategy; considers that such a comprehensive cancer framework would contribute to the prevention, early detection and curing cancer; calls on the Commission to work towards developing a common cancer policy which includes, where necessary, proposals for draft legislation;

A. *Areas of action*

I. *Cancer prevention in all European policies*

2. Strongly believes that comprehensive preventive actions against cancer, through measures supporting the elimination or reduction of harm caused by modifiable risk factors, should be implemented across all European policies and funding programmes; calls on the Commission and the Member States to integrate public awareness-raising campaigns about cancer prevention into all relevant policies; calls on the Commission to streamline the objectives of the Plan into all relevant sectoral policies; strongly believes that preventive actions should be evidence-based; therefore, calls on the Commission and Member States to increase the funding for scientific research into the causes of cancer and the efficiency and implementation of preventive measures;

3. Calls on the Commission and Member States to design and implement effective prevention measures at national and EU level which are based on independent scientific expertise, best practices and lessons learned, and clinical guidance; in this regard calls, in particular, for the implementation of the European Code Against Cancer (ECAC) to reduce cancer risks on the basis of the latest scientific evidence, and for regular updates to the ECAC through a cycle that is based on continuous monitoring and evaluation;

4. Acknowledges that more than 40 % of all cancers are preventable through coordinated actions targeting behaviour-related, biological, environmental, work-related, socio-economic and commercial health determinants; calls for more attention to be dedicated to maintaining a healthy lifestyle in order to prevent cancer and reduce recurrence of certain cancers;

5. Supports Horizon Europe Mission on Cancer's aim of averting more than 3 million additional premature deaths over the 2021-2030 period, by accelerating progress in cancer prevention and control programmes, which strive for equal opportunities in access to these programmes; calls on the Commission to allocate adequate funding to the Horizon Europe Mission on Cancer and other relevant programmes (such as 'Science and Policy for a Healthy Future' — HBM4EU) in order to achieve this objective;

6. Deplores the significant health inequalities and inequities in the EU in cancer prevention; insists on the need to identify, as well as to pay special attention to, vulnerable, marginalised, socially excluded populations and people living in remote areas (such as in rural, isolated or outermost regions far from medical centres), in order to ensure their access to cancer prevention services; considers in this regard that cancer prevention also needs to be framed in the context of social justice, entailing the need for systemic changes through population-wide public policies beyond changes in individual behaviour;

7. Acknowledges that tobacco use is by far the largest preventable cause of cancer in the EU, as the cause of 15-20 % of European cancer cases and the main risk factor for cancer death in Europe (27 % of cancer fatalities equalling 700 000 cancer deaths annually in the EU); recalls that major differences exist across the EU since the proportion of smokers varies more than fivefold from one country to another;

8. Strongly supports the goal of a 'tobacco-free generation', as set out in the Plan, whose aim is for less than 5 % of the population to use tobacco by 2040, compared to around 25 % today; urges the Commission to establish interim goals that are constantly monitored and promoted, including at national level, and are reported within the Cancer Inequalities Registry in order to best direct efforts to achieve the overall target; calls on the Commission to fund programmes that promote

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smoking cessation; calls on the Commission to back cooperation between Member States in exchanging the best and most effective practices for reducing smoking;

9. Welcomes the Commission's intention to review the Tobacco Products Directive⁽³³⁾, the Tobacco Products Tax Directive⁽³⁴⁾ and the legal framework on cross-border purchases of tobacco by private individuals, and urges the Commission to take appropriate measures and to bring forward legislative proposals, in order to introduce the following:

- (a) an increase and an upward convergence in minimum excise duties for all tobacco products and their final market price, which would improve prevention by reducing tobacco uptake and use, notably among current smokers, and prevent young people from starting smoking;
- (b) a requirement for standardised plain packaging and the obligation to include health warnings on 80 % of the front and back of tobacco product packaging, including pictorial warnings; and
- (c) the strict enforcement of the ban on characterising flavours in tobacco products to reduce the appeal of these products to smokers, non-smokers, and young people;

10. Calls for the evaluation and review of currently used measurement methods for tar, nicotine and carbon monoxide in tobacco and related products, based on independent and recent scientific research;

11. Calls for the full implementation by Member States of the obligations under the Single Use Plastics Directive (EU) 2019/904⁽³⁵⁾ as regards filters in tobacco products containing plastics to address environmental and health concerns related to these filters;

12. Calls on the Commission to follow up on the scientific evaluations of the health risks related to electronic cigarettes, heated tobacco products and novel tobacco products, including the assessment of the risks of using these products compared to consuming other tobacco products, and the establishment at European level of a list of substances contained in, and emitted by, these products; considers that electronic cigarettes could allow some smokers to progressively quit smoking; considers at the same time that e-cigarettes should not be attractive to minors and non-smokers; calls on the Commission, therefore, to evaluate, in the framework of the Tobacco Products Directive, which flavours in e-cigarettes are in particular attractive to minors and non-smokers, and to propose a ban on these, and furthermore, to propose a ban on all characteristic flavours in heated tobacco products and novel tobacco products;

13. Calls for the rapid and complete implementation of the WHO Framework Convention on Tobacco Control (FCTC)⁽³⁶⁾ and the WHO Protocol to Eliminate Illicit Trade in Tobacco Products⁽³⁷⁾, paying specific attention to the FCTC Article 5.3 and its guidelines on protection of public health policies from the vested interests of the tobacco industry; urges the Commission to implement specific rules of conduct for all of its officials and other servants when interacting with the tobacco industry, in line with the European Ombudsman's decision in case 852/2014/LP⁽³⁸⁾;

14. Supports the Commission's proposal to update the Council recommendation of 30 November 2009 on smoke-free environments⁽³⁹⁾ to extend its coverage to emerging products, such as e-cigarettes and heated tobacco products, and to extend smoke-free environments to include outdoor spaces;

⁽³³⁾ Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (OJ L 127, 29.4.2014, p. 1).

⁽³⁴⁾ Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (OJ L 176, 5.7.2011, p. 24).

⁽³⁵⁾ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).

⁽³⁶⁾ <https://fctc.who.int/who-fctc/overview>

⁽³⁷⁾ <https://fctc.who.int/protocol/overview>

⁽³⁸⁾ <https://www.ombudsman.europa.eu/en/decision/en/73774>

⁽³⁹⁾ OJ C 296, 5.12.2009, p. 4.

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15. Recalls that ethanol and acetaldehyde from the metabolism of ethanol in alcoholic beverages are classified as carcinogenic to humans by the IARC, and that in Europe an estimated 10 % of all cancer cases in men and 3 % of all cancer cases in women are attributable to alcohol consumption⁽⁴⁰⁾; underlines that the lower the amount of alcohol consumed, the lower the risk of developing cancer is; underlines that harmful alcohol consumption is a risk factor for many different cancers, such as oral cavity, pharynx, larynx, oesophagus, liver, colorectal and female breast cancer; recalls the study referred to by WHO⁽⁴¹⁾ which recognises that the safest level of alcohol consumption is none when it comes to cancer prevention, and stresses the need to take this into account when devising and implementing cancer prevention policy⁽⁴²⁾;

16. Welcomes the Commission's target of achieving a reduction of at least 10 % in the harmful use of alcohol by 2025; encourages the Commission and the Member States to promote actions to reduce and prevent alcohol-related harm within the framework of a revised EU alcohol strategy⁽⁴³⁾, including a European zero alcohol consumption strategy for minors, accompanied, where appropriate, by legislative proposals, while respecting the principle of subsidiarity and current national legislation on age limits on alcohol consumption; supports the provision of better information to consumers by improving the labelling of alcohol beverages to include moderate and responsible drinking information and introducing the mandatory indication of the list of ingredients and nutritional information, and in addition, by introducing digital labelling; asks the Commission to take specific actions targeting heavy and risky drinking⁽⁴⁴⁾; considers it important to protect minors from commercial communication on alcohol consumption, as well as product placement and sponsorship of alcohol brands, including in the digital environment, as advertising must not be aimed specifically at minors and not encourage alcohol consumption; calls for the prohibition of alcohol advertising and sponsorship at sport events when those events are mainly attended by minors; calls for the close monitoring of the implementation of the revised Audiovisual Media Service Directive⁽⁴⁵⁾; calls for the proposed Digital Services Act to strengthen the ability of Member States to uphold and enforce legislation seeking to protect minors and other vulnerable populations from commercial communication for alcoholic beverages; encourages the allocation of public funds for national and European awareness campaigns; supports the planned review of EU legislation on the taxation of alcohol and on cross-border purchases of alcohol by private individuals and a review of alcohol pricing policies, including considering an increase of taxes on alcoholic beverages;

17. Underlines that food has a significant influence on the health of individuals, and that scientific evidence shows that the consumption of inappropriately-sized food portions has negative impacts on health and may increase the risk of developing cancer; calls for the development of comprehensive nutrition campaigns, aligned with the European Union's Farm to Fork Strategy;

18. Encourages Member States to consider making nutrition counselling available in primary healthcare;

19. Emphasises the role of a healthy diet in preventing and limiting the incidence and the recurrence of cancer, and stresses that individual cancer risks can be reduced by an increased consumption of sustainably-produced plants and plant-based foods, such as fresh fruits and vegetables, whole grains and legumes; emphasises, furthermore, the need to address the overconsumption of meat and ultra-processed products, and products high in sugars, salt and fats; welcomes, therefore, the upcoming revision of the EU school fruit, vegetables and milk scheme and of the EU's policy on the promotion of agricultural products; asks the Commission and the Member States to encourage and help consumers to make

⁽⁴⁰⁾ Scoccianti C., Cecchini M., Anderson A.S. et al., 'European Code against Cancer 4th Edition: Alcohol drinking and cancer', *Cancer Epidemiol.* 2016 Dec; 45: pp. 181-188. <https://pubmed.ncbi.nlm.nih.gov/27816465/>

⁽⁴¹⁾ <https://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/news/news/2018/09/there-is-no-safe-level-of-alcohol,-new-study-confirms>

⁽⁴²⁾ <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2931310-2>

⁽⁴³⁾ Commission communication of 24 October 2006 on a EU strategy to support Member States in reducing alcohol-related harm (COM(2006)0625).

⁽⁴⁴⁾ [https://www.thelancet.com/journals/lanonc/article/PIIS1470-2045\(21\)00279-5/fulltext](https://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(21)00279-5/fulltext)

⁽⁴⁵⁾ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69).

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informed, healthy and sustainable choices about food products by means of the adoption of a mandatory and harmonised EU front-of-pack nutritional label that is developed based on robust and independent scientific evidence; welcomes the focus on healthy nutrition in the EU Child Guarantee⁽⁴⁶⁾ and calls for a new EU Action Plan on Childhood Obesity; supports fiscal measures to make fresh foods (such as fruits and vegetables, pulses, legumes and wholegrains) more affordable and accessible at national level, especially for people on low incomes; encourages Member States to use pricing policies, such as value added tax differentiation, and marketing controls to influence demand for, access to, and the affordability of food and drink low in saturated fats, trans-fats, salt and sugar; supports Member States in revising the relevant provisions to restrict the advertising of sweetened beverages and processed food products high in fats, salt and sugar, including advertising on social media, and calls on the Commission to come forward with a proposal for a comprehensive EU-wide regulation to prohibit such advertising to minors;

20. Acknowledges that obesity is considered as a risk factor for many types of cancer, such as colorectal, kidney or breast cancers, among others; calls on the Member States to actively fight against obesity by making available healthy dietary choices and the practice of sports, not only by educating and encouraging citizens to make the right choices, but also by including integral programmes in primary healthcare that help patients suffering from obesity to lose weight in a healthy way; calls on the Commission and Member States to support research and innovation related to obesity aiming to describe the influence of genetic factors, the human microbiota or psychological status, among others, on body weight, and to explore the most effective interventions;

21. Welcomes the Commission's intention to tackle the presence of carcinogenic contaminants in food; recalls to the Commission Parliament's resolution of 8 October 2020⁽⁴⁷⁾ calling for setting strict legal limits for the presence of acrylamide in food to adequately protect consumers, especially the most vulnerable such as infants and children; urges the Commission to swiftly come forward with regulatory proposals;

22. Calls on the Commission to heed Parliament's various calls in its resolution of 16 January 2019 to improve the Union's authorisation procedure for pesticides;

23. Calls on Member States, regional and local governments, civil society representatives and employers to promote and facilitate the practice of physical activities and sports throughout life, as they are known to limit both the incidence and the recurrence of cancer, as well as to reduce mental health problems and to favour social inclusion; highlights the importance of making the practice of physical activity and sports accessible and inclusive from a young age, in particular for vulnerable groups, by financing public infrastructures, equipment and programmes; calls on the Member States to facilitate access to physical activity for hospitalised patients if clinically recommended;

24. Welcomes the launch of the EU's 'HealthLifestyle4all' campaign involving the promotion of sports, physical activity and healthy diets, in addition to other key sectors; recommends that schools include health education in their curricula to ensure that minors and adolescents learn how to lead a healthy lifestyle and are made aware of the ECAC, and calls for health education to be an integral part of social assistance educational policies;

25. Points out that radiation from the sun contains invisible ultraviolet (UV) radiation which can lead to skin cancer; calls therefore on the Commission to revise Directive 2006/25/EC on the exposure of workers to risks from physical agents (artificial optical radiation)⁽⁴⁸⁾ and to include solar radiation in its scope; supports the strengthening of protection against exposure to UV radiation at EU level, especially through occupational health and safety legislation for outdoor workers; welcomes the Commission's commitment to explore measures on exposure to UV radiation, including from artificial

⁽⁴⁶⁾ Commission proposal of 24 March 2021 for a Council recommendation establishing a European Child Guarantee (COM(2021)0137).

⁽⁴⁷⁾ OJ C 395, 29.9.2021, p. 32.

⁽⁴⁸⁾ OJ L 114, 27.4.2006, p. 38.

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tanning devices (sunbeds) ⁽⁴⁹⁾; points out the importance of information campaigns to make people aware of the risks associated to excessive sun exposure and to teach them how to recognise possible warning signs; calls for specific measures to reduce the exposure to UV radiation of minors and adolescents; calls for stricter legislation on the use of sunbeds for cosmetic purposes and a ban on the use of it by minors; calls on Member States to include the reporting of melanoma skin cancer in national cancer registries;

26. Acknowledges that around 2 % of the European cancer burden can be attributed to ionising radiation and that indoor exposure to radon and its decay products is the second leading cause of lung cancer in Europe; looks forward to the results of the Euratom Research and Training Programme ⁽⁵⁰⁾, which will improve knowledge on exposure to radon, and the proposed countermeasures to reduce its accumulation in dwellings; recalls that ionising radiation could also be present in private households; encourages therefore the Commission and Member States to map current and potential critical areas in order to effectively react to this threat; calls on the Commission to allocate funds to the creation of such a forecast map and to promote information campaigns for the public in order to raise awareness on this matter; encourages Member States to regularly update their national plans to reduce exposure to radon, as requested in the Directive on Exposure to Radioactive Sources ⁽⁵¹⁾ and to update guidelines on radon mitigation for new constructions; calls on the Commission to assess the implementation and effectiveness of current measures to protect workers exposed to ionising radiation such as airline crews, nuclear power plant workers, workers in relevant industrial settings and researchers, health professionals and veterinarians working in the radiology, radiotherapy or nuclear medicine sectors, and to review these measures where necessary and proportionate;

27. Calls on the Commission to promote multidisciplinary scientific research on the existence of links between electromagnetic fields (EMFs), including 5G, and cancer in order to gather scientific evidence on the long-term effects of EMFs, and to inform the public in a timely manner of the outcome of those studies; calls for the promotion of research into the development of technology that reduces radio frequency exposure;

28. Sees the European Green Deal as a significant contributing factor to cancer prevention in Europe, by means of reducing air, food, water and soil pollution and chemical exposure; calls for an evaluation of the impact of policies on cancer incidence to be integrated into the Farm to Fork Strategy, the Chemicals Strategy for Sustainability, the Zero Pollution and the Non-Toxic Environment Strategies; welcomes the upcoming revision of the EU's air quality standards and calls on the Commission to align them with WHO guidelines as referred to in Parliament's resolution of 25 March 2021 on the implementation of the Ambient Air Quality Directives ⁽⁵²⁾; calls on the Commission to ensure that the common agricultural policy helps farmers to reduce the use of pesticides; encourages the research into, the use and the development of medicines that are safer for the environment, and encourages the implementation of efficient waste removal mechanisms that avoid polluting the environment, in line with the objectives of the Pharmaceutical Strategy for Europe;

29. Stresses the need for full implementation of the revised Drinking Water Directive ⁽⁵³⁾ and the implementation and enforcement of the Water Framework Directive ⁽⁵⁴⁾, which will reduce the concentrations in surface and ground waters of certain pollutants that could contribute to cancer incidence;

⁽⁴⁹⁾ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits, (OJ L 96, 29.3.2014, p. 357).

⁽⁵⁰⁾ Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-2025 complementing Horizon Europe — the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563 (OJ L 167 I, 12.5.2021, p. 81).

⁽⁵¹⁾ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).

⁽⁵²⁾ OJ C 494, 8.12.2021, p. 64.

⁽⁵³⁾ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).

⁽⁵⁴⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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30. Calls in particular for the strengthening of the information requirements on carcinogenicity under the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (REACH) ⁽⁵⁵⁾ in order to enable the identification of all carcinogenic substances manufactured or imported, irrespective of their volume, in line with the Chemicals Strategy for Sustainability, and calls also for the registration, evaluation, authorisation and restriction of chemicals, including EDCs, under the REACH Regulation to be conducted in association with the IARC and the WHO assessments; welcomes the commitment of the Chemicals Strategy for Sustainability to extend the generic approach to risk management to ensure that consumer products do not contain chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative and toxic; calls on the Commission to swiftly implement the measures planned in the Chemicals Strategy for Sustainability to reduce citizens' exposure to carcinogenic and endocrine-disrupting substances through all exposure pathways; calls on the Commission to devote particular attention to segments of the population that are particularly vulnerable to hazardous chemicals and to better take into account these vulnerable populations in the risk assessments of chemicals; stresses that information to consumers on exposure pathways in their everyday life is key to strengthening prevention, and welcomes in this regard the establishment of the Substances of Concern in Products database; calls on the EEA to produce a report together with the European Chemicals Agency on chemicals in the environment in Europe; calls for the report to assess the systemic nature of carcinogenic and EDCs within Europe's production and consumption systems, their use in products, their occurrence in Europe's environment, and the harm caused to human health, especially concerning cancer;

31. Considers that the next edition of the ECAC will have to take into account the latest knowledge on environmental carcinogens; calls on the Commission to propose without delay a revision of Article 68(2) of REACH, the Regulation on Food Contact Materials ⁽⁵⁶⁾, the Regulation on Cosmetic Products ⁽⁵⁷⁾, the Directive on Toy Safety ⁽⁵⁸⁾ and other relevant consumer product legislation to ensure that consumer products do not contain chemicals that cause cancer, in line with the Chemicals Strategy for Sustainability; calls, furthermore, for the regular revision of this legislation to take account of the development of new materials, trends and products; underlines that endocrine disruptors (EDs) are present in food, food contact materials, cosmetics, consumer goods, toys, as well as drinking water, and that exposure, even at low doses, can induce adverse effects in the short and long term, including cancer ⁽⁵⁹⁾; highlights that given the widespread exposure of the EU population to many suspected and known EDs and the fact that combined exposure to several EDs acting on similar or different pathways can have cumulative effects, there is a need to minimise exposure to EDs and to make EU regulation more consistent across sectors; encourages further research in order to determine the capacity of chemicals to act as endocrine disruptors;

32. Fully supports the Commission's commitment under the Chemicals Strategy for Sustainability to amend the Regulation on the classification, labelling and packaging of chemicals (Regulation (EC) No 1272/2008 ⁽⁶⁰⁾) to introduce new hazard classes on, inter alia, EDs, including suspected EDs, and to update the information requirements in all relevant legislation to allow their identification;

33. Calls on the Commission to integrate the 'benign by design' approach into the regulatory requirements related to the production of chemicals and pharmaceuticals, in order to take a true precautionary approach to mitigating risks for our health, society and the environment;

⁽⁵⁵⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

⁽⁵⁶⁾ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (OJ L 338, 13.11.2004, p. 4).

⁽⁵⁷⁾ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

⁽⁵⁸⁾ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁽⁵⁹⁾ [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608866/IPOL_STU\(2019\)608866_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608866/IPOL_STU(2019)608866_EN.pdf)

⁽⁶⁰⁾ OJ L 353, 31.12.2008, p. 1.

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34. Welcomes the publication of the new EU strategic framework on health and safety at work for the 2021-2027 period notably the 'Vision Zero' approach to work-related deaths, as well as the planned stock-taking occupational health and safety summit in 2023 to evaluate progress towards 'Vision Zero'; stresses the need for the close and regular involvement of social partners and stakeholders in this strategy; regrets, however, the limited number of substances addressed in the strategy; encourages the constant analyses and research on new substances suspected of being carcinogenic, mutagenic and/or reprotoxic, the establishment of OELs for chemical agents for which they do not yet exist, and periodic revisions whenever this becomes necessary in the light of further recent scientific data and technical developments; welcomes the workers survey prepared by the European Agency for Safety and Health at Work (EU-OSHA) on exposure to cancer risk factors; stresses that more systematic human biomonitoring programmes in full compliance with data protection measures, both in occupational settings and non-occupational settings, can be one of several relevant sources of information on general chemical exposure effects and health impacts; calls therefore on the Commission to increase its ambition as a matter of urgency through ambitious and regular updates of Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work; to do so, calls on the Commission, following consultation of the Advisory Committee on Health and Safety, to present an action plan to achieve OEL values for at least 25 additional substances, groups of substances or process-generated substances by 2024; stresses, in this regard, the need for the Commission to increase the capacity for reviewing OELs and adding new ones, including through increased staffing in relevant units and authorities; recalls, in this context, that ongoing negotiations on the fourth revision of Directive 2004/37/EC are an opportunity to also include in Annex 1 work involving exposure to hazardous medicinal products meeting the criteria for classification as carcinogenic, mutagenic and/or toxic for reproduction category 1A or 1B set out in Annex I to Regulation (EC) No 1272/2008, in order to ensure the best possible general and individual protection measures for workers handling these products; reiterates its calls for a new coherent, transparent and risk-based system to be established for setting exposure limits and to better take into account workers' exposure to a combination of substances; welcomes the commitment by the Commission to add EDs as a category of substances of very high concern under Regulation (EC) No 1907/2006 (REACH Regulation) and to classify them under Regulation (EC) No 1272/2008; stresses that workers should also be protected from exposure to EDs; welcomes the Commission's commitment to presenting in 2022 a legislative proposal to further reduce workers' exposure to asbestos, a proven carcinogen (group 1) according to the IARC, which remains responsible for around half of all occupational cancers in Europe; reiterates in this regard Parliament's requests in its resolution of 20 October 2021 on protecting workers from asbestos⁽⁶¹⁾, in particular its call for a European strategy for the removal of all asbestos and its proposals for a better evaluation of the risks linked to non-occupational exposure to asbestos; asks Member States to facilitate recognition of and compensation for proven work-related cancers and to reinforce the monitoring of work-related exposure by labour inspectorates;

35. Encourages the Commission and the Member States to achieve the UN SDGs that target communicable diseases in order to promote the prevention of cancers related to infectious diseases; welcomes vaccination programmes in the fight against HPV transmission; insists that a gender-neutral and publicly-financed HPV vaccination programme be implemented in the Member States in order to ensure the elimination of all HPV-related cancers, and calls for 90 % of girls to be fully vaccinated, and for a significant increase in the vaccination of boys, with the HPV vaccine by the age of 15 by 2030; urges that progress towards the goals of Europe's Beating Cancer Plan on HPV vaccination be reported in the Cancer Inequalities Registry; calls on Member States to implement the Council recommendation of 7 December 2018 on strengthened cooperation against vaccine-preventable diseases⁽⁶²⁾ in order to reduce immunisation inequalities among vulnerable groups and to improve childhood immunisation; welcomes the Commission's intention to propose a Council recommendation on vaccine-preventable cancers; stresses, in this context, the need for coordinated actions targeting carcinogenic viruses, such as HPV and the hepatitis B virus (HBV), in order to prevent their transmission; calls for more harmonisation of HPV and HBV vaccination within Member States' national programmes, while ensuring the provision of information about vaccination and promoting equal access for vulnerable and at-risk adult groups; encourages the regular monitoring of current HPV and HBV vaccination at EU level using a tracking system similar to the COVID-19 vaccine tracker developed by the European Centre for Disease Prevention and Control (ECDC), that will also encourage Member States to adopt best practice and maintain momentum; calls on the Member States for data harmonisation, interoperability and enhanced

⁽⁶¹⁾ Texts adopted, P9_TA(2021)0427.

⁽⁶²⁾ OJ C 466, 28.12.2018, p. 1.

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development of national immunisation data systems; underlines that the ECDC should play a key role in tracking Member States' progress; supports further research on vaccine development against other viruses such as the hepatitis C virus and the human immunodeficiency virus (HIV); considers that in the meantime therapeutic solutions ought to be used massively to reach the WHO's goal of eradicating hepatitis C by 2030, and calls on the Commission to use financial resources under the Recovery and Resilience Fund to reach these targets by funding screening efforts; calls for cooperation with Member States and international organisations to combat the impact of misinformation on vaccination and to address vaccine hesitancy; calls for the EU4Health and other EU funding streams to be used for this purpose, including for supporting awareness-raising efforts for citizens, education providers and healthcare professionals, as well as for support to behavioural research under the Horizon Europe programme; recommends a strengthened application of the EU's Code of Practice on Disinformation particularly with regard to vaccine misinformation;

36. Points out that recent data confirms that people suffering from chronic inflammation, including from rheumatic and musculoskeletal diseases (RMDs), are at a higher risk of developing cancer and other malignancies; calls on the Commission and Member States to boost research on the relationship between chronic inflammation, cancer and RMDs;

37. Calls on the Commission and Member States to further invest in research into the causes of adult and also paediatric and adolescent cancers;

38. Highlights the importance of allocating appropriate funding to science and social humanities research in order to evaluate inequalities in access to standards of care and innovation in childhood cancer across Europe, which account for differences in survival rates of paediatric cancer patients of up to 20 % among Member States, and of formulating mitigating measures in order to guarantee equal rights and access to treatment for all children and young people with cancer in Europe; regrets, in this regard, the disparities in terms of access to high-quality healthcare services among Member States, and also among different regions within Member States, and asks the Commission to address those disparities through the appropriate legislative measures in order to ensure equal rights in the EU;

39. Recommends that breastfeeding be encouraged so as to limit the risk of breast cancer in women by means of informing and educating mothers on the benefits of breastfeeding;

40. Points out that genetic predisposition to cancer linked to mutations of specific genes has been demonstrated; highlights that methods to detect these mutations are available, either at birth for early detection of certain paediatric cancers or over the course of a lifetime, especially for breast, ovarian and colorectal cancers, and that the detection of these mutations may help to prevent or detect early-stage cancer and guide treatment choices; recommends therefore that Member States support increased access for patients in all age groups to genetic testing coupled with medical counselling and advanced sequencing diagnostics by earmarking financing and creating clear pathways for fast and efficient reimbursement, and raise awareness about to what extent citizens can access such services in the Union; recommends boosting investment in infrastructure and skills related to genetic sequencing platforms and the training of specialised genetic counsellors in specific units, such as already exist in some centres; calls on the Commission to support research in genetics in order to find genotypes with higher likelihood of developing certain cancers, including childhood cancers, as diseases with short exposure to external agents;

41. Highlights that techniques such as molecular epidemiology can provide new insights into the gene-environment interactions in cancer compared to in regular epidemiology; points out that these insights, together with further studies in epigenetics, can be used to improve the understanding of risk factors contributing to cancer causes and increase early detection;

42. Strongly supports the planned revision of the ECAC in order to develop, share and implement best practices in cancer prevention programmes, with a dedicated focus on disadvantaged groups, and the launch of a user-friendly EU mobile application which supports people and covers from cancer prevention and education to care, as announced in the Plan; highlights that in addition to being available on mobile applications, all up-to-date information should also be made available in non-digital formats to ensure inclusiveness; stresses that the ECAC should be systematically evaluated by IARC and that the evaluation work should continue to be coordinated by the Commission;

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43. Encourages the Commission and the Member States to further promote health literacy on cancer risks and determinants as well as digital literacy that is linked to it, to develop educational tools for prevention, and to support the creation of e-learning platforms and applications; calls for particular attention be paid to disadvantaged, vulnerable, socially excluded, and marginalised people, and underlines that specific awareness-raising campaigns for groups with particular health literacy needs are essential; notes the importance of increasing health literacy on carcinogenic substances at work, and calls on the Commission and Member States to ensure that employers provide appropriate training; underlines that primary healthcare providers have an important role in health promotion among several population groups, since they can adapt their health promotion actions to the needs of patients in the light of patients' digital skills, or even if they have no digital skills at all; considers cancer prevention to be a first step towards a European public health education policy;

44. Calls for the continuous strengthening of the Knowledge Centre on Cancer, which should be tasked with establishing a European roadmap for devising and coordinating large-scale prevention campaigns, in synergy with national programmes, and effective communication campaigns on health promotion in educational programmes (harmless behaviours, healthy nutrition, physical activity, transmission routes of carcinogenic viruses and vaccination and treatment opportunities for such infections, etc.), with a special focus on young people and disadvantaged groups; notes the importance of cooperating with national and local civil society organisations when developing the messaging for these campaigns;

45. Underlines that tobacco and harmful alcohol consumption, poor nutrition, a high body mass index, a sedentary lifestyle and environmental pollution are risk factors common to other chronic diseases; believes, therefore, that cancer prevention and risk reduction measures have to be implemented in the context of an integrated chronic disease prevention programme, in close cooperation with the Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases; calls for a stock-taking and prevention summit focusing on commercially-produced determinants of cancer and other chronic diseases, which would bring together the EU institutions, Member States, patient associations and civil society organisations active in the field of health;

46. Calls for the implementation of prevention programmes to be inclusive by involving regions and municipalities, citizens, the social partners, civil society and patient associations at all steps of the decision-making process, especially through the Conference on the Future of Europe;

II. *Inclusive screening and detection of cancer*

47. Deplores the frequent delays to and shortcomings in the timely diagnosis of symptomatic cancers related to a lack of information or adherence to cancer screening and detection processes; recognises the need to pay particular attention to the continuity of screening programmes and early detection and cancer care services during a health crisis (such as the COVID-19 crisis) or in situations where the capacity of the healthcare systems decreases; encourages the Commission and Member States to organise, in partnership with cancer stakeholders, public health campaigns to address any delays in screening, early detection and care that a health crisis might cause; stresses the importance of quick and up-to-date data on cancer screening programmes in order to enable swift reaction and follow-up in case of disruptions to regular screening capabilities with the goal of reducing the number of postponed screenings to an absolute minimum;

48. Regrets the inequalities between Member States in access to cancer screening, resulting in lower chances of survival due to late diagnosis of cancer, which represents an unacceptable discrimination of EU citizens based on their country of residence; underlines that in the case of breast cancer screening, differences in coverage are at least tenfold across the EU according to Eurostat; points out that the 'Health at a Glance: Europe 2018' publication noted that for cervical cancer screening, the difference between Member States in coverage of the target population ranges from 25 % to 80 %; notes that, for instance, only 18 Member States reported having national or regional population-based screening programmes for breast, cervical and colorectal cancers, according to the most recent report by the IARC on the implementation of the 2003 Council Recommendations on screening; calls on the Commission to support projects, for example via EU4Health, Horizon Europe Mission on Cancer or other relevant programmes, to explore the barriers limiting the early detection and early diagnosis of cancer in Europe;

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49. Invites Member States to work together, especially in cross-border regions and isolated areas (including mountain areas and urban areas remote from screening centres), to reduce social and geographical inequalities in cancer screening and early diagnosis services;

50. Supports the launch of a new EU-supported cancer screening scheme, as announced in the Plan, to help Member States to ensure that 90 % of the EU population who qualify for breast, cervical and colorectal cancer screenings are offered screening by 2025; calls on the Commission to include other cancers in the scheme, based on the latest scientific evidence, with clear targets for each type of cancer; supports research on other types of cancers which may be effectively detected by screening; calls on the Commission to evaluate every two years the results of the cancer screening scheme in terms of equal access of the target population, to keep track of inequalities between Member States and regions, propose appropriate new measures and correlate screening programmes with the latest cancer screening research results, and if necessary, present measures for increasing the coverage of screening and prevention services in the Member States; urges the Member States and the Commission to report and monitor the achievement of screening targets in the Cancer Inequalities Registry;

51. Encourages Member States to promote cancer screening for breast, cervical and colorectal cancers, as part of organised population-based national and regional programmes, including in the remote and outermost regions, and to provide adequate resources for this; reiterates that, at the same time, there should be increased focus under the Plan on screening, diagnosis and treatment initiatives for cancers that cannot be prevented; encourages the Commission and the Member States to promote targeted screening for high-risk groups; strongly recommends that Member States develop a comprehensive screening policy which allows for timely screening when cancers with hereditary characteristics are detected; recommends that Member States establish research programmes into, and the development of, effective, accurate, non-invasive and innovative early diagnosis methods, such as biomarkers, for different types of cancer;

52. Calls on the Commission and the Member States to fully implement the European guidelines for quality assurance in cancer screening for breast, cervical and colorectal cancers and early detection services to minimise the diagnosis time for such cancers; recommends that inequalities within Member States regarding screening be addressed, possibly by making the criteria for cancer screening, legal frameworks and governance and quality assurance structures more stringent and science-based; considers that in order to address disparities in cancer screening, common standardised screening protocols are needed at EU level, going beyond best practice guidelines, e.g. on algorithms for the organisation of screening programmes and indicators for assessing the quality of screening programmes;

53. Encourages the improvement and harmonisation of cancer screening data collection to allow for an annual European report; encourages, furthermore, the regular monitoring of current screening programmes at EU level; highlights the need to link data sets on cancer incidence from screening programmes with occupational categories, which can help to identify appropriate preventive measures; considers that stepping up public health services (including financing, infrastructure and aspects involving health professionals) is key to improving cancer prevention, screening and diagnosis; stresses the importance of screening for and collecting data on common cancer comorbidities in order to better anticipate them; underlines that scientific advances in cancer risk prediction should allow for the development of risk-appropriate screening programmes;

54. Stresses the need to closely monitor current and former hepatitis B and C patients to prevent cancer development;

55. Encourages the Commission to consider the possibility of facilitating a 'second opinion' system within the Cross-Border Healthcare Directive⁽⁶³⁾ for difficult or atypical cancer cases, and recommends that the Member States introduce the right of patients to request that specialists from one Member State seek the advice of specialists from another Member State within a single coherent system;

56. Welcomes the process initiated by the Commission's Group of Chief Scientific Advisors and the Scientific Advice Mechanism on the upcoming update of the 2003 Council recommendation on breast, cervical and colorectal cancer screening, which will take into account new screening tests and the most recent data on the best screening protocols

⁽⁶³⁾ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

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(magnetic resonance imaging, HPV testing, risk-stratified approaches and risk calculators); emphasises that information on those screening programmes should be transmitted to the Joint Research Centre's Knowledge Centre on Cancer (age of initiation and subsequent uptake, impact on survival, cost-effectiveness etc.) and that they should be regularly evaluated by the competent national authorities; calls on the Commission to develop EU guidelines for fostering research efforts in order to assess the inclusion of new science-based cancer screening programmes (including lung, prostate, stomach and ovarian cancers) and the role of artificial intelligence as part of the update of the Council recommendation in 2022, in close cooperation with the IARC, the WHO, healthcare professionals and patient organisations; calls for the evidence that proves the positive effect of targeted lung cancer screening on mortality to be recognised; encourages the Council, based on the outcome of the above-mentioned assessment, to consider including lung and prostate cancer screening in the update of the Council recommendation in 2022; calls, further to the opinion of the Commission's Group of Chief Scientific Advisors and the 2022 update of the Council recommendation on cancer screening, for clear and tangible targets to be set for any new cancers that need to be tackled;

57. Advocates the launch by the Commission and the Member States of an EU platform for national screening centres, drawing on the experience of similar platforms for exchange and cooperation such as the European Network for Health Technology Assessment and the Heads of Medicines Agencies; recommends that this platform be entrusted with sharing expertise and implementing best practices, discussing common challenges, encouraging collaboration, training and capacity-building for improving quality in screening programmes, acting as a central hub for projects and initiatives on cancer screening supported by the EU, and maintaining in the long term the network of providers of data to the implementation report by the IARC on cancer screening;

58. Stresses the importance of increasing awareness about and the uptake of cancer screening and early detection among people in the EU via a Union-wide awareness-raising campaign as part of the European awareness days, motivation surveys and better implementation of existing communication campaigns; calls on the Commission and the Member States to support, fund and implement further actions aimed at raising awareness of cancer screening and promoting participation in screening both among the general population and to eligible residents via direct notifications; encourages the Member States to actively work on educational strategies in primary healthcare centres; encourages research into behavioural adherence factors and obstacles impeding early detection and diagnosis of cancer to boost participation in screening programmes, supported by EU funding such as that provided under the Horizon Europe research programme;

59. Calls for reinforced cooperation with non-EU countries and especially with the broader European region to encourage the organisation of screening campaigns and early diagnosis programmes, in particular for women's cancers and especially in low- and middle-income countries and for minority communities, while also taking into account the specificities of women's cancers in those countries; stresses that this can mark an important contribution by the EU to the achievement of international goals in cancer, such as the WHO goal to eliminate cervical cancer as a public health problem;

60. Recognises the importance of health mediators, patient navigators and non-governmental organisations and calls for their inclusion in decision-making processes and resource allocation strategies; acknowledges the vital role they play, especially in prevention and vaccination campaigns, by helping to break down barriers between authorities and society, including vulnerable groups;

61. Calls on the EU and the Member States to reinforce cooperation with the WHO and to work towards the implementation of WHO policy recommendations and guidelines;

IIIa. Equal access to cancer care: towards best quality care

62. Deplores the fact that EU patients still face challenges in accessing healthcare services and participating in clinical trials in other Member States and that only a minority of patients, and not all healthcare professionals, are aware of the right of patients to seek cross-border healthcare under the two existing frameworks: the Cross-Border Healthcare Directive and

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the Social Security Regulation ⁽⁶⁴⁾; calls for a reform of the Cross-Border Healthcare Directive, notably to allow for mobility and access to highly specialised equipment and care through the reinforcement of the national contact points by providing them with more budgetary resources, and to allow for the development of Commission guidelines setting acceptable and harmonised review and approval timelines to expedite time-to-treatment in the EU under the Social Security Regulation; calls for an increase in the number of information campaigns on patients' rights to cross-border healthcare, including those aimed at health professionals, as well as the development of a one-stop-shop for information on the EU's cross-border access pathways; emphasises the need to reduce logistic and linguistic barriers faced by patients when accessing healthcare in another EU Member State; stresses the need to provide patients with clear information on prior authorisation requirements that apply to certain Member States; underlines the need to provide particular financial support to low-income parents accompanying their child abroad for treatment; emphasises the need to facilitate the process through a holistic revision of the cross-border healthcare frameworks, giving equal weight to the Cross-Border Healthcare Directive and the Social Security Regulation, for patients who, in view of unmet needs and potential benefits, travel abroad for clinical trials and may face issues such as a lack of clarity on follow-up protocols after their return home and on coverage of costs related to their clinical trial participation by national insurance agencies; emphasises the need for clarification regarding access to cross-border clinical trials, as this is not clear in the Cross-Border Healthcare Directive; underlines that all costs related to a treatment should be financed before it begins to avoid the exclusion of low-income patients; calls on the Commission to consider, in the context of the next revision of the existing frameworks, the setting up of a single set of authorisation and reimbursement rules for the access to cross-border healthcare, including a right to a second opinion; calls on the Commission and the Member States to work together to conduct regular evaluations of the Commission's eHealth strategy from 2018 to ensure interconnected electronic health records, better interoperability, and improved data quality, privacy and security for cancer patients at regional, national and EU level, while ensuring strict adherence to patient health data privacy and security rules; notes the potential of the Cancer Inequalities Registry as a means of reporting and measuring improvement in these areas;

63. Notes the importance of rapidly administering treatment and providing the results of relevant medical exams to cancer patients in a timely fashion, since the more time this takes, the more the disease progresses, threatening the patient's survival; regrets that in certain Member States, public resources are inadequate to guarantee timely detection and treatment, which leaves patients who depend on publicly provided social insurance with lower chances of survival, thus leaving them with no other option but the private sector;

64. Calls for the mutual recognition of health-related qualifications in cancer care across the EU and a common recognition scheme for non-EU countries to be considered, as requested in Directive 2005/36/EC ⁽⁶⁵⁾, ensuring that it is facilitative for oncology-related specialties; calls for the development of upskilling programmes to enable those wishing to move into oncology to do so at any point in their career;

65. Calls for full recognition of medical oncology and paediatric oncology as specialist disciplines, the establishment of pan-European quality standards for administering and supervising medical treatments for cancer, both for adults and children, and the facilitation of patient access to cancer specialists so that they may benefit from innovations and access to early clinical trials on new promising drugs, health technologies and reference centres for complex treatments like cell and gene therapy; highlights the need to ensure that access to innovation in early clinical trials for relapsed or difficult-to-treat malignancies is covered by the relevant provisions;

66. Calls for surgical skills in the EU to be strengthened via the recognition of surgical oncology as a specialist discipline, the establishment of pan-European quality standards for cancer surgery, the facilitation of patients' access to 'high-volume' centres for cancer surgery and access to innovative surgical procedures; calls for the recognition of high-quality surgery and

⁽⁶⁴⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

⁽⁶⁵⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

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highlights its importance in curing cancers detected at an early stage; stresses the need to promote the development of a core curriculum in surgical oncology as well as individual specialist training in surgical oncology, and calls for programmes to harmonise surgical oncology education in the EU; supports the development of clinical trials in surgical oncology as part of local-regional treatment and promotes greater investment of EU and national research and innovation funds in surgical oncology research; stresses the importance of standardised surgical oncology treatments to improve long-term quality of life for cancer survivors;

67. Supports the improvement of and increased and equal access to high-quality radiation therapy in the EU through the recognition of medical physics and radiation therapy as dedicated disciplines, the promotion of common education and training standards, increased EU funding for Member States to expand their radiation therapy infrastructure, and greater investment of EU and national research and innovation funds in radiation therapy research;

68. Calls for the promotion of geriatric oncology as a branch that deserves special consideration and needs to be enriched by scientific research in order to ascertain best treatment and diagnostic methods for elderly patients; recalls that in the EU, over 60 % of new cancer cases and over 70 % of cancer deaths occur in people aged 65 and older; notes that this proportion is expected to increase as the population in the EU ages, thus representing a crucial challenge for healthcare systems; calls on the Commission and the Member States to urgently address this situation with concrete actions; specifically asks the Commission and the Member States to take action in order to facilitate clinical trials in the elderly, the implementation of multidisciplinary and comprehensive onco-geriatric care models in routine clinical pathways, and the creation of centres of excellence in geriatric oncology; calls on the Commission and the Member States to foster opportunities for the training and upskilling of the oncology workforce in the principles of geriatrics;

69. Calls on the Commission and the Member States to plan actions that promote, in the context of care and treatment, greater attention to the protection of patients' fertility, in particular in the case of paediatric and juvenile cancers;

70. Welcomes the new action plan under the strategic agenda for medical ionising radiation applications ⁽⁶⁶⁾, which will support the security of production capacities for and supply of radioisotopes through the replacement of the current ageing fleet and the implementation of existing technologies, notably reactors and particle accelerators, under existing financial instruments, avoid shortages of radioisotopes by facilitating the crossing of borders and exemptions for transportation, and enhance the quality and safety of radiation technology in medicine, which is currently not equally available in all EU Member States, through the evaluation of radioisotopes via health technology assessments, the harmonisation of market access, the affirmation of nuclear medicine as a fully independent medical specialty, the promotion of training standards, and investment in nuclear medicine research;

71. Calls on the Commission to promote, and on the Member States to strengthen, the role of general practitioners, paediatricians, nurses, primary care professionals and specialist physicians, given the important role they play in referring patients for diagnostic tests and to oncology specialists, as well as the role of specialised nutritionists or dieticians, psychologists and rehabilitation specialists during cancer treatment and follow-up care, in order to ensure access to the right treatment and care at the right time via an optimal care pathway; calls for the development of multidisciplinary teams to manage cancer patients throughout their treatment journey, and multidisciplinary decision-making in the framework of dedicated cross-discipline concertation meetings (consilium) bringing together various cancer specialists and primary care professionals; underlines the importance of constant training for health professionals to keep them updated on new cancer treatment options; calls for the role of treatment coordinator to be made more widespread in order to ensure that patient treatment is appropriately coordinated, and to give patients easy access to updated information related to cancer diagnosis and advice on how to use the health system;

72. Considers that the scope of Directive 2005/36/EC should be revised to allow for the mutual recognition of cancer nursing education and education for other medical staff supporting the treatment process;

⁽⁶⁶⁾ Commission staff working document entitled 'Strategic agenda for medical ionising radiation applications (SAMIRA)' (SWD(2021)0014).

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73. Calls on the Member States to develop, within their national cancer control programmes (NCCPs), strategies that encompass and implement preventive measures against the risk of burnout among cancer care professionals; urges the Commission and EU-OSHA to pay attention to this concern, and stresses that they should be considered important implementation partners of the Plan in this respect;

74. Encourages, where feasible and safe, the use of ambulatory cancer treatments in order to preserve the quality of life of patients and their families; stresses, in particular, that ambulatory treatments for children should be promoted, provided that the relevant spaces/environments and medical devices available are designed in such a way as to cater for the needs of paediatric patients; stresses the role of pharmacists, oncologists and nurses in the multidisciplinary follow-up of patients taking oral anticancer medicines; calls on the Member States to implement or improve e-health technologies, telemedicine and telecare services to ensure the continuity of inpatient and outpatient cancer care as well as community care; urges the Commission to deploy Horizon Europe research funding to support the use of telemedicine and to assist with the establishment of evidence-based guidelines; calls for actions to ensure equal access to telemedicine services across the Member States, and for EU4Health and Digital Europe funding to support an increase in digital literacy for patients and healthcare professionals;

75. Calls on the Member States to provide integral and multidisciplinary palliative care services for cancer patients in order to ease their pain and discomfort, promoting comfort care and ensuring the presence of nurses or carers, while preserving their dignity and taking into account advance care planning and the autonomy of the patient; calls on the Commission to support and coordinate regular exchanges of information and the implementation of best practices on hospice and home palliative care at EU level; calls for the development of child-specific palliative care, especially in Member States where this type of care is not yet widely provided; encourages the Member States to address palliative care in their NCCPs, maximise the number of palliative units in each region in order to appropriately adjust their number to the needs of patients, minimise waiting times, and ensure sustainable funding and sufficient numbers of well-trained staff; considers that the EU regulatory framework for the recognition of professional qualifications should be broadened to allow for the standardisation of palliative care education and best practices of health professionals; emphasises the need for reference networks for palliative care and their integration with cancer pathways at all levels, namely specialist hospitals, primary healthcare centres, hospice and home care, as well as the need for hospital-territory integration; stress that patient access to supportive and palliative care (including psycho-oncology services) across the EU should be measured and reported via the Cancer Inequalities Registry; calls for deeper cooperation between healthcare systems and social assistance systems in all Member States;

76. Encourages the Commission and the Member States to adopt specific quality assurance criteria and schemes (including common standards of care, adequate organisation, infrastructure and competences, multidisciplinary practice, continuing education for professionals, patient education and participation in clinical research), and joint clinical guidelines to ensure accreditation standards are applied to public and private hospitals treating cancer patients, in order to guarantee efficient, safe and equal management of cancers all over the EU; insists that these criteria must adhere to the highest available standards of evidence-based science that have been published in peer-reviewed scientific journals; insists that both public and private institutions that meet the quality assurance criteria should be included in NCCPs as part of the Plan with the goal of providing the highest quality of cancer treatment to all patients across the EU; calls on the Member States to create maps of oncology health needs, coupling them with realistic mappings and inventories of their existing oncological infrastructure; takes the view that this mapping exercise will allow Member States to better plan access to existing medical infrastructure, determine clear areas of action and prioritise the allocation of resources, and plan cross-border cooperation between the oncological reference centres;

77. Welcomes the planned establishment, as announced in the Plan, of an EU network linking recognised national comprehensive cancer centres (reference centres) in every Member State to facilitate the uptake of quality-assured diagnosis and treatments, including through training in, research on and the promotion of clinical trials across the EU; calls on the Member States and the Commission to support the establishment of such centres for rare cancers and cancers requiring complex treatments; calls on the Commission to identify existing centres of this type within the EU, to promote the establishment of at least one national comprehensive cancer centre in each Member State and to support the coordination of the network of these centres; stresses that the objectives of that network should include the reduction of inequalities and the strengthening of translational, clinical and outcome research; highlights that the promotion and development of translational research should be considered as an important core objective of the EU Network of Comprehensive Cancer

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Centres; notes that when developing this EU network, the Commission should consider the need to invest in state-of-the-art equipment and well-trained physicians and other healthcare specialists with various specialties, and recommends that a variety of well-developed cancer specialties and medical disciplines be involved from the start in the work of the envisioned EU Network of Comprehensive Cancer Centres to reinforce multidisciplinary cooperation, therefore improving outcomes for patients; calls on the Commission and the Member States to support the sustainability of pre-existing cross-border collaborations, such as the European Reference Networks and those relating to paediatric cancer; calls on the Commission to support the Member States by earmarking some of the budget in the cohesion and regional funds to support the establishment of these centres to ensure full coverage of the population;

78. Calls for the identification, reinforcement or creation in each Member State of an NCCP, in line with WHO guidance on NCCPs, consisting of a unique structure, possibly a national cancer institute, in charge of the implementation and follow-up of the respective NCCPs, with adequate objectives and resources; calls for the content of the NCCPs to be aligned as closely as possible with the Plan in order to facilitate the successful implementation of the latter; recommends that the NCCPs are set up in accordance with the European Guide for Quality National Cancer Control Programmes initiated by the European Partnership for Action Against Cancer (EPAAC) and calls for the inclusion of a dedicated paediatric cancer and rare cancers component in all NCCPs to ensure that appropriate resources are allocated and adequate implementation programmes are introduced to meet the specific needs of these patients; welcomes the setting up of a network of these organisations; stresses that NCCPs should include provisions on adequate staff capacities so as to guarantee a sufficient number of oncology workers in each Member State, commensurate with the overall population number;

IIIb. Equal access to cancer care and medicines in the EU

79. Calls on the Commission to strengthen the EU medicines market in order to improve equal access to treatment, including innovations and personalised medicine, reduce medicine shortages, overcome the problem of high prices for innovative technologies and treatments, encourage the use of generic and biosimilar medicines and improve cancer treatments for adults and children; calls on the Commission and the national competition authorities to assess the EU medicines market, focusing on acquisitions of SMEs by large pharmaceutical companies that undermine fair competition; encourages a multi-stakeholder dialogue on access to medicines and innovations based on models such as ACCELERATE⁽⁶⁷⁾ in the paediatric cancer sector and involving all relevant actors including academics, industry, health professionals and patient representatives;

80. Calls on the Member States to step up national research and production capacity for medicines and other health products, including by establishing national pharmaceutical laboratories, with a view to providing equal access to treatment, reducing medicine shortages and dependence on the pharmaceutical industry, securing cost-free access to innovative treatments and improving cancer treatments for adults and children; calls on the Member States, furthermore, to provide cost-free access to treatments and medicines used by cancer patients by means of their public health services and to consider medicine policies that provide cost-free access to medicine for users over the age of 65, the chronically ill and families in economic need;

81. Calls on the Commission to revise Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 establishing a Community code relating to medicinal products for human use⁽⁶⁸⁾ and 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⁽⁶⁹⁾ (EMA) to strengthen the marketing authorisation framework, improve medicine availability and increase generic and biosimilar competition;

82. Notes that cancer patients are frequently affected by medicine shortages and that severe disruptions in the supply of cancer treatments are highly detrimental to them, their carers and their families; calls on the Commission and the Member States to work together to prevent and manage shortages of all medicines and medical products and of cancer medicines in

⁽⁶⁷⁾ <https://www.accelerate-platform.org/>

⁽⁶⁸⁾ OJ L 311, 28.11.2001, p. 67.

⁽⁶⁹⁾ OJ L 136, 30.4.2004, p. 1.

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particular, including shortages of inexpensive essential cancer medicines; supports the development of a common basket of cancer drugs of which there may be shortages to ensure that patients have continuous access to appropriate treatment, based on transparently and appropriately defined patient needs;

83. Calls for the reinforcement and diversification of the supply chain, in particular that of cancer drugs, within the EU, close monitoring of supply tensions and shortages, and the creation of a strategic stockpile of such critical medicines, active ingredients and raw materials, particularly where the number of suppliers is limited; calls for EU pharmaceutical legislation to introduce a legal obligation for pharmaceutical companies to report information to the EMA on adequate safety stocks of essential cancer medicines; stresses the importance of the role of sustainable procurement practices in preventing medicine shortages; urges the Commission, in the context of the EU Public Procurement Directive⁽⁷⁰⁾, to develop guidelines to support public procurement practices in the pharmaceutical field for cancer drugs, in particular with regard to the implementation of the criteria for the most economically advantageous tender, aimed at ensuring long-term sustainability, competition and security of supply and stimulating investment in manufacturing;

84. Points out that generic and biosimilar medicines enable efficient and safe cancer care, increased competition, innovation and savings for healthcare systems, thus helping to improve access to medicines; calls for the introduction of a strategic objective in the Plan and the NCCPs to actively promote the use of off-patent medicines, where appropriate and beneficial for patients; stresses that their market entry should not be hampered or delayed and their development process should be promoted and funded; calls on the Commission to ensure healthy competition on the expiry of intellectual property rights as a matter of urgency by ensuring the accessibility of biosimilar medicines from day one and removing all barriers to access to competition, for example through patent linkage, by banning intellectual property evergreening practices that unduly delay access to medicines and by allowing single global development;

85. Considers that Member States should converge on the evaluation of medical technologies; welcomes, therefore, the agreement on the Health Technology Assessment Regulation reached by the European Parliament and the Council on 22 June 2021 to support harmonised assessment of, and faster access to, innovative cancer diagnosis and treatments and considers that a more efficient decision-making process could, among other measures, play a role in facilitating it; welcomes that cancer medicines is one of the first medicinal product groups to be jointly assessed under the Health Technology Assessment Regulation; calls on the Commission and Member States to take further measures aimed at encouraging the uptake and use of Joint Clinical Assessments that are to be carried out under the regulation; highlights the existence of tools being used by the WHO to incorporate cancer medicines on the WHO Model List of Essential Medicines;

86. Recalls that all patients have the right to optimal treatment, regardless of their financial means, gender, age or nationality; notes with concern that there is a great disparity in the availability of and access to different cancer therapies, with unaffordability being one of the main reasons; insists, therefore, on the need to ensure equal access to safe, effective and affordable drugs, in particular cancer drugs, within the EU; calls on the Member States to consider joint price negotiation with pharmaceutical companies, as per the Beneluxa Initiative on Pharmaceutical Policy and the Valletta Declaration; calls on the Commission to make fair pricing and affordability of new treatments a core element of the Plan and the Pharmaceutical Strategy for Europe, notably by attaching conditionalities to EU public funding (e.g. under Horizon Europe and the Innovative Health Initiative), and to ensure that public investment in R&D is accounted for and that medicines resulting from publicly funded research are available at fair and affordable prices; underlines that this should also be the case for medicines benefiting from specific regulatory or market protection such as medicines developed to treat rare or paediatric cancers; calls for more transparency throughout the pharmaceutical system, especially regarding pricing components, reimbursement criteria and the actual (net) prices of medicines in different Member States to ensure fairer prices and bring public accountability to the pharmaceutical sector;

87. Strongly advocates the extension of joint procurement procedures, especially for (ultra) rare, paediatric and novel cancer medicines and treatments, diagnostic procedures, companion diagnostic tests, and cancer-preventing vaccines like the HPV and hepatitis B vaccines, to counter shortages and improve affordability and access to cancer treatments at EU

⁽⁷⁰⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65).

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level; notes that joint procurement procedures should improve response times and be transparent; highlights that joint public procurement should not hinder patient access and medical innovation;

88. Calls on the Commission to support a regulatory framework which strengthens incentives for rare cancer treatment in the EU to effectively address existing shortcomings; underlines that patent systems all over the world are drafted in a way that for a specific period of time — i.e. only for the duration of the patent — only the inventor is allowed to commercially exploit their patent, whereas thereafter the invention can be freely produced by anyone; calls on the Commission to develop new targeted incentives to ensure equitable access to cancer medicines also in areas where the development of products would otherwise not be sustainable;

89. Calls on the Commission to submit a proposal for the revision of Council Directive 89/105/EEC on the transparency of measures regulating the prices of medicinal products ⁽⁷¹⁾ in order to ensure effective controls and full transparency of the procedures used to determine the price of and reimbursement amount for medicines, in particular cancer medicines, in Member States; encourages the competent authorities to ask pharmaceutical companies to provide information on research and development costs, including the financing from public resources, prior to market authorisation, as well as on the tax benefits and subsidies they have received; requests that the calculation of drug costs take into account the use of public funds; calls on the EMA to increase the number of audits in order to assess pharmaceutical companies' compliance with the requirements on transparency;

90. Notes that huge advances in biology have revealed that cancer is an umbrella term for more than 200 diseases, and that precision or personalised medicine can be made available through the drug targeting of various mutations; considers that precision or personalised medicine, consisting of a treatment choice based on individual tumour biomarkers reflecting genotypes or phenotypes, is a promising way to improve cancer treatment; encourages the Member States, therefore, to develop personalised medicine across the EU through cooperation among them and to promote the implementation of regional molecular genetics platforms and facilitate equal and rapid access to advanced diagnostics and personalised treatment for patients, in full respect of data privacy and ensuring that patients are informed and consent to the use of their health data for research; notes that the fragmentation and classification of cancers based on specific genotypes should not lead to them being defined as 'artificial rare diseases' with the aim of increasing financial compensation;

91. Recalls that in the context of personalised medicine, gender-based medicine and therapies are considered to be effective treatment strategies for curing cancer, taking into consideration differences between men and women at the biological, genetic and musculoskeletal levels; calls on the Commission and the Member States to facilitate the development of gender-based treatment for cancer, in line with the indications coming from medical practitioners and physicians;

92. Welcomes the Genomic for Public Health project and the establishment of a roadmap to personalised prevention in the Plan to identify gaps in research and innovation and support an approach to map all known biological anomalies leading to cancer susceptibility, including hereditary cancers, which amount to between 5 and 10 % of cancer cases;

93. Calls for the full and rapid application of Regulation (EU) No 536/2014 of 16 April 2014 on clinical trials on medicinal products for human use ⁽⁷²⁾; considers that the application of the regulation would facilitate the launch of large clinical trials across Europe carried out in a harmonised, efficient and coordinated manner at European level in order to facilitate research into cancer drugs and improve the quality of life of cancer patients and their families; considers, furthermore, that the regulation should be applied in a consistent manner in all Member States with the aim of rationalising procedures for carrying out clinical research; highlights the importance of undertaking a fresh review of opportunities to reduce the administrative burden associated with clinical trials; calls for long-term learning from the COVID-19 pandemic on future forms of international trial cooperation and information sharing;

94. Points out that the PRIME scheme launched by the EMA can be a highly efficient instrument to enhance support for the development of innovative medicines in oncology, so that they can reach the patient sooner;

⁽⁷¹⁾ Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems (OJ L 40, 11.2.1989, p. 8).

⁽⁷²⁾ OJ L 158, 27.5.2014, p. 1.

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95. Calls for a more sustainable environment, including as regards financial support, for conducting research into and analysing existing research about the repurposing of medicines for cancer treatment, especially by third parties with no commercial intent, and for the creation of an additional project that uses high-performance computing to rapidly test existing molecules and new drug combinations, starting with high unmet needs, such as treatment for cancers with a poor prognosis, metastatic cancers and rare cancers;

96. Highlights the importance of addressing the issue of the off-label use of medicines, including inexpensive medicines and medicines used for rare cancers; calls on the Commission to analyse the existing situation concerning the off-label use of medicines;

97. Acknowledges that many upcoming technologies will require complex regulations (cell and gene therapies, for example); considers that the Union should fund, incentivise and ensure a regulatory process that actively encourages research and innovation, anticipates the needs of researchers in academia, industry and at clinics, actively informs and guides them on regulatory processes, prepares the ground for future technologies, evaluates those technologies step by step and fosters the entry of safe and effective new treatments into the market;

98. Reiterates the importance of generating and reporting strong evidence on the efficacy and safety profiles of medicines, both in clinical trials and in post-market entry follow-up studies; supports the development of clinical trials on the use of new and affordable cancer drugs in adults and children; supports the development of multi-centric clinical trials across Europe for the discovery of improved forms of treatment and care for patients, including children and older patients; underlines that authorities must ensure transparency, compliance with study conduct requirements and the early communication of relevant data to the EMA and the general public;

99. Takes note of the Commission's legislative proposal to establish a Health Emergency Preparedness and Response Authority (HERA); notes that, by 2023 and every two years thereafter, the Commission should carry out an in-depth review of the implementation of the operations of HERA, including its structure, governance, funding and human resources; notes that these reviews must address, in particular, any need to modify HERA's structure, including but not limited to the possibility of upgrading it to a stand-alone agency, revising its mandate and understanding the financial implications of any such modification; notes that the Commission should report on the findings of the reviews to the European Parliament and the Council and that these findings should be made public; notes that these reviews should be accompanied, where appropriate, by a legislative proposal to address the outlined issues, fully respecting the European Parliament's role as co-legislator; considers that if HERA is upgraded to a stand-alone agency, it could, at that point, be able to anticipate, incentivise, co-develop and facilitate rapid, equal and sustainable access to cancer innovations for cancer patients, including diagnostic procedures as well as companion diagnostic tests; considers that HERA could, in the long term, closely collaborate with public and private entities to plan, coordinate and build an ecosystem of private and public capabilities that can provide suitable emergency frameworks for EU access to key raw materials in case of global supply shocks;

100. Stresses the need to promote the innovation of life-saving cancer treatments; calls therefore on the Commission to create a pharmaceutical legislation framework for oncological medicines and therapies that promotes real breakthrough innovations and not the so-called 'me too' pharmaceuticals, which are just another substance with the same use without major benefits or highly expensive pharmaceuticals that offer only minor improvements for patients; calls for a large consortium of public authorities, private companies and NGOs, including patient and survivors associations and academia, to work together to guarantee the accessibility and affordability of cancer treatment options requiring complex technologies, for instance, complex treatments like cell therapy (CAR T cells), gene therapy, adoptive immunotherapy through the use of tumour genome extracts (messenger RNA) and nanotechnologies; stresses that, to facilitate the wider utilisation of innovative therapies, the EU and the Member States must not only do their best to finance currently available therapies but also support the development of more cost-efficient methods; believes that lowering the costs of the most innovative and effective therapies will increase their wider availability to the benefit of patients in the EU and beyond; calls for securing equal access to innovative therapies, both in densely populated urban regions and smaller rural or remote areas;

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IIIc. Equal access to multidisciplinary and quality cancer care: towards a better response to the impact of health crises on cancer patients

101. Underlines that the COVID-19 crisis has had, and is still having, a significant impact on cancer patients' survival and quality of life at all stages of the disease, due to delays in prevention activities such as vaccination, postponements of prevention schemes, clinical trials, screenings, referrals, diagnoses, surgical procedures and treatments, shortages in the supply of medicine and other medical supplies, specialised workforce shortages, reduced communication with health professionals and patients' fear of infection; highlights that evidence suggests that clinicians across Europe saw 1,5 million fewer cancer patients in the first year of the pandemic and performed an estimated 100 million fewer cancer screening tests, and therefore, one million citizens in the EU may presently be undiagnosed with cancer as a consequence of the COVID-19 pandemic ⁽⁷³⁾;

102. Considers that the COVID-19 pandemic was a real stress test for the EU's health systems; underlines that the main lesson learned should be the need to invest in the public health sector and to build an emergency strategy to allow Member States to react in a coordinated manner against any future health crises; stresses that vulnerable groups, including cancer patients, are particularly exposed during a health crisis; stresses that specific measures under this emergency strategy should be aimed at the protection of vulnerable groups, including cancer patients, who cannot wait until the end of the crisis; stresses that these specific measures should support the development, production and stockpiling of products to protect these vulnerable groups;

103. Calls on the Commission and the Member States to diligently collect data via suitable registries to monitor the effects of vaccines against COVID-19 in vulnerable populations, including patients with cancer, and their subsequent immune responses;

104. Notes with concern that the COVID-19 pandemic has exacerbated pre-existing health workforce shortages; acknowledges the urgency of ensuring a sufficient number of specialised health professionals in cancer care; reiterates that specific measures under the emergency strategy should be aimed at addressing workforce shortages through the recruitment of health professionals, in both primary and specialised care, and their retraining, should they be specialists in other fields; suggests that the Cancer Inequalities Registry may serve as a tool in measuring and reporting on pre-existing workforce shortages; underlines that new approaches to human-centred healthcare are required in order to ensure access to diagnostics, therapeutics and quality public health services for all; stresses the need for work on a skill mix in order to optimise the response to staffing needs in the health sector; supports the exchange of good practices between Member States in this regard; calls on the Commission and the Member States to create online training platforms for healthcare professionals such as carers, and to create therapeutic care programmes granting qualifications and recognising their competences;

105. Deplores the fact that patients still face many difficulties in accessing quality, public healthcare services since many oncology departments at public hospitals are suffering from workforce shortages and a lack of capacity; calls, therefore, for the creation of high-quality radiotherapy departments and modern oncology centres at public hospitals, based on European guidelines and in line with the most recent scientific evidence;

106. Calls on the Member States and relevant authorities to recognise the pivotal role of informal carers, integrate them into health and care teams and empower them with the possibility of making informed choices regarding available supportive measures with the support of healthcare professionals; recognises that the pandemic has exacerbated the crucial role of informal carers, who provide most of the daily care for cancer patients and who face a clear lack of practical and policy support, including as regards social rights, training, psychological help, information and recognition; points to the high percentage of informal carers among the EU population and to the disparities regarding the way in which they are supported and how their rights are recognised across Member States; calls on the Commission to consider the formalisation of informal care, which would ensure the recognition of a certain minimum standard of rights, especially for those who are providing long-term care;

⁽⁷³⁾ European Cancer Organisation, 'Cancer Will Not Wait for the Covid-19 Pandemic to End. It is Time to Act.', 11 May 2021, accessed 21 December 2021.

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107. Advocates the development of a digital health communication channel to monitor symptoms remotely and ensure continued cancer treatment in out-of-hospital care; calls for permanent access to medical consultations, psychosocial services and contact between the patient and health professionals and between the attending health professional and the patient's family, to be guaranteed through the use of telemedicine and telecare and their integration into healthcare systems, in health threat-free environments in hospitals, or, where possible and safe, in pharmacies; calls for the stimulation of the development of therapeutics that can support a transition to home care;

108. Asks for enhanced communication between health professionals, patients, survivors, caregivers, parents and public authorities regarding the effectiveness and safety of health interventions, in particular cancer screening, diagnosis and treatment, and for increased awareness campaigns for prevention in times of crises;

109. Calls on the Commission and the Member States to adopt European prevention and management plans as part of a coherent and holistic contingency strategy to prevent and address shortages of medicines, devices, products and staff in times of health crises; underlines the responsibilities of market authorisation holders and wholesale distributors with respect to relevant EU legislation;

IV. *Strong support to cancer patients, survivors and caregivers*

110. Stresses that cancer patients should not suffer a 'double punishment' in their daily lives; calls for the adoption of an anti-discrimination directive, as well as for the fair and equal implementation of directives on financial services, such as the Consumer Credit Directive⁽⁷⁴⁾, without any discrimination against cancer patients and survivors;

111. Notes that there is a need to focus on the quality of life for a rising number of chronic cancer patients whose illnesses cannot be cured but may be stabilised for a number of years; emphasises the importance of specific EU recommendations to improve the quality of life of patients and survivors, including via comprehensive supportive care integrated into cancer care starting with the diagnosis and continuing throughout the course of the disease (including pain relief, psychological services, adapted physical activity, scientific evidence-based complementary therapies, access to education, nutritional support, social assistance encompassing all day-to-day tasks such as household help or childcare, access to reproductive health and the restoration of aesthetic integrity) and access to specialised supportive centres; asks the Member States to recognise sequelae (physical or mental disabilities), as well as social discrimination, including in the workplace; asks the Commission to propose guidelines for the Member States to address the importance of establishing comprehensive coverage systems that guarantee that these needs are met; recognises that cancer is a financially burdensome disease, even beyond cancer treatments; calls on the Commission to set up a platform for the exchange of best practices in palliative care and to support research on palliative care;

112. Calls on the Commission to consider an EU strategy on care and caring to ensure appropriate, accessible and high-quality long-term care;

113. Highlights the fact that scientifically recognised integrative medicine approved by public health authorities can bring benefits to patients in relation to the parallel effects of several diseases, such as cancer, and their treatment; stresses the importance of developing a holistic, integrative and patient-centred approach and encouraging, where appropriate, the complementary use of these therapies under the supervision of healthcare professionals;

114. Underlines that the results of cancer treatment can be hampered by malnutrition, therefore optimal nutritional care is an essential part of cancer care; calls on the Member States to develop recommendations for incorporating clinical nutrition into all aspects of cancer care, including treatment, support and research; considers that, wherever indicated, cancer patients must be provided with clinical nutritional support by a dietitian specialist to be included in the multidisciplinary team; welcomes, therefore, the planned inter-speciality training on nutrition support and calls on the Commission and the Member States to develop minimum standards for continuous training on nutritional care for the multidisciplinary workforce; recommends that nutrition management be an integral and ethical part of all clinical research involving cancer patients; recommends, furthermore, that proper nutritional support be included in the cancer patients' Charter of Rights;

⁽⁷⁴⁾ OJ L 133, 22.5.2008, p. 66.

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115. Strongly urges the Member States to ensure that all cancer patients are fully informed about the possibility of fertility preservation procedures prior to the start of active treatment; calls for the development of guidelines at EU level for health professionals, defining the age at which cancer patients should be informed about the availability of reproductive health procedures; encourages, furthermore, the Member States to make provision for all cancer patients covered by compulsory national health insurance to be reimbursed for such services by national health insurance schemes;

116. Encourages the Member States to take into account the frequent exhaustion of the families and relatives of cancer patients and to provide them with psychological and socioeconomic assistance, especially to the most vulnerable, and rest periods in the workplace, throughout the course of the disease, as well as with bereavement support; encourages, furthermore, the development of integrated, adequate and accessible support schemes for cancer patients and their families, that take health, community and social services into account;

117. Recalls that patient empowerment and health literacy is crucial for the European cancer strategy and that patient-centredness and participatory decision-making must be at the heart of treatment and care development processes; encourages the promotion of well-informed patients who are actively involved in their own treatment and calls for the therapeutic education of caregivers and patients and their empowerment in the care programmes; considers that a specifically tailored methodology should be used for the training and empowerment process of paediatric patients, given their specific characteristics and needs; calls for participatory decision-making, with personalised and understandable evidence-based information to be provided to patients, as an integral part of the NCCPs, supported by the Plan; calls for the support of such initiatives and actions to empower cancer patients through EU funding, especially the EU4Health Programme;

118. Acknowledges the central role of independent patients' and carers' associations in relation to patient advocacy and accompaniment, services provided to cancer patients and caregivers, dissemination of health literacy, awareness raising and ongoing support both at EU and national level; calls on the Commission and the Member States to take into account the formal participation of these associations, as well as their requests and recommendations, when formulating cancer-related policies and legislation, and to provide them with public support in the form of both operating grants and project-related grants in order to guarantee their independence from private funding; calls on the Commission to set clear criteria according to which public financial support can be awarded; considers that paediatric patients should play a role, both individually and collectively, in improving healthcare and research procedures for all patients by contributing with their specific experiences; takes the view, therefore, that adequate learning and educational tools should be developed and properly financed to plan and ensure the involvement of children;

119. Stresses the importance of securing proper compensation claim options for workers in cases of occupational cancer; calls on the Member States to fully implement the Commission recommendation of 19 September 2003 on occupational diseases and ensure that proper compensation claim options exist for workers in cases of occupational cancer, which would secure every worker a chance to be properly compensated after being exposed to harmful substances or affected by work-related cancer; calls on the Commission to create a minimum list of occupational diseases with comparable recognition criteria across the EU;

120. Calls on the Member States to improve the reintegration of cancer survivors into social activities and the labour market, helping them transition into new professional roles in case sequelae prevents them from continuing in the same job and facilitate the return of paediatric cancer survivors to school or higher education; notes the general undervaluation of aftercare compared to equally important cancer prevention; recalls the recommendations and tools developed by the CHRODIS+ Joint Action to foster patients' retention at work, ability to return to work and their reintegration into the labour market and encourages the Commission to support the implementation of these recommendations and tools across the Member States; advocates specific EU recommendations for measures for cancer survivors to prevent the recurrence of primary cancer and the development of new cancers as well as measures for their rehabilitation, including specific provisions for long-term follow-up care for childhood cancer survivors as they transition into adulthood; stresses the need for medical and psychological aftercare for cancer survivors;

121. Considers that EU-OSHA should be mandated to play a stronger role in promoting good practices in Member States with respect to the integration of cancer patients and survivors into the workplace and their protection from discrimination; looks forward to the new study, announced in the Plan, on the return to work of cancer survivors, which will map national employment and social protection policies and identify obstacles and the remaining challenges;

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122. Underlines the essential role of labour inspectorates in securing compliance with health and safety legislation and preventing work-related cancers; calls on the Member States to strengthen labour inspectorates and ensure that they are adequately funded; emphasises that monitoring and verification is of particular importance for mobile workers; calls for the fastest possible implementation of the European Labour Authority (ELA) and for it to be made operational as soon as possible, and calls for the ELA to provide real labour inspection power in cross-border cases and monitor compliance with health and safety legislation; calls on the Commission and the Member States to involve the ELA in cross-border situations to secure proper enforcement of health and safety legislation;

123. Urges the Commission to pay attention to shifts in the EU labour market, and secure sufficient funding for proper data collection; believes that extensive and thorough information and data collection is of the absolute importance and is a continued priority for the Commission in order to respond with necessary legislative and non-legislative initiatives concerning the prevention of work-related cancers; stresses the need to establish comprehensive national registers for all Member States, which would enable EU-wide data collection on carcinogen exposure and stresses that these registers should cover all relevant carcinogens; calls for close cooperation between EU institutions, Member States, EU-OSHA and relevant stakeholders, while also strongly involving social partners; calls for making use of the collected data to follow up with necessary legislative and non-legislative measures to combat work-related cancers;

124. Supports the upcoming roll-out of a Cancer Survivor Smart Card, as announced in the Plan, to all European cancer survivors, especially survivors of childhood and adolescent cancers, for whom the Survivorship Passport model exists as a basis, which will summarise their clinical history, including patients' own experience, and facilitate and monitor follow-up care; stresses the sensitive nature of individual health data and hence the need for the Smart Card to be fully protected under the EU's General Data Protection Regulation (GDPR) ⁽⁷⁵⁾;

125. Considers that insurers and banks should not take into account the medical history of people who have been affected by cancer; calls for national legislation to ensure that cancer survivors are not discriminated against compared to other consumers; notes the Commission's intention to engage with businesses to develop a code of conduct to ensure that developments in cancer treatments and their improved effectiveness are reflected in the business practices of financial service providers; supports, in parallel, the promotion of advances made in France, Belgium, Luxembourg and the Netherlands, where cancer survivors enjoy the 'right to be forgotten'; requests that by 2025, at the latest, all Member States should guarantee the right to be forgotten to all European patients 10 years after the end of their treatment, and up to five years after the end of treatment for patients whose diagnosis was made before the age of 18; calls for the introduction of common standards for the right to be forgotten under the relevant provisions on consumer protection policy of the Treaty on the Functioning of the European Union, in order to remedy the fragmented national practices in the area of creditworthiness assessment and ensure equal access to credit for cancer survivors; calls for embedding the right to be forgotten for cancer survivors into relevant EU legislation to prevent discrimination and improve cancer survivors' access to financial services;

126. Calls on the Commission to promote the European Code of Cancer Care Practice launched by the European Cancer Organisation, which is an empowering and informative tool to ensure that the best available care is provided to European patients;

127. Sees an urgent need for a European charter of the rights of cancer patients; calls for this charter to take the cancer care pathway (i.e. access to prevention, initial diagnosis and throughout their treatment) into account at every stage and for it to apply equally to all EU citizens, regardless of the country or region in which they live;

V. Challenges in cancer among children, adolescents and young adults

128. Welcomes the childhood cancer spotlight initiatives announced by the Commission; calls for clear policy requirements on paediatric cancer research needs; calls on the Member States and the Commission to redress the unequal allocation of investment to paediatric cancers; considers that a clear and specific EU funding stream should be dedicated to paediatric cancer research and treatment and that budget allocations should be earmarked across all relevant EU programmes; highlights the importance of supporting international academic research platforms focusing on paediatric cancers, informed by research performed by other relevant actors;

⁽⁷⁵⁾ OJ L 119, 4.5.2016, p. 1.

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129. Notes that the current bureaucratic workload of trial activation in Europe is too burdensome for many rare diseases including childhood cancers because investigator-led trials suffer from a lack of commercial sponsorship and many non-commercial organisations are still unwilling to undertake the role of sponsor at a pan-European level for multinational trials in children; calls on the Commission to review the existing legislation, in this regard, and to facilitate multinational trials for children;

130. Calls for the promotion of bone marrow donation in the Member States so that the lives of thousands of people diagnosed with leukaemia can be saved, a number that is constantly increasing and which includes many children, since it is the most common childhood cancer; highlights that bone marrow transplantation is the only hope for many people affected by leukaemia and other blood diseases, and that three out of four patients will not have a compatible family member, so they will need a donor;

131. Calls on the Commission and the Member States to focus on ensuring equal and geographically balanced access to the best specialist diagnostics and multidisciplinary treatments for children with cancer and to improve cancer treatment outcomes in all Member States; considers that the academic specialty and the professional figure of the paediatric oncologist should be recognised in all Member States; believes that every patient who has experienced cancer as a child or adolescent should receive ongoing medical care and monitoring even after reaching adulthood, and therefore calls for measures to make cooperation between paediatric and adult health professionals more flexible; encourages the exchange of knowledge on the course of cancers among children and adolescents;

132. Stresses the need for comprehensive population-based childhood cancer registries based on internationally agreed childhood cancer classification systems, to ensure high-quality comparable data across Europe; reiterates the need for publishing, on at least an annual basis, the number of cancer cases in children and adolescents in the Union and in each Member State;

133. Calls for adolescents and young adults (AYAs) with cancer to be recognised at EU level as a particular group with specific medical and psychosocial needs, and for the creation of school programmes dedicated to them;

134. Underlines the need to effectively address mental health issues in children and AYA cancer patients and survivors; calls on the Commission and the Member States to ensure equal access to and availability of appropriate psychosocial support measures for this group of patients;

135. Stresses the need to strengthen the right to cross-border care for children and AYA cancer patients when the best treatment is not available in their country of residence, and ensure that access to innovation via clinical trials for relapsed or difficult-to-treat malignancies is covered by the relevant legislation, by enhancing the sustainability of existing cross-border collaborations including the European Reference Networks (ERNs), in particular the ERN on paediatric cancer; emphasises the need for clarification regarding access to cross-border clinical trials, which is not clearly specified in the Cross-Border Healthcare Directive;

136. Notes that both regulations on paediatric⁽⁷⁶⁾ and orphan⁽⁷⁷⁾ medicinal products have fostered the development and availability of medicines for patients with rare diseases and for children, and have redirected private and public investments towards previously neglected areas; calls for an ambitious revision of the regulations on paediatric and orphan medicinal products in order to ensure the development of and affordable access to innovative cancer drugs, identify the most important drugs to meet the needs of children with poor prognostic cancers, support academic research and SME involvement, reduce delays so that children can have faster access to paediatric drugs and gene and cell therapies, stimulate competition by adapting the regulatory framework and encouraging investments in off-patent orphan and paediatric medicines, and address limited access to certain essential medicines due to drug shortages and the high price of innovative medicines; recommends an increase of 20 % in the available new paediatric cancer drugs by 2027, as well as an increase in the accessibility of personalised medicine; considers, consequently, that a clear obligation to include paediatric research should be considered as a condition for an application for funding; calls on the Commission, where appropriate, in dialogue

⁽⁷⁶⁾ OJ L 378, 27.12.2006, p. 1.

⁽⁷⁷⁾ OJ L 18, 22.1.2000, p. 1.

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with the Member States, to work on a system that favours access to real breakthrough innovations for paediatric cancer patients; calls on the Commission to facilitate the repurposing of medicines that fail in adults when there is scientific and preclinical rationale, and to provide more effective and tailored incentives to foster the development of medicines for cancer in children and the First-in-Child development of new paediatric anticancer medicines; calls on the Commission to encourage timely paediatric medicine development and reduce delays, such as by means of early proportionate rewards allocated incrementally and not exclusively at the end of the supplementary protection certificate; calls on the Commission to remove Article 11(b) of the Paediatric Regulation in the upcoming review to allow paediatric cancer medicine development to be driven by science and the medicine's mechanism of action;

137. Calls for the creation of an EU-level advisory group of stakeholders dedicated to childhood and AYA cancers, which would support the goal-driven and coherent implementation of relevant actions across the Plan, Horizon Europe, the Pharmaceutical Strategy for Europe and EU4Health Programme;

138. Stresses the importance of implementing and monitoring the European Pillar of Social Rights and calls on the Member States to fully transpose Directive (EU) 2019/1158 of 20 June 2019 on work-life balance for parents and carers⁽⁷⁸⁾, which introduces leave for carers and the possibility to request flexible working time arrangements so that workers have the right to carers' leave of five working days per year in order to provide personal care or support to a relative or to a person who lives in the same household as the worker and who is in need of significant care or support for a serious medical reason, as defined by each Member State;

139. Welcomes the creation of an EU Network of Youth Cancer Survivors announced by the Commission;

140. Supports the recommendation of the JARC for the roll-out of a European unique patient identifier, the Survivorship Passport, and guidelines on long-term surveillance and the transition from paediatric to adult care, in order to ensure the monitoring of long-term outcomes in childhood cancer survivors in a cross-border setting; stresses the need for the right to be forgotten' to be fit for purpose for this population;

VI. *Challenges of rare adult cancers*

141. Acknowledges that rare adult cancers are a public health challenge; recalls that patients affected by rare adult cancers share the challenges linked to the rarity and uncommon nature of their disease, including long delays to diagnosis, and sometimes misdiagnosis, and difficulty accessing timely and adequate care and treatments; notes that patients often feel alone and isolated and suffer from a greatly reduced quality of life, and that their carers are also significantly and negatively impacted; calls for the Cancer Inequalities Registry to integrate information on rare cancers, which amount to about 24 % of new cancer cases occurring in all age groups;

142. Supports the introduction of a dedicated flagship initiative on rare adult cancers within the Plan to tackle the specific challenges faced by this patient community and make the best use of the recommendations set out in the Rare Cancer Agenda 2030 to foster research and improve care in each step of the rare cancer patient journey; stresses the importance of ensuring that rare adult cancers are included in all initiatives across the four pillars of the Plan;

143. Calls for dedicated funding for rare adult cancer research projects under Horizon Europe, including under the Mission on Cancer (for instance, under UNCAN.eu — the European Initiative to Understand Cancer), to develop targeted therapies and support the development of databases, registries and biobanks relevant to rare adult cancers;

144. Stresses the difficulty of diagnosing rare adult cancers in a more timely way; recommends, therefore, easier and quicker access to molecular testing that can help patients receive an accurate diagnosis and targeted therapy, and even access to relevant clinical trials where appropriate; stresses, moreover, that research on biomarkers is critical in this area;

⁽⁷⁸⁾ OJ L 188, 12.7.2019, p. 79.

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145. Calls for increasing awareness as regards rare adult cancers among primary and secondary healthcare professionals and implementing adequate referrals to specialised multidisciplinary expert centres at both national and European level;

146. Encourages the Member States to establish national networks for rare adult cancers to optimise the referral of patients to specialised centres in a timely fashion and facilitate interactions with ERNs to maximise the exchange of multidisciplinary knowledge and high-quality care, as well as to foster clinical research;

147. Calls for improving access to clinical trials and compassionate use programmes for rare adult cancer patients; regrets that it continues to be very difficult for rare adult cancer patients from many countries to access compassionate use programmes and trials abroad; calls for a better implementation of EU schemes for rare adult cancer patients to access healthcare abroad, and considers that national healthcare systems should facilitate access to trials and compassionate use programmes for patients with rare adult cancers who have few treatment options;

148. Encourages novel regulatory approaches to enable rare adult cancer patients to access new innovative therapies under safe monitoring, while facilitating the collection of real-world data in addition to data collected in clinical trials;

149. Emphasises the need to include rare adult cancers in the ‘inter-specialty cancer training programme’ that also includes specialised nursing training, in conjunction with ERNs for rare adult cancers; emphasises the need to support educational programmes targeting rare adult cancer patients, carers and patient representatives in conjunction with ERNs to increase the level of health literacy and ultimately help patients and their families to make informed choices about treatment options and follow-up care;

150. Acknowledges the specificities of rare adult cancers in programmes dedicated to improving the quality of life of cancer patients, survivors and carers; calls on the Commission and the Member States to implement specific training for professionals other than healthcare providers (e.g. social workers, case managers, etc.), who are taking care of rare adult cancer patients; stresses that rare adult cancer patients need to receive adequate psychological support, rehabilitation and monitoring of long-term side effects of treatments by professionals who understand their rare disease and its specificities; recommends that all patients with rare adult cancers also be provided with a survivorship care plan; considers that carers for rare adult cancer patients (often family members) also need access to specific psychosocial support to cope with the severity and complexity of the disease, and the significant burden of care that they take on;

151. Calls on the Member States to include a specific section on the management of rare adult cancers in their NCCPs (along with a dedicated section on cancers in children) as recommended in the Rare Cancer Agenda 2030; considers that these specificities should be acknowledged in dedicated sections in all NCCPs, including relevant synergies with rare disease national plans, to foster research and improve care management and care pathways for these patients, from primary care up to highly specialised multidisciplinary healthcare centres that are a part of or in close contact with the relevant ERNs; notes that, to date, many of the Member States’ NCCPs do not sufficiently include rare cancers in adults and paediatric cancers;

152. Urges relevant national authorities to involve rare adult cancer patient organisations as partners in NCCPs to voice the needs and expectations of rare adult cancer patients, and to actively participate in the implementation of dedicated measures for rare adult cancers;

B. Tools for action**I. Holistic research and its implications**

153. Stresses that the Plan should be implemented in close cooperation with the Mission on Cancer under Horizon Europe and its objectives of promoting EU investment in cancer research, public production and innovation; welcomes the fact that Horizon Europe will fund research infrastructures, cloud computing and European Innovation Council actions; calls on the Commission to consider paediatric cancer as a topic for a European partnership under Horizon Europe’s next

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strategic programme; recommends that appropriate funding be given to projects under Horizon Europe dedicated to new paediatric cancer medicines in order to fill the existing gap in paediatric medicines;

154. Recalls that multidisciplinary cancer research, and its translation into everyday clinical practice, is fundamental to ensuring continuous improvements in cancer prevention, diagnosis, treatment and follow-up care for survivors; welcomes, therefore, the launch of Horizon Europe partnerships to translate scientific knowledge into innovations that reach patients; asks the Commission to closely follow the activity of the Horizon Europe partnerships and the translation of research into real added value for current medical practice;

155. Welcomes the Commission's communication on a new European Research Area for Research and Innovation, which sets out the strategic objectives and actions to be implemented in close cooperation with the Member States; supports the target of investing 3 % of EU GDP in research and development which will help to promote research excellence across the EU and enable research results to reach the scientific community, society and the real economy; deplors the significant inequalities in research funding across the EU; calls on the Member States to adopt a pact on research and innovation in Europe that includes the commitment to increase public spending on research and innovation to 1,25 % of the GDP by 2030 in a coordinated manner across the EU;

156. Calls on the Member States to promote and ensure attractive scientific careers for researchers in Europe, with a particular focus on women; calls on the Member States to establish a well-structured scientific workforce and infrastructure, and to ensure continuous funding for their research centres; welcomes that the proposed innovative health initiative will help create an EU-wide research and innovation ecosystem, promoting cooperation between the health industry, academia and other stakeholders to translate scientific knowledge into innovations that address prevention, diagnosis, treatment and management of diseases, including cancer;

157. Reiterates its call for sustainable and adequate funding for competitive European research on cancer; stresses that such research should aim to address areas of highly unmet needs and should be conducted across all parts of the cancer care continuum, including for all treatment modalities; calls on the Member States to increase by at least 20 % the mobilisation of public research on therapeutic, diagnostic and screening cancer innovations, covering all patient populations concerned; calls, furthermore, for Horizon Europe and national research programmes to support research into paediatric and orphan medicines through innovation prize funds; considers that the conditions for access to public funding should be revised, ensuring transparency of the contracts stipulated between public and private entities as well as conditionalities as regards the accessibility and affordability of new innovations when projects are successful;

158. Supports the recommendation by the Conquering Cancer Mission Board to establish a research programme tasked with identifying effective cancer prevention strategies and methods with regard to commercial determinants of health and exposure to occupational carcinogens⁽⁷⁹⁾; supports the recommendation for the creation of a Policy Support Facility to enhance knowledge-sharing and support the implementation of cancer-related prevention policies at EU, national and local level;

159. Calls on the Member States and the Commission to establish programmes to provide the necessary support for the recently consolidated European cell-based interceptive medicine community that will create and integrate breakthrough cellular and artificial intelligence technologies to understand early events in cancer and therapy response, and use this knowledge to improve patient outcomes; supports the creation of a platform for cell-based interceptive medicine to coordinate and establish synergies between research, innovation and multi-sectoral activities; stresses the need for investment in research and innovation approaches to create innovative cell-based early detection and personalised treatment strategies for cancer;

⁽⁷⁹⁾ Mission Board for Cancer, *Conquering Cancer — Mission Possible*, European Commission, 2020.

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160. Stresses the need for independent and multidisciplinary research on cancer ‘from bench to bedside’, that is from the laboratory to applied studies in patients, and also for the regular re-evaluation of the effectiveness of medicines already on the market; stresses the need for the results of this research to be made public in a transparent and simple way; calls for the establishment of measures to limit the health risks posed by disinformation and misinformation, especially on social media, with special attention to measures protecting children and young people; calls for support for science dissemination initiatives;

161. Stresses the importance of investing in the development of non-animal new research methodologies, such as in silico and organoids, in order to shorten preclinical observation periods, increase efficiency in research, and reduce unnecessary and often less reliable experiments on animals; underlines that non-animal methods for testing the carcinogenicity of environmental chemicals, such as testing strategies focused on the underlying biological mechanisms that lead to cancer, should provide more relevant information than the animal-based methods currently in use for chemical safety assessment, thus enabling authorities to take swifter measures to limit exposure to harmful chemicals that could lead to cancer;

162. Calls on the Member States to make a strong commitment to encouraging public-private cooperation, driven by public health needs, and breaking down the barriers to competitiveness across the EU;

163. Considers the significant potential impact of the use of artificial intelligence, ‘big data’ algorithmic analysis and other modern technologies in diagnosis and decision-making for cancers in the coming years; underlines that the combination of real-world data, mathematical modelling, artificial intelligence and digital tools will significantly help to develop innovative treatments in a more cost-efficient way, and potentially reduce the number of patients required for clinical trials and the use of animals in research; encourages the Commission and the Member States to promote the knowledge of cancer biology through the implementation of genomics and informatics infrastructures; urges all implementation partners to be ever mindful of the principles of data privacy and security, trust, transparency, patient centricity and patient involvement at all times;

164. Highlights the crucial importance of clinical research and calls on the Member States to facilitate the conciliation of patient care with research and innovation initiatives, especially in smaller centres, reducing the workload and the ratio of patients per health professional;

165. Calls for research into the potential positive impact of artificial intelligence and modern technologies in cancer diagnosis, monitoring, decision-making and care; welcomes the launch of the Genomics for Public Health project which will give secure access to large amounts of genomic data to be used in P4 medicine (preventive, predictive, personalised and participatory);

166. Supports the creation of new digital resources and platforms, such as the European Cancer Imaging Initiative, and the strengthening of the European Cancer Information System, which will enable competent authorities to make good use of artificial intelligence applied to big data in the years to come; stresses the need for equal and transparent access to the information included in these platforms;

167. Welcomes the launch of the ‘Cancer Diagnostic and Treatment for All’ flagship initiative under the Plan, which aims to improve access to innovative cancer diagnosis and treatment and promote the use of the ‘next generation sequencing’ technology for quick and efficient genetic profiles of tumour cells, allowing researchers and clinicians to share cancer profiles and apply the same or similar diagnostic and therapeutic approaches to patients with comparable cancer profiles; stresses the need to consider personalised treatments based on well-designed clinical trials with proven added therapeutic value for patients;

168. Welcomes the planned Partnership for Personalised Medicine, announced in the Plan and to be funded under Horizon Europe, which will identify priorities for research and education in personalised medicine, support research projects on cancer prevention, diagnosis and treatment, and make recommendations for the roll-out of personalised medicine approaches in daily medical practice; stresses the need to establish a well-defined, globally consistent terminology for personalised medicines that would streamline investment in research and benefit the health literacy of patients; supports

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the establishment of a roadmap for personalised prevention allowing for the identification of gaps in research and innovation and for the mapping of all known biological anomalies leading to cancer susceptibility, including hereditary and environmental factors and paediatric issues; calls these solutions to potentially be made accessible through public healthcare systems;

169. Calls for enhanced capacity-building, infrastructure, collaboration and funding of research on non-profit clinical trials to improve treatment strategies, with a focus on the elderly as well as on vulnerable and underrepresented patient populations, including women and children; calls for EU support for the health system and treatment optimisation agenda;

170. Calls on the Commission and the Member States to promote studies dedicated to human and social sciences, in particular those addressing health inequalities at the different stages of cancer diseases, as well as research on optimising the organisation of cancer treatment, the financing of healthcare services and providers, the organisation of the delivery of healthcare services, and the functioning of management institutions; calls for the studies to include inequalities in cancer care that are related to factors such as gender, age and socioeconomic status, with a particular focus on marginalised and vulnerable groups in society;

171. Calls on the Commission and the Member States to support the development of European multicentre clinical trials, in particular in the case of low-incidence cancers and/or cancers with reduced treatment options, and to strengthen multinational cooperation and the conduct of cross-border clinical trials, building on existing structures where appropriate, such as the European Clinical Research Council in the paediatric cancer sector, and to encourage the engagement of smaller countries; highlights, furthermore, the need for all EU cancer policy initiatives to be coordinated towards defined and shared aims;

172. Supports clinical research to evaluate the feasibility, efficacy and cost-effectiveness of non-treatment-related interventions, such as studies on health determinants (including environmental factors) and quality of life;

173. Strongly believes that patients and independent patient associations, as well as parents and carers, should be involved in defining research priorities and endpoints for clinical trials, in order to ensure that the trials address the unmet needs of European patients, including quality of life as the primary endpoint; considers that the final results of the trials should be communicated to the participating patients and to the public; calls for paediatric patients to be involved in the definition of unmet needs to provide input into the design of the clinical trials protocol, improve communication with the target population and enhance methods for the dissemination of findings; stresses that the extent to which transparency provisions within the Clinical Trials Regulation are being met should be kept under surveillance and regularly reported on;

174. Advocates more robust scrutiny of clinical trials and more transparency in the process of research into and the development of cancer treatments, including the establishment of a portal to allow patients access to information on the available clinical trials in Europe; calls for transparency on the access to, and use of, data from clinical trials at EU level, including those that have been abandoned; underlines that this should also include information tailored to children and young patients;

175. Recommends that research be a parameter of the Cancer Inequalities Registry in order to measure and monitor inequalities with respect to access to clinical trials as well as to better understand and respond to regional and national disparities in trial activity, and to track improvement from initiatives to be taken up via the Plan, such as the EU Network of Comprehensive Cancer Centres;

176. Highlights that gender-associated differences in cancer research should be taken into consideration, both at preclinical and clinical stages, to describe differences in the pathophysiology of the disease and related comorbidities, and in drug pharmacokinetics/pharmacodynamics, among others;

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177. Applauds the 2021 Porto Declaration on Cancer Research that highlights opportunities for a comprehensive translational cancer research approach with the potential to achieve a ten-year cancer-specific survival for 75 % of patients diagnosed in 2030 in Member States with well-developed healthcare systems; urges the Commission to be actively involved and play a leading role in achieving this goal;

178. Welcomes the fact that that the Marie Skłodowska-Curie Actions will continue educating and training researchers in cancer prevention, prediction, detection, diagnosis and treatments;

II. *Shared knowledge*

179. Considers that the sharing of expertise, data, training programmes and communication tools is needed to improve the knowledge of cancer among health professionals, researchers and patients; highlights that cross-sector and cross-border collaboration and knowledge-sharing is crucial for further enhancing the quality of cancer care in the EU; notes that data-sharing is key to applying artificial intelligence and machine learning tools to research provided that there is human oversight, as well as to enable the digital transformation of healthcare, to tackle disparities in cancer prevention, diagnosis, and treatment around Europe and to optimise the use of healthcare systems resources by increasing efficiency and thus allowing for wider availability of oncological care data, including in less urbanised and more remote areas; stresses the sensitive nature of health data; calls for full compliance with Regulation (EU) 2016/679 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 (General Data Protection Regulation)⁽⁸⁰⁾ to avoid unnecessary restrictions on cross-border healthcare; stresses the need for a harmonised interpretation and implementation of the GDPR, especially by data protection authorities, including its Recitals 33 and 157, and its interaction with the Clinical Trials Regulation, once applicable, including Recital 29 and Article 28 (2) of that regulation, across the EU to facilitate scientific research; requests the European Data Protection Board to ensure that its guidelines concerning health research are updated with the aim of fostering research, and calls on the Commission to make concrete proposals by the end of 2022;

180. Asks the Commission to assess the functioning of the ERNs, especially their role in gathering and sharing expertise and best practices, thus rationalising patient referral in the management of rare cancers, which affect an estimated 5,1 million patients across Europe and require cooperation on a large scale; emphasises the importance of the ERNs with regard to overcoming health inequalities and ensuring safer and high-quality treatment across EU borders;

181. Calls on the Commission and the Member States to secure appropriate and sustained long-term funding for the ERNs, and to integrate them into national health systems; calls for the funding to cover, inter alia, compensation of virtual consultations, support for twinning and education programmes, and effective reimbursement of patient travel in line with the Cross-Border Healthcare Directive when this is required, in order to foster improved standards of care and equal access to the best possible interventions to all patients who require them across Europe; calls also for support for the roll-out, upgrade and smooth functioning of digital infrastructure that simplifies and facilitates access to the ERNs, as well as for the creation of an EU health data strategy to improve current rare disease registries in a common and uniform data space; stresses the need to guarantee funding for the continued functioning of the ERNs through the EU4Health Programme, Horizon Europe, the European Semester programme, structural funds, and through Article 195 of the Financial Regulation; supports the expansion of the four existing ERNs (PaedCan on paediatric cancers, EURACAN on rare adult solid cancer, EuroBloodNet on rare haematological diseases including rare haematological malignancies and GENTURIS on genetic tumour risk syndromes) to include rare, complex, poorly curable cancers and paediatric cancers, as this could facilitate equal access for patients, including children and AYA, to the best available care across Europe and would improve the functionality of the ERNs and health outcomes in rare disease patient populations;

⁽⁸⁰⁾ OJ L 119, 4.5.2016, p. 1.

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182. Believes that the further development and optimisation of the ERNs will require the participation of all Member States in existing ERNs, with each Member State having at least one 'full' or 'affiliate' member in each ERN and in each sub-clinical domain/thematic network of ERNs, the facilitation of the individual patient journey through the effective collaboration of national contact points with ERNs, the evaluation of the functioning of the ERNs by sharing data on their performance and networking in the field of rare cancers, the deployment of efficient telemedicine tools allowing for the sharing of case records and imaging results in a secured fashion to discuss complex rare cancer cases, and the allocation of adequate and long-term funding, both at Union (EU4Health) and national level;

183. Calls on the Member States to give due consideration to the importance of non-governmental local, regional and national organisations in uniting cancer patients, survivors and their relatives, in terms of their participation in the knowledge-sharing process, in the fight against cancer, in terms of legislative support, and in terms of the provision of separate funding for these organisations, especially those involved in programmes to combat cancer;

184. Encourages Member States to support a dedicated and tailored approach to rare cancers in adults and paediatric cancers, taking stock of EU initiatives, and to fully integrate ERNs into their national healthcare systems; calls for the creation of common and consistent protocols governing the collection of data, and for the creation of a single set of definitions explaining the data collected; calls for rare cancer patient organisations to be associated with the ERNs and the European reference centre;

185. Recalls that the Joint Research Centre has taken an active role in supporting the activities and harnessing the data of cancer registries; considers that the mandate, funding and political support for the Joint Research Centre to continue and accelerate its coordinating work with cancer registries should be strengthened, particularly in terms of the collection of patient outcomes and real-world evidence and the identification of cancer clusters, and their integration in existing cancer registries;

186. Welcomes the development of a European research infrastructure entirely dedicated to paediatric research, including oncology, that will facilitate basic, preclinical and transnational paediatric research that underpins the availability of clinical trials and medicines for children;

187. Welcomes the launch of the Knowledge Centre on Cancer in 2021 in order to contribute to the exchanges and coordination of scientific and technical initiatives related to cancer at EU level; considers that the knowledge centre should involve all stakeholders (representatives of each NCCP, patients' and caregivers' associations, learned societies, relevant EU bodies and agencies, representatives of economic operators, etc.); believes that this knowledge centre should be based on data screening, ERN reports and cancer registries; considers that its mission should be clearly defined and include:

- (a) coordinating the network of all NCCPs;
- (b) producing a European roadmap to trigger large-scale prevention campaigns and educational programmes on health promotion;
- (c) coordinating the establishment of common quality criteria to guide the national accreditation of screening programmes, cancer registries and cancer care centres;
- (d) developing, on the basis of the latest scientific evidence, clinical practice guidelines and quality assurance schemes to improve the entire care pathway for all cancer types, and in particular for rare and paediatric cancers;
- (e) drafting annual reports and establishing frameworks to improve data collection from screening programmes, cancer registries and ERNs at EU level;
- (f) presenting studies on the impact of prevention and diagnosis, including estimates concerning the reduction of economic costs generated through increased investment in prevention and diagnosis;

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- (g) coordinating the exchange of best practices and results between the ERNs and the Comprehensive Cancer Centres;
- (h) generating a comprehensive model based on the Plan and Horizon Europe, and with input from patients and carers, in order to identify research priorities and possibly enable the development of a coordinated and efficient cancer research force in Europe;
- (i) facilitating the sharing of anonymised data, collected in a European Cancer Cloud, for clinicians and researchers, as well as for entities developing health services and modern technological solutions for cancer patients;
- (j) supporting common training programmes for health professionals, patients and caregivers;
- (k) delivering updated, certified and transparent information to citizens and professionals on cancer causes, treatments and EU legislation;
- (l) monitoring the level of implementation of relevant recommendations in the Member States' NCCPs, and regularly making available the results of this monitoring;
- (m) proposing measurable and reproducible indicators for the main outcomes outlined in the Plan;

188. Recalls that researchers have to work together to find the best possible treatment especially for patients suffering from rare cancer, but that they are facing serious obstacles; calls therefore for the Commission to systematically look, via its scientific advice mechanism or through the appointment of a Special Envoy on cross-border cancer research, at all the obstacles in cross-border cancer research and cooperation, including regulation, in order to promote cross-border cancer research;

189. Recommends the creation of at least one cancer registry in each EU region, including remote and outermost regions; considers it pivotal to ensure the smooth functioning of the cancer registries; supports the strengthening of the capacity of national cancer registries to collect standardised patient-reported outcomes, to better map the lifestyles of EU citizens, including socioeconomic conditions, occupational information, environmental factors, and other data, and to identify the causes of inequalities in cancer incidence, prevalence and survival; stresses the essential need to collect data collaboratively across all Member States; calls for the comparability of data sources and the interoperability of regional and national cancer registries via the harmonisation of the scope and quality of data collection, and for secure access to such data; calls for mandating national cancer registries to analyse disparities in morbidity and to make recommendations to national cancer councils and the Joint Research Centre on the need for interventions; calls for the use of modern epidemiological and molecular genetics methods to analyse the prevalence of cancer and to identify its causes; calls for the implementation of specific cancer registries for paediatric malignancies in line with the International Classification of Childhood Cancer; calls for improved access to clinical trials and compassionate use for rare adult cancer patients;

190. Strongly supports the creation of a Cancer Inequalities Registry at European level, as announced in the Plan, in order to identify trends, disparities, inequalities and inequities between and within Member States; believes that this registry will help to identify challenges and specific areas of action so as to guide investment and intervention, and facilitate research into inequalities, at EU, national and regional level; calls for the Registry to be made accessible to the public; stresses the need for the Registry to also cover social inequalities such as those related to socioeconomic status, occupation and gender;

191. Calls on the Commission to promote the publication of scientific results in open access, to make them easily available to all health professionals and researchers;

192. Supports the Commission's intention to enable cancer patients to securely access and share electronic health records across borders; considers that the Commission could lay the foundation for the European Health Data Space, in association with Digital Health Europe, by collecting, analysing and exchanging anonymised medical data (from cancer registries, hospitals, academic clinical trials and cohorts) and biological data (from blood and tumour samples) in a European Cancer Cloud; underlines that a harmonised interpretation of the GDPR in all Member States is the foundation for new data-sharing initiatives such as the European Health Data Space; encourages the use of health data for research purposes (data altruism); welcomes the planned creation of a virtual European Cancer Patient Digital Centre under Horizon

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Europe's Mission on Cancer in order to support a standardised approach to the participation of willing patients in the deposit and exchange of their standardised and uniformly defined health data; recommends the inclusion of patients in any actions related to the storage and use of health data for policy-making and research purposes; welcomes the planned expansion of the European Cancer Information System before 2022;

193. Calls for improved standards in the education and training of health professionals; encourages common and multidisciplinary training programmes for health professionals in close collaboration with European learned societies; welcomes the launch of an inter-specialty cancer training programme at every stage of the treatment and care pathway, including diagnosis, treatment, complications and comorbidities, survivorship and end-of-life care;

III. *Financing Europe's Beating Cancer Plan*

194. Emphasises that the Plan should not only be seen as a political commitment to driving change but as a set of concrete and ambitious initiatives that will support, coordinate and complement Member States' efforts to reduce the physical and mental suffering caused by cancer; encourages the Commission to optimise the coherent implementation of the initiatives outlined in the Plan, with clear guidance for Member States regarding concrete actions against unequal access to cancer diagnosis and treatment, as well as adequate funding, especially in order to address unequal access; underlines, however, the differing capacity of Member States to absorb the funds dedicated to healthcare programmes thus far; calls on the Commission to provide Member States with guidance and a clear overview of the dedicated EU resources, the specifically defined pathways that link the actions outlined in the Plan with the EU funding mechanisms identified in it, and the possible synergies and complementarities between the EU4Health Programme and others — such as Digital Europe, Horizon Europe, NextGenerationEU/Recovery and Resilience Facility, structural and cohesion funds — in order to enhance equitable access to quality diagnosis and care, ensure adequate investment in cancer prevention and innovation, and improve the resilience of health systems; emphasises the importance of cohesion funds in achieving equality of access to healthcare, in particular in less developed parts of the EU, including rural regions, by investing in health infrastructure and workforce;

195. Calls on the Member States to ensure that sufficient funds are allocated for the appropriate implementation of the Plan and of their respective NCCPs; considers that no more than 30 % of the Plan should be allocated to the implementation of the NCCPs;

196. Welcomes the funding plan of EUR 4 billion and notes the complementarity of the sources of funding as set out in the Plan itself; notes that the proposed budget should be seen as a first step towards the realisation of all actions under the Plan; recalls that the Plan will benefit from different sources of funding, such as the EU4Health, Horizon Europe and Digital Europe programmes, cohesion policy funds, and the Recovery and Resilience Facility; highlights the need to include the fight against cancer across all funding sources in a coherent and transparent manner; stresses, in particular, the importance of enhancing cancer research, innovation and prevention and the need to dedicate more funds to them; stresses the need for regular revision of the proposed budget allocation for the Plan, with a view to potentially increasing it when possible; stresses the need for the mobilisation of these funds by the Member States so that they are in line with the needs identified by each country, and are geared towards benefiting public interest and public health services;

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197. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the European Committee of the Regions, the governments and parliaments of the Member States, and the World Health Organization.

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P9_TA(2022)0039

Implementation of the common foreign and security policy — annual report 2021

European Parliament resolution of 17 February 2022 on the implementation of the common foreign and security policy — annual report 2021 (2021/2182(INI))

(2022/C 342/13)

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Articles 21 and 36 thereof,
- having regard to the UN Charter, the UN Convention on the Law of the Sea, the Helsinki Final Act of 1 August 1975 and its subsequent documents and to the Charter of Paris for a New Europe of 19-21 November 1990,
- having regard to the report of 16 June 2021 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) entitled ‘CFSP Report — Our priorities in 2021’ (HR(2021)0094),
- having regard to UN Security Council resolution 1325(2000) of 31 October 2000 on women, peace and security,
- having regard to its recommendation on the direction of EU-Russia political relations of 16 September 2021 ⁽¹⁾ and its resolution on the situation at the Ukrainian border and in the Russian-occupied territories of Ukraine of 16 December 2021 ⁽²⁾,
- having regard to the Joint Declarations on EU-NATO cooperation of 10 July 2016 and of 8 July 2018,
- having regard to its previous resolutions on the situation in Hong Kong, including those of 8 July 2021 on Hong Kong, notably the case of Apple Daily ⁽³⁾, and 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 ⁽⁴⁾,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A9-0354/2021),

- A. whereas Parliament has a duty and responsibility to exercise its democratic oversight and scrutiny over the common foreign and security policy (CFSP) and the common security and defence policy and should both get the necessary information in a transparent and timely manner and have the effective means to fully and effectively fulfil this role;
- B. whereas recent international developments and multidimensional challenges and a rapidly changing geopolitical environment have accelerated existing trends affecting key aspects of the EU’s CFSP, exposed the vulnerability of the EU to external events and pressures, highlighted the need for a stronger, more ambitious, credible, strategic and unified EU action on the world stage, and accentuated the necessity for the EU to be able to autonomously set its own strategic objectives and develop the capabilities to pursue them;

⁽¹⁾ Texts adopted, P9_TA(2021)0383.

⁽²⁾ Texts adopted, P9_TA(2021)0515.

⁽³⁾ Texts adopted, P9_TA(2021)0356.

⁽⁴⁾ OJ C 362, 8.9.2021, p. 71.

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- C. whereas these developments and challenges include the unprecedented COVID-19 pandemic which originated in Wuhan, China, and its consequences; the evolving role of the US on the global stage, Russia's efforts to dismantle the European security architecture and its continued attacks on Ukraine and occupation of territories in Georgia and Ukraine, hybrid attacks against the EU Member States, such as the instrumentalisation of migrants, aimed at challenging our democratic foundations; the continuous breach of international law by Belarus; the increasing assertiveness of the Chinese Communist Party and other authoritarian and totalitarian regimes; the recent rapid collapse of the state structures of Afghanistan and subsequent takeover of the country by the Taliban; the tensions in the Indo-Pacific, especially in the South and East China Seas as well as in the Taiwan Strait; the proliferation of weapons of mass destruction; the questioning of arms control agreements; climate change; financial crimes; the aggravation of regional conflicts that have generated population displacement; competition for natural resources; energy and water scarcity; failed states; terrorism; organised transnational crime; cyberattacks; and disinformation campaigns;
- D. whereas these existing trends are the result of shifts in the global balance of power towards a multipolar world of heightened geopolitical competition, which is making global governance and the provision of international public goods more difficult at a time when these are increasingly needed;
- E. whereas the world has entered in a new era of 'unpeace', a time of growing geopolitical uncertainty with multiplying regional conflicts and great power competition with significant implications for the security of the EU;
- F. whereas the on-going military build-up of Russian military forces along the border of Ukraine and in its illegally occupied territories, as well as in Belarus and the Kaliningrad District constitutes a credible and serious threat to Ukraine's and Europe's security; whereas any further military actions and hybrid attacks by the Russian Federation should lead to the adoption of severe economic and financial sanctions in close coordination with the United States, NATO and other partners;
- G. whereas the detrimental impact of climate change on the security of the EU is becoming increasingly clear;
- H. whereas more than half of the world's population growth by 2050 is expected to occur in Africa, which is expected to account for 1,3 billion of the additional 2,4 billion people on the planet; whereas the concentration of this growth in some of the poorest countries together with the effects of climate change will lead to a series of new challenges which, if not addressed immediately, will have extremely problematic effects both for the countries in question and for the EU; whereas the UN Conference on Trade and Development's 2019 report on trade and development⁽⁵⁾ figures an additional USD 2,5 trillion will be needed annually to reach the commitments of the UN 2030 Agenda for Sustainable Development;
- I. whereas the EU needs to act on the global stage with one coherent voice rooted in a common strategic culture to develop its leadership role and revive and reform multilateralism guided by its values of democracy, rule of law, social justice, fundamental rights including gender equality and support for freedom globally, and its vision for a sustainable and inclusive future;
- J. whereas a broad majority of EU citizens and the comments received so far on the digital platform of the Conference on the Future of Europe support a stronger role for the EU and a common European approach in matters of foreign and security policy, and wish to see a more coherent and effective EU foreign and security policy;
1. Highlights that in order to achieve the strategic objective of developing its global leadership role, the EU should shape its CFSP on the basis of the following six actions:
- defending the rules-based international order based on the principles and commitments enshrined in the Charter of the UN, the Helsinki Final Act and the Charter of Paris for a New Europe,

⁽⁵⁾ UN Conference on Trade and Development, *Trade and Development Report 2019 — Financing a Global Green Deal*, 2019.

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- taking the lead in strengthening multilateral partnerships on global priorities, in particular its partnership with the UN, and in protecting and promoting democracy and human rights globally,
- improving EU visibility and decision-making, and making full and more effective use of the EU's hard and soft power instruments, including by introducing qualified majority voting for decision-making in EU foreign policy,
- achieving European sovereignty by coherently interlinking the EU's external and internal actions, combining the ability to act autonomously if needed with the readiness to pursue strategic solidarity with like-minded partners,
- further developing regional strategies, including diplomatic and economic engagement and security cooperation,
- strengthening democratic oversight, scrutiny and accountability, and the parliamentary dimension of the EU's CFSP;

Taking the lead in strengthening multilateral partnerships on global priorities, in particular its partnership with the UN, and in protecting and promoting democracy and human rights globally

2. Welcomes the EU's growing ambition and initiatives to take the lead in promoting global partnerships on key priorities and in strengthening the rules- and value-based multilateral order through a reform of key institutions and organisations in order to improve their efficiency and increase their resilience and through better use of existing mechanisms and institutions for multilateral global governance; notes that these initiatives make it possible for the international community, governed by international law, to effectively deal with global challenges such as climate change, pandemics, the energy crisis and terrorist threats, and to fight against the influence of malign authoritarian actors; reiterates that the EU's foreign and security policy must ensure the implementation of the 2030 UN Sustainable Development Goals (SDGs);

3. Stresses the need to develop a truly strategic partnership between the EU and the UN on climate action and human rights and in the context of crisis management; calls on the Member States and on governments worldwide to attribute more competences, resources and capacity of intervention to UN bodies; regrets the fact that China and Russia prevent the UN Security Council from condemning oppressive regimes for their actions, hamper a united international response to different crises, and prevent implementation of G7 decisions at UN level; reiterates its strong support for the International Criminal Court (ICC) and calls on the EU and the Member States to provide adequate financial support to enable the ICC to carry out its tasks;

4. Highlights the need for the EU to defend and promote democracy globally by leading by example, including by ensuring strict compliance with the principles of democracy, human rights and rule of law in all Member States; calls for the EU to promote an alliance of democracies worldwide; insists on the need to pool resources, exchange best practices, coordinate common actions and develop shared strategies as regards countering malign interference and disinformation by authoritarian states and their proxies, hostile non-state actors and organisations, and anti-democratic actors within democratic societies; believes that, for this to be successful, the EU and its Member States should promote, through close cooperation with NATO among others, a whole-of-government and a whole-of-society approach to countering hybrid threats, combined with an ambitious democracy support agenda focusing on the preservation and promotion of freedom of speech and media independence; expresses, in this regard, its full support for the Summits for Democracy hosted by the US, which are focusing on concrete actions to defend universal human rights, prevent democratic backsliding and fight corruption;

5. Calls for the EU to develop its toolbox for countering foreign interference, propaganda and influence operations, including developing new instruments that allow costs to be imposed on perpetrators and strengthening relevant structures, specifically the European External Action Service (EEAS) strategic communication taskforces; welcomes the ongoing revision of the Commission's Code of Practice on Disinformation; stresses the need for the EU to increase the visibility of its actions through a better, more strategic communication of its external actions towards its own citizens and beyond;

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6. Is deeply concerned by the continuous democratic backsliding and human rights setbacks in an increasing number of non-EU countries, including attacks against political rights and electoral integrity; reaffirms the importance of the EU's continuous support for electoral processes in the world by means of election observation missions, among others, and recalls the fundamental role of Parliament in this regard; stresses the importance of ensuring the highest level of protection for domestic electoral observers; calls for the EU to further strengthen its cooperation on election observation with all relevant partners such as the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe and the endorsing organisations of the Declaration of Principles for International Election Observations and Code Of Conduct for International Election Observers;

7. Encourages the EU to further develop its leadership role in the defence and promotion of freedom, democracy and human rights in multilateral forums, and in particular the UN; believes that the EU should ensure a transparent and effective use of the EU Global Human Rights Sanctions Regime (GHRSR) (EU Magnitsky Act), including by expanding the scope of the GHRSR to include corruption-related offences; reiterates that the EU should better enforce the human rights provisions of the international agreements it has concluded; recalls the political nature of the EU GHRSR, which is part of the EU's integrated and comprehensive policy approach;

8. Insists on the full implementation and systematic integration of gender mainstreaming and the EU gender action plan III (GAP III) in all EU external action, at all levels of engagement and in all relevant activities and concepts, including beyond the lifetime of the GAP III; calls for the EU and the Member States to exercise leadership in the implementation of UN Security Council resolution 1325 (2000) on women, peace and security; urges the EEAS to enhance its geographical balance in order to have appropriate national representation reflecting the diversity of all Member States, as indicated in Article 27 of the Staff Regulations of Officials⁽⁶⁾;

9. Calls for the effective implementation of the 2020 EU Peace Mediation Concept to consolidate the EU's position as an influential global actor that invests in conflict prevention and mediation, and as a leading actor in the promotion and implementation of peace at international level; recalls the EU's comparative advantage in the area of conflict prevention and resolution vis-à-vis individual Member States; underscores the key role played by Parliament in this area through parliamentary diplomacy; recognises the role of youth organisations in building peaceful societies, and in promoting a culture of peace, tolerance and intercultural and interreligious dialogue;

10. Reiterates its call for increased support for the EU maritime security strategy, as maintaining freedom of navigation presents a growing challenge both globally and for the neighbourhood; underlines that freedom of navigation should be respected at all times; calls for the EU to put more focus on ensuring freedom of navigation and on measures focusing on de-escalation and prevention of armed conflict and military incidents at sea;

11. Calls for an ambitious EU agenda, in cooperation with key partners, on supporting freedom of religion or belief outside the EU and raising the issue of persecution on the grounds of religion or belief; notes that supporting freedom of religion or belief contributes to fostering durable peace and therefore to addressing many of the challenges faced by the EU and its partner countries; urges the Commission to appoint, as soon as possible, a new EU Special Envoy for the promotion of freedom of religion or belief;

12. Welcomes the EU's efforts as a global frontrunner in the fight against climate change and urges the Commission and the EEAS to propose new initiatives such as the internationalisation of the European Green Deal as well as initiatives to respond to climate-related security risks, and to address the impact of climate change at local level, in particular in vulnerable populations and in heavily-affected communities; believes that the EU should support ambitious CO₂ reduction targets in non-EU countries and stresses the need for climate diplomacy to play a crucial role; expects that the implementation of the European Green Deal will have significant geopolitical consequences and will influence the EU's relations with some of its partners, such as by addressing the EU's reliance on Russian fossil fuel supplies;

13. Welcomes the EU's approach and global lead in providing COVID-19 vaccines and addressing the social and economic consequences of the pandemic via the COVAX mechanism and the Team Europe global recovery package; calls for the EU to put forward a robust global health strategy that includes global and EU efforts to ensure better global preparedness and an effective response to upcoming crises and to secure free, fair, affordable and equitable access to vaccines around the world; reiterates the need for the EU to become more autonomous with regard to health matters and to

⁽⁶⁾ OJ L 56, 4.3.1968, p. 1.

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diversify its supply chains in order to end reliance on authoritarian and totalitarian regimes; welcomes the EU-US partnership on the COVID-19 global vaccination campaign;

14. Recognises that technology, connectivity and data flow are important dimensions of the EU's external relations and partnership agreements and have significant geopolitical implications; urges the EU to develop global partnerships for the establishment of fair, open and values-driven norms and standards on a rules-based, ethical and human-centric use of technology that respect the privacy of individual users, in particular as regards artificial intelligence and the governance of the internet by putting cyber-diplomacy at the core of its external actions; stresses the need for the EU to ensure cooperation and coordination among democracies in this respect and to ensure respect for international and humanitarian law when addressing conflicts; stresses the specific threat that new digital technologies can pose for human rights defenders and others by controlling, restricting and undermining their activities, as illustrated recently by the Pegasus revelations; calls for the EU to take the initiative to promote a moratorium on the export of spyware technologies for repressive goals and the adoption of a robust international regulatory framework in this field; calls for the EU and the Member States to ensure due human rights diligence and proper vetting of exports of European surveillance technology and technical assistance in line with the Dual-Use Regulation ⁽⁷⁾; calls for the EU and the Member States to engage with non-EU governments to end repressive cybersecurity and counter-terrorism legislation practices and legislation; stresses the need for the EU to preserve the rights of the individual; underlines, therefore, that systems of social scoring are not in line with the EU's fundamental values; stresses that such policies and tools of surveillance should under no circumstances be introduced and used in the EU; underlines, therefore, that the EU must work to limit and counter the transnational reach of digital repression; notes that the export of defence technologies and arms is a competence of the Member States;

15. Reiterates that the EU should develop and implement a global connectivity strategy as an extension of the current EU-Asia Connectivity Strategy and as a strategic response to strengthen its influence in many regions of the world such as Latin America, Africa and Asia; welcomes, therefore, the ambitious and multifaceted 'Global Gateway' initiative presented by the Commission on 1 December 2021, which aims to invest in, among other things, digital networks and quality infrastructure with partners around the world in a fair and sustainable way, and promises stronger partnerships without creating dependencies; stresses that the Commission should make connectivity projects with non-EU countries conditional on adherence to strict social and labour rights, transparency, human rights, due diligence, interoperability, good governance and democratic standards, and the ethical use of technology both domestically and abroad; notes, in this regard, that the Commission should develop a strategy for improving its partners' access to reliable and safe technology; highlights that connectivity investments need to support economic resilience and a decarbonisation of the economy that is compatible with the Paris Agreement; asks for increased efforts to implement the EU's connectivity partnerships and encourages the Commission to develop these connectivity projects in conjunction and cooperation with like-minded partners; would welcome the establishment of a connectivity partnership with the African Union (EU) at the next AU-EU Summit;

16. Welcomes the G7 global initiative 'Build Back Better World' and urges the EU to play an active role in developing it further, including by identifying linkages and in a mutually reinforcing way with 'Global Gateway';

Improving EU visibility and decision-making, and making full and more effective use of the EU's hard and soft power instruments, including by introducing qualified majority voting for decision-making in EU foreign policy

17. Reiterates that the EU needs first and foremost unity and a stronger and genuine political will of its Member States to jointly agree on and promote common EU foreign policy goals and EU security and defence cooperation aimed at implementing the objectives, values, principles and norms of Article 21 TEU; underlines the need to establish a Security and Defence Union that would serve as a starting point for implementing a common European defence policy, in line with the provision laid out in Article 42(2) TEU;

⁽⁷⁾ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1).

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18. Underlines that the EU's foreign policy needs to have its own instruments on foreign affairs, human rights, and security and defence; recalls that the Permanent Structured Cooperation (PESCO) was enshrined in the Treaty of Lisbon but was only established in 2017; calls on the Member States and the Council, therefore, to have the courage to make the most efficient use of all foreign policy instruments available in the Treaties;

19. Highlights the need for the EU, in cooperation with the Member States, to strengthen its ability to act efficiently, timely, proactively and independently, and to shape the EU's response to ongoing and upcoming challenges; stresses the urgent need for the EU to set up a mechanism of automatic exchange of information and intelligence between the Member States and the EU on foreign affairs and security issues occurring outside the EU, including on terrorism which continues to be a threat to European values and security and requires a multidimensional approach; welcomes the ongoing Strategic Compass process as the starting point for making progress towards a European Security and Defence Union and for the strategic sovereignty of the EU as regards its security and defence, as well as for the emergence of a common European strategic security and defence culture guided by our shared values and objectives and a common understanding of threats, and respect for the specific security and defence policies of the Member States; expects that the Strategic Compass will help shape a shared vision for EU security and defence of achieving strategic autonomy; stresses that the outcome should be reflected in a reformed version of the 2016 EU Global Strategy that takes into account key threats, challenges and opportunities, and offers pathways for the EU to play a more proactive global role; highlights, furthermore, that these findings should represent the basis for a revision of other documents such as the 2018 Capability Development Plan;

20. Stresses the importance of human rights as an integral element of the EU's toolbox on foreign affairs and underscores its complementarity; encourages the EU to coordinate with partner countries in the defence of human rights and the application of sanctions to increase their impact; points out that the consistent and uniform application of restrictive measures in all Member States is a precondition for the credibility and effectiveness of the EU's external policy; urges the Commission, in its role as guardian of the Treaties, and the Council and the VP/HR as those responsible for the unity, consistency and effectiveness of the EU's external policy, to ensure that national responses to infringements of restrictive measures adopted by the EU are effective, proportionate and dissuasive; calls on the EU, in this regard, to ensure the effectiveness of and full compliance with the EU restrictive measures imposed in response to Russia's aggression towards Ukraine and its illegal annexation of Crimea; urges the EU to maintain close coordination and cooperation with the US in the use of sanctions when pursuing shared foreign and security policy objectives, while avoiding any unintended consequences for the interests of both countries;

21. Further stresses that, upon adoption by the Council, the Strategic Compass should have significant added value for the EU's CFSP and common security and defence policy (CSDP) and should further enhance solidarity among Member States; welcomes the fact that the Strategic Compass builds upon a common analysis of threats and challenges facing our EU and its Member States, identifies present and future capability gaps — both institutional and assets-wise — and provides a clear roadmap to fill in those gaps; reiterates Parliament's intention to be involved in the process, notably by exercising its right to scrutiny and the establishment of a regular review procedure; expects the final draft of the Strategic Compass and the NATO Strategic Concept to be coherent with one another to ensure strengthened collaboration and burden sharing, and to identify ways to reinforce EU-NATO cooperation; reiterates the single-set-of-forces principle; compels the Member States to reach, upon completion of the Strategic Compass, a common strategic culture, as well as an ambitious common understanding of Article 42(7) TEU and Article 222 of the Treaty on the Functioning of the European Union and their relation to Article 5 of the North Atlantic Treaty; expects the Strategic Compass to be able to provide more opportunities for partnership countries, including the Eastern Partnership, related to enhancing resilience to modern security threats and challenges; considers that Russia's current aggressive foreign and security policy should be identified in this document as a major security threat for the European continent;

22. Recalls that the Treaties provide for the possibility to improve decision-making procedures for the CFSP; recalls Article 31(2) TEU, which allows the Council to take certain decisions on CFSP matters by qualified majority voting (QMV), and the 'passerelle clause' contained in Article 31(3) TEU that provides for the possibility to switch progressively to QMV for decisions in the area of the CFSP that do not have military or defence implications but enhance the EU's solidarity and mutual assistance in case of crises; stresses that unanimity hampers the EU's ability to act and therefore urges the Member

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States to use QMV for CFSP decision-making; in particular, reiterates its call for the introduction of QMV for the adoption of statements on international human rights issues and human rights-related decisions, the introduction and implementation of sanctions under the GHRSR, and for all decisions regarding civilian common security and defence policy (CSDP) missions; stresses that the use of Articles 31 and 44 TEU could improve the EU's flexibility and capacity to act on a broad range of foreign policy issues;

23. Calls for stronger consultations between the EU and NATO at the level of the Political and Security Committee and the North Atlantic Council;

24. Reiterates its call for the establishment of new formats of cooperation, such as the European Security Council, in order to develop an integrated approach to conflict and crisis; underlines that the composition and possible remit of this cooperation should be the subject of consideration; recalls that the ongoing Conference on the Future of Europe provides a relevant framework to shape innovative proposals in this respect; calls for the Conference to be more ambitious with regard to the external dimension of EU policies, including on security and defence, such as through the establishment of EU standing multinational military units and the introduction of QMV in EU foreign policy decision-making; notes, however, that new institutional frameworks alone will not solve the structural and political challenges faced by the CSDP; reiterates its call for the establishment of a Defence Ministers Council;

25. Stresses that the EU's own instruments should include the creation of a European Diplomatic Academy, where EU diplomats are prepared as such from the very beginning and converge on common EU values and interests, moving towards a true *esprit de corps* determined by a common diplomatic culture from a European perspective; calls for the full implementation of the pilot project 'Towards the creation of a European Diplomatic Academy', which could pave the way for setting up this academy and should include the establishment of a selection process for entry into the EEAS and the EU Delegations; underlines the importance of strengthening the EU's diplomatic representation in non-EU countries and striving for full-fledged diplomatic representation in multilateral organisations in general and the UN in particular; stresses that stronger EU representation in non-EU countries and multilateral organisations would significantly promote the so-needed unity among EU institutions and Member States when it comes to tackling global challenges in the field of the CFSP;

26. Stresses that a holistic approach to the CFSP requires the synergy of all available EU assets in the field of external action; in this respect, highlights the key role and comparative advantage of the European Parliament in the EU's diplomacy, notably through interparliamentary relations and Parliament's extensive engagement through democracy support programmes with third parties; calls on the Commission, the EEAS and the Member States to recognise Parliament as an integral part of 'Team Europe' and to reflect this in the operational structures; highlights that culture has become a useful diplomatic tool and a fundamental part of the EU's soft power; underlines that culture has major potential to promote EU values;

27. Calls on the EEAS and the Council to take steps to review the scope and mandates for the EU Special Representatives and Special Envoys and to ensure a transparent and comprehensive assessment of the effectiveness and added value of these positions, as requested by Parliament in its recommendation of 13 March 2019⁽⁸⁾; urges the EEAS and the Council to take all the necessary steps to comply with Parliament's recommendation in the shortest possible timeframe;

28. Welcomes the Commission's efforts to boost EU foresight capacities, including as regards the CFSP as illustrated by the second annual Strategic Foresight Report on 'The EU's capacity and freedom to act'; proposes that interinstitutional foresight activities be undertaken at political level in order to embed foresight in policy-making and to improve the EU's preparedness for upcoming challenges such as climate-driven crisis and conflict, and to strengthen its ability to shape regional and global developments;

⁽⁸⁾ European Parliament recommendation of 13 March 2019 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the scope and mandate for EU Special Representatives (OJ C 23, 21.1.2021, p. 146).

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29. Emphasises that the external dimension of the EU budget must be appropriately funded and prepared to respond without delay to current, emerging and future challenges; insists that the budget for external action should focus on priority areas, both geographically and thematically, and on areas where EU action can bring the most added value;

Achieving European sovereignty by coherently interlinking the EU's external and internal actions, combining the ability to act autonomously if needed, with the readiness to pursue strategic solidarity with like-minded partners

30. Calls for the EU to increase its strategic sovereignty in specific areas that are fundamental to the Union's continued pre-eminence on the international stage, such as the promotion of EU values, fundamental rights, equitable trade, economics, security and technology, social justice, the green and digital transition, energy and its role in addressing the assertiveness of authoritarian and totalitarian regimes; stresses the need to coherently link the EU's external actions and internal policies; reiterates its call for the creation of a European Security and Defence Union, which would serve as a starting point for implementing a common European defence, in line with the provision laid out in Article 42(2) TEU, and which would allow the EU to act autonomously to safeguard its security interests when necessary and would contribute to making the EU a more capable and credible strategic partner for its allies, including NATO and the US; calls for defence cooperation to be intensified and streamlined, for example on issues relating to defence equipment;

31. Stresses that EU autonomy in the field of security and defence means the development, coordination and swift deployment of reliable and interoperable strategic capabilities required for effective crisis management; the protection of the EU and its citizens; the training of key partners; the efficient cooperation, decision-making and division of labour, development and production capabilities between the Member States in full solidarity and at EU level, and other international organisations such as the UN and NATO; and the ability to decide and act autonomously and independently if needed and in line with its own interests, principles and values as laid down in Article 21 TEU, notably by establishing itself as an effective global actor; and in full respect of international laws; stresses that priority should be given to building strong and reliable alliances, partnerships and multilateral arrangements and to building strategic solidarity with like-minded countries; emphasises that this approach should further reinforce cooperation with partners, in particular within the framework of NATO; notes that these enhanced European strategic capabilities and structures should be compatible and complementary with NATO; welcomes, in this regard, the Commission President's announcement of a Summit on European Defence under the French Presidency of the Council; highlights that the EU and NATO will present a joint declaration on cooperation by the end of 2021; calls for the creation of a 'Rapid Deployment Capacity', as presented by the VP/HR, as a first step towards the establishment of EU standing multinational military units; stresses that such a force would need to provide added value in comparison to the EU Battlegroups, which have never been deployed; calls therefore on the Council and the Commission to assess and develop options for the establishment of EU standing multinational military units financed both from the European Peace Facility and the EU's budget by making full use of the current possibilities offered by the EU Treaties;

32. Recognises NATO as the continued foundation of collective European security and defence and encourages allies on both sides of the Atlantic to reaffirm their commitment to NATO as the principal institution for the defence of the Euro-Atlantic area; reiterates its call for allies to maintain and meet agreed burden-sharing requirements, including defence spending with a target of 2 % of GDP, as agreed at the NATO Summit in Newport in 2014;

33. Calls on the Member States to align their arms export policy on the basis of the provisions of Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment⁽⁹⁾, and to adopt a strict application of all criteria; reiterates its call on the VP/HR to prioritise the area of non-proliferation, disarmament and arms control, as some control regimes are challenged by malign state actors and others are largely ignored, and new technologies are being developed and deployed which have the potential to be qualified not only as disruptive, but as revolutionary in military affairs;

34. Underlines the need for the Union to further develop and strengthen its technological, operational and digital sovereignty and expertise through the enhancement of a strong European defence industry and market, the development of the European Defence Technological and Industrial Base, increased joint military research and development, procurement, training, maintenance, a common approach to security of supply, and a more ambitious cooperation with democratic allies;

⁽⁹⁾ OJ L 335, 13.12.2008, p. 99.

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stresses the need to pay particular attention to emerging disruptive technologies, cybersecurity measures and cyber defence, the protection and resilience of critical infrastructures, and the security of supply of key technological components such as micro-conductors; recalls the opportunities offered by existing instruments and mechanisms such as PESCO, the European Defence Fund and the Coordinated Annual Review on Defence; calls on the Member States to use such instruments and mechanisms to their full extent; welcomes the first calls for proposals for the European Defence Fund which is an essential instrument for strengthening European security and defence as well as the EU's strategic sovereignty;

35. Is wary of the EU's technological dependence on non-EU providers, particularly non-democratic states; is concerned about Europe being dependent on foreign tools for its cybersecurity; calls on the EU institutions to build EU-wide consensus around the need to preserve European independence in various key technological areas and to put forward a pragmatic and autonomous approach to avoid dependencies and geopolitical coercion in critical technological sectors; underlines, in particular, the strategic importance of 5G and submarine cable infrastructure;

36. Underlines that common cyber defence policy and substantial cyber defence capabilities are core elements for the development of a deepened and enhanced European Security and Defence Union; stresses the urgent need to develop and strengthen both common and Member State military cyber defence capabilities; underlines the need for all EU institutions and Member States to cooperate on all levels to build a cybersecurity strategy; calls on the EEAS to ensure adequate levels of cybersecurity for its assets, premises and activities, including its headquarters and the EU delegations;

37. Stresses that the European space sector is a key enabler for achieving EU autonomy at global level as well as for the prosperity and security of our societies; expresses grave concern that outer space is rapidly becoming a political arena reflecting geopolitical competition on Earth and a new technological frontier, and has the potential to quickly turn into a military arena, if the right international legal instruments are not put in place; supports initiatives aimed at boosting the EU space policy, including the ambitious new EU space programme, which must seek to protect current and future European space assets; insists that the EU should match political and financial commitments to its ambitions in the space domain; calls for increased EU commitment to developing a comprehensive international space regulation, in order to prevent the weaponisation of space; supports the European Union Satellite Centre in providing decision-makers with early warnings of potential crises and global situational awareness;

Further developing regional strategies, including diplomatic and economic engagement and security cooperation

38. Welcomes the conclusions of the Western Balkans Summit held in Brdo pri Kranju under the Slovenian Presidency of the Council; reiterates its support for the European perspective of the countries of the Western Balkans and reiterates accordingly its call for accelerating the enlargement process and providing a clear pathway for countries seeking to join the EU; urges the Member States to finally deliver on their promises and stresses the urgency of immediately holding the first intergovernmental conferences with Albania and North Macedonia and granting visa liberalisation to Kosovo; emphasises that the enlargement process remains firmly based on the fulfilment of all relevant criteria by candidate countries as defined by the European Council with a strong focus on strengthening democracy, the rule of law, and human and minority rights, as well as fostering reconciliation and economic progress in the Western Balkans, as prerequisites for durable peace, stability and prosperity; emphasises the need for enhanced cooperation in tackling common challenges; stresses the need for a lessons-learned exercise on the enlargement policy as well as increased visibility and further investments in the region to boost public awareness and thus the EU's credibility and engagement; calls for EU engagement with the countries in the Western Balkans to find solutions to the problems impeding further reforms, including the implementation of the 14 key priorities in Bosnia and Herzegovina and ensuring the implementation of the Dayton Peace Agreement; underlines the importance of European integration of these partner states for the stability and security of the continent as a whole; calls for the EU to support civil society in the Western Balkans in promoting and disseminating European values; commends the work of EUFOR's Operation Althea, which contributes to peace, stabilisation and the European integration of Bosnia and Herzegovina; reiterates the fact that this operation continues to play a pivotal role for the security and stability of Bosnia and Herzegovina and the region; highlights, in the light of a possible future enlargement, the need for more efficient decision-making at EU level; strongly condemns the unconstitutional secessionist moves by the Republika Srpska authorities aimed at creating parallel institutions in medicine and medical devices, justice, defence, security and taxation, thereby undermining the state structures of Bosnia and Herzegovina and posing an existential threat to its unity and territorial integrity; denounces the detrimental role played by regional actors and Russian foreign interference; calls on the

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Council to impose targeted sanctions on Milorad Dodik and his allies for his corrupt activities, continued destabilisation of the country, and undermining of Bosnia and Herzegovina's sovereignty and territorial integrity;

39. Underlines that the newly adopted Instrument for Pre-accession Assistance 2021-2027 (IPA III) should support a long-term investment in the European future of the region and that the improved conditionality of the instrument should be used effectively to deliver concrete results; welcomes stronger conditionality related to democracy, human rights and rule of law under the modernised IPA III; welcomes the economic and investment plan for the Western Balkans and calls for its immediate implementation to facilitate the long-term recovery and economic growth of the area and its sustainable connectivity, bringing the Western Balkans closer to the EU single market;

40. Reaffirms its unwavering support to the Eastern Partnership (EaP) countries, and in particular as regards their independence, sovereignty and territorial integrity within their internationally recognised borders as well as the respect for the will of the people to decide their own future and foreign policy, free from outside interference; calls for the full implementation of the Association Agreements with Georgia, Moldova and Ukraine and the Comprehensive and Enhanced Partnership Agreement with Armenia; underlines the need to continue negotiations on the Comprehensive and Enhanced Partnership Agreement between the EU and Azerbaijan in accordance with the conditions set out by the European Parliament in its recommendation of 4 July 2018 on the negotiations on the EU-Azerbaijan Comprehensive Agreement⁽¹⁰⁾; urges the EaP countries, and in particular those that have chosen to pursue the path of democracy and European integration, to ensure that fundamental freedoms, human rights and rule of law are upheld and to continue implementing the necessary social, economic and political reforms; welcomes the Commission's joint communication of 18 March 2020 entitled 'Eastern Partnership policy beyond 2020 — Reinforcing Resilience — an Eastern Partnership that delivers for all' (JOIN(2020)0007); reiterates that the EU's support for further integration is conditional upon concrete progress on those reforms; supports the EU's principle of conditionality and differentiation, including incentives; stresses that the success of the EaP countries can be demonstrated and consolidated only through the EU integration process, and can also show the Russian people what kind of socioeconomic benefits European-type reforms can bring; calls on the Commission and the Council to use the upcoming EaP summit to send a strong message of support to our partners; calls on EU leaders to ensure that the five long-term goals and the 10 new targets for 2025, with funding provided under the economic and investment plan proposed in June 2021, will make a real contribution to the social and economic recovery from the COVID-19 pandemic, strengthen economic ties and establish trade routes between the EU and partner countries;

41. Condemns direct and indirect involvement by Russia and other external actors in armed conflicts as well as hybrid attacks, occupations and military build-ups inside the region or on its borders with the region; underlines that the continuous threat in our proximity requires the physical presence of both the EU and NATO in the region; supports the strengthening of cooperation between the EU and the EaP countries in the field of security and defence, in particular as regards promoting the peaceful resolution of regional conflicts, addressing hybrid threats, cyberattacks, disinformation and propaganda campaigns, stopping third-party interference in democratic processes and increasing societal resilience; acknowledges the convergence of the three associated partners with the CFSP and supports enhanced cooperation in the area of CSDP, including participation in PESCO if conditions are met;

42. Is deeply concerned about the situation in Belarus; condemns in the strongest possible terms the acts of violence against peaceful protesters and calls for the immediate and unconditional release and dropping of all charges against all political prisoners, before and after the so-called 9 August 2020 presidential election; reiterates its non-recognition of Aliaksandr Lukashenka as president of Belarus; calls on the Council to implement without delay, and in close coordination with international partners, the strictest and broadest possible sanctions against all Belarusian perpetrators of election fraud, violence and repression in Belarus and against individuals and entities organising or contributing to activities which facilitate illegal crossings of the EU's external borders; calls on the Council to further pursue international coordination aimed at the enhanced isolation of the dictator and his regime; strongly condemns the hybrid attacks of the Lukashenka regime against the EU, including the use of irregular migrants at external EU borders and the instrumentalisation of human beings for political purposes, in breach of international norms; urges the EU and its Member States to swiftly react to emerging threats in accordance with EU law and international obligations and to adapt its CFSP and migration and asylum

⁽¹⁰⁾ OJ C 118, 8.4.2020, p. 158.

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policies to the new challenges; stands in solidarity with Member States facing such threats; expresses its concern about the large-scale deployment of Russian troops in Belarus, considers it a threat to European security and the sovereignty of Belarus, and calls for an immediate withdrawal and respect for said sovereignty; stresses its unwavering support for democratic Belarus and highlights the importance of increased engagement with representatives of Belarusian civil society and democratic opposition; underscores the importance of Parliament's platform in the fight against impunity in Belarus and encourages the use of all available legal means to bring Lukashenka and members of his regime to justice;

43. Stresses the need for increased EU and Member State engagement in the South Caucasus for the region's stability and prosperity as well as to counteract the influence and interference of regional powers; welcomes the engagement of the President of the European Council in alleviating the political crisis in Georgia; sees it as an act of EU leadership and calls for a similar approach to crisis and conflict situations in the EaP region and beyond; supports Georgia's territorial integrity and condemns Russian occupation of Georgian territories, including Abkhazia and Tskhinvali Region/South Ossetia; reminds Russia of its international obligations under the 2008 ceasefire agreement mediated by the EU under the French Presidency; calls on Russia to act in a constructive manner and to allow progress in the Geneva International Discussions; calls on Russia to cease its human rights violations in the occupied territories of Georgia and reminds the Russian Federation of its legal obligation as the power exercising 'effective control', as noted in the European Court of Human Rights ruling in the case of *Georgia v Russia* (II) ⁽¹¹⁾; condemns the provocations by the occupying forces, including the kidnapping of Georgian citizens, killings, illegal detentions and the persistent borderisation; calls on the EU, its Member States and the VP/HR to actively engage in finding a lasting settlement between Armenia and Azerbaijan on Nagorno-Karabakh and to prevent a further escalation of tensions in the region, notably by pressing Azerbaijan and Armenia to address post-war issues, including the demarcation of borders and the release of all remaining prisoners of war; notes that the OSCE Minsk Group remains the only internationally recognised format for the resolution of this conflict, on the basis of the principles of territorial integrity, non-use of force, self-determination and equal rights, and peaceful resolution of conflicts; calls for its swift return to its mediating role;

44. Reiterates its strong condemnation of Russia's aggressive policies vis-à-vis Ukraine, notably the unprecedented military build-up at the borders of Ukraine, in occupied Donbas and illegally annexed Crimea, and in Belarus, the continuous financial and military support for illegal armed formations in Donbas, the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol, the blockade of the Azov Sea, and the repeated cyber and other hybrid attacks against Ukraine; underlines that the Russian military build-up represents a threat to peace, stability and security in Europe; calls on the Russian Government to withdraw its forces from the Ukrainian borders and to stop threatening its neighbours; stresses that further Russian aggression against Ukraine will lead to severe political, economic, financial and personal sanctions against the Russian Federation, its economy and its decision makers; welcomes the establishment of the International Crimean Platform and calls for the EU institutions, Member States and all like-minded partners to actively engage in this initiative aimed at the restoration of the territorial integrity of Ukraine; reiterates its support to the Mejlis of the Crimean Tatar People as the only internationally recognised representative body of the Crimean Tatars and commends the indomitable stance of the Ukrainian citizens in occupied Crimea, in particular the Crimean Tatars; calls for a revival of the Minsk Process to end the military conflict in Eastern Ukraine; supports continuous calls for increased and credible military and security assistance to Ukraine in its security sector and military reforms, and is considering providing military training to officers in the Ukrainian armed forces; acknowledges the first meeting of the EU-Ukraine Cyber Dialogue and calls for increased EU cybersecurity assistance to Ukraine; welcomes the discussion on an EU Military Advisory and Training Mission in Ukraine and expresses its support;

45. Strongly condemns the widespread acts of violence that erupted following peaceful protests in Kazakhstan in January 2022; calls on the Kazakh authorities to initiate a full and independent international investigation into the violations of human rights and fundamental freedoms that occurred during the unrest;

46. Emphasises the urgency of the ongoing dialogue on security in Europe between the United States, its European allies and Russia; insists that the EU must be an integral partner of these discussions in order to maintain the independence, sovereignty and territorial integrity of all European states, foster confidence-building measures and de-escalate tensions on

⁽¹¹⁾ Judgment of the European Court of Human Rights of 21 January 2021, *Georgia v Russia* (II).

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the European continent; emphasises, at the same time, that should the Russian Federation invade Ukraine, the EU must be prepared, in concert with the United States and other allies and close partners, to impose far-reaching sanctions against Russia;

47. Reiterates that Georgia and Ukraine have a European perspective pursuant to Article 49 TEU and may apply to become Member States of the Union, provided that they adhere to all of the Copenhagen criteria and the principles of democracy, respect fundamental freedoms and human and minority rights, and uphold the rule of law; calls, therefore, for the EU and its Member States to recognise Georgia's and Ukraine's European perspective, which is considered vitally important for the countries' security and stability, as well as a driver for them to continue implementing internal reforms;

48. Welcomes the joint communication of the Commission and the VP/HR of 9 February 2021 on the renewed partnership with the southern neighbourhood⁽¹²⁾ and supports peace, stability, prosperity and democratic principles in the region; calls on the Commission to fully implement the initiatives outlined in this joint communication; regrets the fact that, 25 years after the start of the Barcelona Process, the construction of a shared area of prosperity, stability and freedom with the Mediterranean countries of the Southern Neighbourhood has not yet been completed; reiterates, however, its call for a bold review of the entire European neighbourhood policy in terms of the funding and aid made available to foreign countries neighbouring the EU to ensure that neighbourhood partners advance with the reforms and commit to close dialogue and cooperation with the EU, while guaranteeing tailor-made policies;

49. Recalls the EU's commitment regarding the Middle East Peace Process and the conclusion of an agreement between the two parties, including on final status agreement issues, looking in particular at the need to preserve the conditions on the ground for a peaceful two-state solution, on the basis of the 1967 lines, with Jerusalem as the capital of both states, and with a secure State of Israel and an independent, democratic, contiguous and viable Palestinian State, living side-by-side in peace and security, on the basis of the right of self-determination and full respect for international law; calls, in this spirit, for the resumption of genuine peace efforts aimed at achieving tangible results between both sides with the support of the international community; calls for the EU to increase its engagement to revive the peace process between Israelis and Palestinians, including through confidence-building measures, regional dialogue and increased transatlantic cooperation in the region as well as by making better use of its leverage towards both parties; stresses the continued need to support the provision of vital services to the millions of Palestinian refugees across the Middle East; calls, therefore, for continued EU and international support — both political and financial — for the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);

50. Calls for an end to actions that could undermine the viability of the two-state solution on the ground, such as the building of Israeli settlements and the demolition of Palestinian homes and infrastructure in the occupied West Bank, including in East Jerusalem; calls for a political solution to end the blockade of and ease the humanitarian crisis in the Gaza Strip, including the necessary security guarantees to prevent violence against Israel; strongly condemns terrorism; emphasises the importance of Palestinian elections for restoring the democratic legitimacy of popular support for political institutions in Palestine;

51. Highlights the one-year anniversary of the Abraham Accords and stresses their importance for peace, stability and cooperation in the region; calls on the Commission and the Council to support the normalisation of relations between Israel and the Arab States through the implementation and extension of the Abraham Accords as an important contribution to achieving durable peace in the Middle East; acknowledges the important role the US played;

52. Expresses grave concern about the situation in Lebanon and deeply urges the Lebanese Government to operate in a mission-driven, credible and accountable manner that is free from foreign interference; stresses the particular responsibility of Hezbollah and other factions in repressing Lebanon's 2019 popular movement and in Lebanon's political and economic crisis; calls on Iran to refrain from meddling in Lebanon's internal affairs and calls for Lebanon's sovereignty and political independence to be respected; strongly condemns the firing of rockets by Hezbollah from southern Lebanon towards civilian areas in Israel; rejects any role for President Bashar al-Assad in post-conflict Syria with reference to UN Security Council Resolution 2254 (2015); welcomes and supports criminal inquiries that target al-Assad and his associates over the use of chemical weapons and hold them accountable for numerous war crimes; recommends that the Member States expand the list of those subject to targeted sanctions to include civilian and military officials within the Assad regime

⁽¹²⁾ JOIN(2021)0002.

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who are credibly implicated in war crimes, crimes against humanity and other serious violations; reiterates its call to the Commission to present an EU action plan on impunity, with a specific chapter on Syria; stresses that this action plan should seek to better coordinate and harmonise Member States' resources and efforts to prosecute war criminals in the EU;

53. Remains deeply concerned by the Turkish Government's increasingly assertive foreign policy, which is repeatedly putting the country at odds with the EU as a whole, its individual Member States and with countries in the neighbourhood; notes that according to the Commission's Turkey 2021 Report of 19 October 2021 ⁽¹³⁾, Turkey maintained a very low CFSP alignment rate of around 14 % in August 2021; recalls the long-deteriorating situation regarding human rights and democracy in Turkey; notes that EU funding to Turkey will be subject to rules on conditionality, including respect for the principles of the UN Charter, international law, and European values and principles; calls for the resumption of diplomatic dialogue to find sustainable solutions for the disputes in the east Mediterranean; acknowledges that Turkey will continue to be a country of key strategic interest for the EU and that engagement needs to be intensified in areas of common interest, with a special focus on certain policy areas such as climate change, anti-terrorism, migration, security and economy; welcomes, in this regard, the recent and first-ever high-level dialogue on migration and security and reiterates its appreciation to Turkey for hosting millions of Syrian migrants and refugees; concludes that currently, the prospect of Turkey joining the EU is unrealistic; firmly insists, therefore, that if the current negative trend is not urgently and consistently reversed, the Commission should recommend, in line with the negotiating framework from October 2005, the formal suspension of accession negotiations with Turkey, in order for both sides to review in a realistic manner and through a structured and high-level dialogue, the appropriateness of the current framework and its ability to function and to explore possible new and alternative comprehensive models for future relations; recalls that the EU is ready to use all instruments at its disposal, including sanctions, in order to defend its interests and those of its Member States and to uphold regional stability;

54. Underlines the importance of the full implementation of the EU-UK Withdrawal Agreement, including the Protocol on Ireland and Northern Ireland and the Trade and Cooperation Agreement; stresses the importance of the Protocol for maintaining peace and stability, and for the integrity and proper functioning of the European single market; welcomes steps towards the establishment of a Parliamentary Partnership Assembly for Members of the European Parliament and Members of the UK Parliament, as provided for by the agreement; remains open to further developing and strengthening the EU-UK cooperation framework, which could lead to an agreement on foreign security and defence policy and issues of shared concern; underlines, in that regard, the importance of close cooperation between the EU and the UK in international forums, in particular the UN, bearing in mind the many values and interests shared and the geographical proximity;

55. Underlines the need to strengthen EU-US transatlantic cooperation on the basis of a partnership of equals, based on shared values and objectives and on the principle of partnership in leadership and responsibility, while respecting the other party's autonomy, interests and aspirations; welcomes, in this context, the statement 'Towards a renewed Transatlantic partnership' from the EU-US summit 2021, which provides a good basis for an ambitious transatlantic agenda; fully supports and commits to pursuing synergies and common foreign and security objectives by further deepening cooperation in the framework of the EU-US transatlantic dialogue to address many of the key global challenges such as climate change and the threat posed by authoritarian and totalitarian regimes; welcomes the launch of the Transatlantic Trade and Technology Council; recommends that EU-US summits be held on a regular basis in order to lend sustained impetus at the very highest level to vital transatlantic cooperation; reiterates its support for the establishment of a Transatlantic Political Council, led by the foreign policy chiefs of both parties; underlines that a strong transatlantic relationship also requires the EU to further develop its capacities to act; highlights the necessity for the EU to swiftly adapt to the changing role of the US on the global stage in order to safeguard its vital interests and pursue its foreign policy goals; underlines that the EU and the US must coordinate their efforts to combat terrorism and radicalisation and ensure that efforts made are supported by the necessary resources; calls for the EU and US to collaboratively address the consistent and growing threats to the protection and preservation of cultural heritage, in particular in conflict zones;

⁽¹³⁾ SWD(2021)0290.

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56. Emphasises that the EU's relations with Africa are of utmost importance in order to answer to the needs and to develop the great potential of partner countries as well as to pursue shared interests; underlines that this relationship with the EU's neighbouring continent should reflect a common destiny and should focus on creating a credible perspective, in particular for the newest generations; welcomes the joint communication of 9 March 2020 of the Commission and the VP/HR entitled 'Towards a comprehensive strategy with Africa'⁽¹⁴⁾, and reiterates its call to move beyond the donor-recipient relationship and favour a true partnership, with human development and the protection of natural resources at its core; insists on the need, in this regard, to call on the Commission and the VP/HR to deepen discussions with the EU's African partners — both individual countries and regional organisations, such as the Regional Economic Mechanism and Regional Economic Communities composing the African Union (AU); stresses the importance of supporting the AU and its regional components in their efforts to set up an effective security architecture for conflict prevention and conflict management through, among other things, comprehensive support for the operationalisation of the African Standby Force and its regional components; calls for the strict implementation of the SDGs in all areas of EU-Africa relations; welcomes the conclusion of the Post-Cotonou Agreement in April 2021 and the strengthening of the EU's links with the countries of the Organisation of African, Caribbean and Pacific States and the increased cooperation in multilateral forums on the Sustainable Development Agenda and climate action; expresses concerns regarding the delay in moving forward with the signature of the Post-Cotonou Agreement; takes note of the readmission agreements with African countries;

57. Is gravely concerned about the spiralling insecurity in the Sahel region that affects the security and living conditions of countless civilians and the soaring number of attacks by Islamist militants that are having a severe stability impact on the region, in particular for Mali and Burkina Faso; calls for the EU and the G5 Sahel to step in to avert a collapse in security in the wider region; welcomes, in this regard, the renewed partnership between NATO and Mauritania, which is the EU's main regional ally and whose forces are on the front line countering terrorism in the region; condemns the presence in Africa of private military and security companies, in particular the Kremlin-backed Russian Wagner Group, which has committed widespread human rights violations while acting in support of the interests of non-democratic states, at the expense of innocent civilians and the security, stability and prosperity of war-torn African countries; insists on the need to update the EU-Africa strategy through an integrated approach that can ensure security and development in order to achieve stability in the worrying situation in the Sahel, taking into account the developments observed in 2021 and given the increasing instability there and the major impact that events in the region have not only for Africa, but also for the EU and its Member States; emphasises, in the light of this, the need to collaborate on a strategy in the areas of defence, development and peace building to counter the jihadist rise in the Sahel region and in other parts of Africa;

58. Is gravely concerned by the developments in Russia and reiterates the EU's interest in maintaining freedom, stability and peace on the European continent and beyond; believes that the EU should cooperate and coordinate closely with NATO and other partners to deter Russia from carrying out destabilising and subversive actions in Europe, notably in the Baltic States and Eastern Europe, including through electoral interference, disinformation campaigns and support for the far-right parties; highlights the need to raise the cost for the Russian authorities of the repression of its own citizens; regrets that Russian military forces continue to occupy parts of Ukraine and Georgia in violation of international law, that they are still present in the Republic of Moldova, and that Russia continues to destabilise peace and security in the region and actively uses hybrid measures against democracies in Europe; is alarmed by the Russian interference in the Western Balkan region, which is conducted through hybrid tactics that include disinformation campaigns intended to undermine the EU's role and commitment to the European future of the individual countries; stresses the need to speak with one voice on the EU's policy in that context, including on the enforcement of sanctions; calls therefore on the Commission to more closely coordinate its Russia strategy with the Member States so that the EU presents a united front in the face of Russian threats; underlines that Parliament has recommended that the EU review, together with the Member States, the EU's policy vis-à-vis Russia, and develop a comprehensive EU strategy towards it; urges the EU to develop a strategy on future EU relations with a democratic Russia, which would demonstrate clearly for the people of Russia the benefits such relations could bring; underlines that there can be no substantial change in relations with Russia as long as it pursues aggressive policies towards the EU and its neighbours; reiterates that the EU has to make it clear that if Russia continues its current policy on Belarus, the EU will have to introduce additional containment and deterrence measures on Russia; expresses concern about the repeated Russian violations of the arms control agreements and standards, leading to the collapse of the Intermediate Nuclear Forces Treaty, and about Russia's violations of the chemical weapons convention by its use of military grade nerve agents, both domestically and inside EU territory; underlines the need to put pressure on the Russian Federation to comply

⁽¹⁴⁾ JOIN(2020)0004.

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with international law and treaties; deplores Russia's use of energy resources as a geopolitical tool of pressure, in particular its supply of gas to the Member States via Ukraine, and calls for energy dependence on Russia to be minimised by encouraging the diversification of energy sources and routes, including by halting the Nord Stream 2 project; urges the Commission and Member States to strengthen European energy security, especially in the light of the current spike in gas and electricity prices; urges the EU to engage more closely with the people of Russia, including by developing a clearly defined 'engagement' objective, which should focus not only on traditional selective engagement with the Kremlin, but also on 'strategic' and more dynamic engagement with Russian opposition and civil society;

59. Stresses that the Arctic is of strategic and geopolitical importance to the EU and underlines the EU's commitment to be a responsible actor, seeking the long-term sustainable and peaceful development of the region; emphasises the unique complexity of the challenges the Arctic region is facing, which require more EU engagement and solutions, also taking into account the knowledge and will of Arctic inhabitants, including indigenous peoples; welcomes, in this respect, the joint communication of 13 October 2021 of the Commission and the VP/HR on a stronger EU engagement for a peaceful, sustainable and prosperous Arctic⁽¹⁵⁾; calls on all stakeholders to respond to the very alarming effects and consequences of climate change in the Arctic; highlights that the prospect of Arctic militarisation carries substantial security risks in and beyond the region and is concerned about the potential spillover of global security issues into the Arctic and about the progressive and substantial Russian military build-up in the Arctic as well as the impact of far-reaching Chinese development and infrastructure initiatives and ambitions in the region; notes that the Arctic plays a crucial role in the security of Europe as whole; stresses that the EU must have a clear vision of its role in security matters in the Arctic along with good cooperation with NATO; highlights the importance of respecting international laws and agreements to keep the Arctic a low-tension area; calls for closer attention to be paid to the first Arctic fibre cable, as a part of the nerve system of the internet, which has increasingly been the subject of international intelligence operations; encourages members of the Arctic Council to address the increased militarisation and to seek platforms to address this adequately both with members and non-members of the Arctic Council; advocates for the EU's increased efforts to achieve observer status at the Arctic Council for a stronger geopolitical influence;

60. Highlights that China is a cooperation and negotiating partner for the EU, but is also a competitor in an increasing number of areas, and a systemic rival; reiterates, as underlined in its resolution of 16 September 2021 on a new EU-China strategy⁽¹⁶⁾, its call for the EU to develop a more assertive, comprehensive and coherent EU-China strategy that unites all Member States and shapes relations with an increasingly assertive and interventionist China in the interest of the EU as a whole; emphasises that this strategy should promote a rules-based multilateral order, have the defence of EU values and interests at its core and should be based on the three principles of cooperating where possible, competing where needed, and confronting where necessary; calls for greater cooperation between democratic countries to address the growing assertiveness and repressiveness of the Chinese Communist Party (CCP);

61. Strongly advocates for Taiwan's meaningful participation as an observer in meetings, mechanisms and activities of international organisations and for deeper EU-Taiwan cooperation, including a bilateral investment agreement (BIA); calls on the VP/HR and the Commission to urgently begin an impact assessment, public consultation and scoping exercise on a BIA with the Taiwanese authorities in preparation for negotiations to deepen bilateral economic ties; notes with serious concern the recent display of force and escalating tensions in regional hotspots such as the South and East China Seas and the Taiwan Strait; expresses grave concern over China's continued military manoeuvres in the Taiwan Strait, including those aimed at Taiwan or taking place in Taiwan's Air Defence Identification Zone; calls on the People's Republic of China (PRC) to stop this military sabre-rattling which pose serious threats to the peace and stability across the Taiwan Strait and the Indo-Pacific region; reiterates that the relationship between China and Taiwan should be developed constructively through dialogue; stresses its opposition to any unilateral action that may undermine the status quo of the Taiwan Strait; stresses that any change to cross-strait relations must not be made against the will of Taiwan's citizens; urges the EU and its Member States to take a proactive role in working with like-minded international partners to pursue peace and stability across the Taiwan Strait, and to establish partnerships with the democratic Government of Taiwan;

⁽¹⁵⁾ JOIN(2021)0027.

⁽¹⁶⁾ Texts adopted, P9_TA(2021)0382.

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62. Strongly condemns the ongoing human rights violations in China, notably against ethnic and religious minorities, mostly targeting Muslim Uygurs, Christians and Tibetans, but also condemns the crackdown on democracy and freedoms in Macao and Hong Kong, including through the imposition of the draconian National Security Law in 2020; condemns China's aggressive behaviour in the South and East China Seas impacting the freedom of navigation, as well as China's revisionist stance in East Asia, which has resulted in a number of border clashes with its neighbours;

63. Reiterates its strong condemnation of the baseless and arbitrary sanctions imposed by the Chinese authorities on several European individuals and entities, including five MEPs; repeats its call on the Chinese Government to lift these wholly unjustified restrictive measures;

64. Condemns the actions of the PRC in Hong Kong and underlines that the ongoing undermining of Hong Kong's autonomy does not only go against China's bilateral treaties obligations and international law, but also puts into question Beijing's role as a credible partner; reinforces its commitment to the targeted sanctions under the EU Human Rights Global Sanction Regime against the Chinese officials involved in human rights violations in Hong Kong and Xinjiang, and further urges the Council to adopt targeted sanctions, including the implementation of travel bans and asset freezes, against individuals and entities in Hong Kong and the PRC for the serious violations of human rights and international law in Hong Kong; calls on the Member States that still have extradition treaties with China and Hong Kong to suspend individual extraditions wherever the extradition of an individual puts them at risk of torture or cruel, inhuman or degrading treatment or punishment, where that individual would face charges for politically motivated reasons, in other situations where ethnic minorities, representatives of the pro-democratic opposition in Hong Kong and dissidents in general would be targeted, and wherever this would be in breach of the EU's obligations under the European Convention on Human Rights;

65. Underlines the importance of the EU joining its transatlantic partners in pursuing an independent external investigation into the origins of the COVID-19 virus that originated in Wuhan, China, in order to seek much needed answers and insights into the possible prevention of future global disasters that directly impact foreign and security policy;

66. Denounces the CCP's coercion of Lithuania and other EU Member States and partners, and calls for greater solidarity with countries coerced by the CCP, including by collaborating with our democratic allies in opening our markets to economies suffering under the CCP's economic coercion; welcomes the Commission's decision to launch a case against China at the World Trade Organization in defence of Lithuania;

67. Welcomes the Commission President's announcement of plans to present a new joint communication on a partnership with the Gulf region; calls for the EU to present a coherent strategy for balanced EU engagement in the region, with the promotion of regional security and cooperation as a key strategic objective; notes that such engagement should strive to build synergies with regional players, such as through the Baghdad Conference for Cooperation and Partnership and through increased EU support for Track II dialogue initiatives involving academics, civil society, religious leaders and other actors; is encouraged by the de-escalation of tensions between Iran and Saudi Arabia and calls on both countries to swiftly conclude the process of re-establishing full diplomatic relations; reiterates that the EU's priority is to revive the Joint Comprehensive Plan of Action (JCPOA) as a matter of security for Europe and the region; recalls that the JCPOA remains the only way to stop Iran's worrying nuclear activities; commends the role of the VP/HR and the EEAS in mediating between the US and Iran in efforts to revive the JCPOA; calls on the US and Iran to pursue meaningful negotiations with a view to returning to compliance with the JCPOA; insists that the path towards the revival of the JCPOA combine Iran's full return to its obligations under the JCPOA with the lifting of all JCPOA-related US sanctions; notes the need to address and counter Iran's wider malign and destabilising activities across the Middle East and beyond, including on the territory of the Member States; stresses that any agreement with Iran needs to include sufficient safeguards so that Iran will not be able to acquire nuclear weapons; expresses grave concern about the International Atomic Energy Agency's (IAEA) reported lack of access to its monitoring and surveillance equipment at nuclear facilities and locations in Iran, which greatly hampers the IAEA's

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ability to verify and monitor Iran's nuclear activities, and about the fact that safeguard issues remain unresolved over the last two years; condemns Iran's human rights violations against its own people, the ballistic missile programme and the terror activities in the region;

68. Underlines that the situation in Afghanistan is a wakeup call for the EU to reassess the international approach to nation-building abroad and strategically reshape an integrated approach of its external policies, to increase its share of responsibility in global security and to seek greater sovereignty in its foreign and security policy; is concerned by the dramatic humanitarian, political, economic and security situation in Afghanistan, particularly as one in three Afghans face severe hunger; calls on the Commission and EEAS to step up humanitarian aid and to use all tools available in order to ensure that Afghans at risk have access to protection; stresses the need for the Taliban regime to bear responsibility and accountability for the protection of human life and property and for the restoration of security, civil order and public services; reiterates that Afghan women and girls, people in professions linked with Afghan civil society, human rights defenders, political activists, journalists, academics, artists, religious and ethnic minorities and other groups at risk, like all Afghan people, deserve to live in safety, security and dignity and to have full access to education and public life, and welcomes the broad international support for their rights and freedoms; calls for the further evacuation of Afghans at risk, notably women judges, human rights defenders, journalists, local staff and other persons at risk due to their activities in promoting democracy and fundamental freedoms; calls for the EU to preserve the achievements of the last 20 years and to ensure that Afghanistan does not become once more a safe haven for terrorist groups; calls for the EU to conduct a thorough scrutiny of and draw lessons from the 20-year engagement in Afghanistan and for a comprehensive lessons-based EU strategy for Afghanistan and the surrounding countries to immediately be developed; emphasises the importance of cooperating with neighbouring and regional countries to ensure global security and regional stability, while bearing in mind that not all of Afghanistan's neighbours and regional powers shared the same goals as the US-led coalition; highlights, in this regard, the important role that certain countries have played in repatriating Europeans and evacuating Afghans in distress, in particular by exerting significant diplomatic pressure on the Taliban forces;

69. Welcomes the EU's renewed commitment to the Indo-Pacific region and the recognition of its growing importance for EU interests as raised in the joint communication of 16 September 2021 by the VP/HR and the Commission on the EU strategy for cooperation in the Indo-Pacific⁽¹⁷⁾ as well as the Council conclusions of 19 April 2021 on the same subject; advocates for stronger cooperation with countries in the region, in particular Japan, the Association of Southeast Asian Nations (ASEAN), Australia, New Zealand, and Korea; acknowledges the intense geopolitical competition and territorial disputes in the region, spurred largely by China's growing assertiveness with its neighbours; calls on all parties to adhere to the principles of international law, most notably the UN Convention on the Law of the Sea; underlines the need for a strategic long-term engagement in the Indo-Pacific region and for establishing comprehensive and strategic bilateral and multilateral dialogue mechanisms with Indo-Pacific countries and their societies, in particular with like-minded countries such as, among others, Japan, South Korea, Australia and New Zealand; underlines the importance of security and stability in the Indo-Pacific for prosperity and security in the EU; notes new emerging partnerships in the region such as the establishment of the trilateral military alliance between Australia, the UK and US (AUKUS) and expresses its regret about the fact that this partnership was created with a poor level of coordination;

70. Highlights India's rising regional and geopolitical influence; underlines that increased political engagement is required to reinforce the EU-India partnership and unleash the full potential of the bilateral relations; reiterates the need for a deeper partnership which should be based on shared values and full respect for human rights; acknowledges that India is a key partner for the EU given its position and its leading role in fundamental areas; points out that the Indian neighbourhood and the Indo-Pacific region have increasingly become an area in which China, with its expansionist policy and goals, is creating growing strategic, geopolitical, economic and commercial challenges;

71. Calls for stepping up and enhancing cooperation with our partners in Latin America; believes that a strengthened relationship with Latin America and the Caribbean (LAC) is highly important to the EU's geopolitical strategy in the world; stresses the need for the Union to strengthen the ties that unite the EU with LAC countries, particularly in defending the rules-based multilateral order; calls for the EU to use all available tools to deepen its cooperation with LAC partners; urges

⁽¹⁷⁾ JOIN(2021)0024.

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the EU to recover its position as the preferred partner of Latin American countries in view of other geopolitical actors occupying increasing space in the region, especially as a result of the COVID-19 pandemic and vaccine diplomacy; calls on the EU and the Member States to implement more assertive policies towards authoritarian regimes that have benefited from their relations with the EU and have dismantled, violated or directly suppressed the rights and freedoms of their citizens;

Strengthening democratic oversight, scrutiny and accountability, and the parliamentary dimension of the EU's CFSP

72. Highlights the specific contribution of the European Parliament to the EU's foreign and security policy through its parliamentary diplomacy assets, for example through its reports and resolutions, its dense network of standing interparliamentary bodies, its political dialogue with office-holders across the world and its democracy support, mediation and election observation activities; refers to its fact-finding mission to Ukraine in January and February 2022 as an example of the responsiveness of its parliamentary diplomacy; affirms that Parliament should make full use of its oversight and budgetary powers in the decisions of the Union in the international arena; highlights the importance of Parliament's democracy support programmes which have strong potential to strengthen the EU's role around the world by engaging key political stakeholders and facilitating sustainable democratic governance in non-EU countries;

73. Underlines that political and technical dialogue between parliaments is crucial and must be well coordinated with the executive's actions; accordingly, stresses the importance of a smooth exchange of all pertinent information between institutions in the area of the CFSP, including the exchange of relevant confidential information, in the interest of the effectiveness of EU external action as a whole and for a more accountable CFSP;

74. Calls on the Commission and the Member States to enable and strengthen parliamentary oversight of EU external action, including by continuing regular consultations with the VP/HR and the Commission; underlines that such oversight plays an important role in ensuring the proper functioning of European democracy and public trust; stresses that such oversight can serve as the starting point towards a stronger institutional role for Parliament in the CFSP; calls for the swift conclusion of negotiations to replace the 2002 Interinstitutional Agreement on Parliament's access to sensitive information of the Council in the field of security and defence policy⁽¹⁸⁾; calls for the coordination of Member States' security and information services;

75. Underlines the importance of the Parliamentary Assemblies as spaces for cooperation and institutional dialogue and their valuable contribution to European foreign action in matters of security as well as the need to promote their activity and guarantee their correct functioning and development; calls for the strengthening of Parliament's oversight of the EU Delegations' work in representing EU values and principles abroad and seeking the fulfilment of EU interests without disregarding the human rights approach; highlights the need for EU Delegations to have all the necessary and appropriate resources and capabilities to act effectively in these tasks;

76. Calls for the full use of the increased involvement of the European Parliament in the programming of Global Europe and IPA III; welcomes the introduction of a biannual High-Level Geopolitical Dialogue for external financing instruments as a critical tool to not only scrutinise, but to also actively shape the EU's foreign policy priorities; underlines that these geopolitical dialogues aim to allow Parliament to provide orientations, strategic steering and guidance for programming and implementation across thematic and geographic priorities of Global Europe and IPA III; insists, however, that Parliament should receive relevant preparatory documents sufficiently on time and with an adequate level of detail in order to carry out a meaningful scrutiny; calls for improved transparency in the implementation of the financing instruments through the creation of a single common transparent public database of projects and actions;

⁽¹⁸⁾ OJ C 298, 30.11.2002, p. 1.

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77. Reminds the Council of Parliament's right to be informed about all the stages of the procedures connected to negotiations and conclusions of the international agreements and its prerogative to grant or to withhold consent to such agreements; is determined to use these powers, as defined in the Treaties, in order to ensure transparency and democratic oversight over the international agreements negotiated on behalf of the EU, as well as the implementation of the European Peace Facility, as pointed out in its recommendation of 28 March 2019 ⁽¹⁹⁾, including as regards its complementarity with other EU instruments in the field of external action;

78. Reiterates its view that it is high time to revise the 2010 declaration of political accountability in order to improve this basis for relations between Parliament and the VP/HR;

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79. 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 governments and parliaments of the Member States.

⁽¹⁹⁾ European Parliament recommendation of 28 March 2019 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning the Proposal of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility (OJ C 108, 26.3.2021, p. 141).

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P9_TA(2022)0040

Implementation of the common security and defence policy — annual report 2021**European Parliament resolution of 17 February 2022 on the implementation of the Common Security and Defence Policy — annual report 2021 (2021/2183(INI))**

(2022/C 342/14)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU),
- having regard to Title V of the Treaty on European Union (TEU),
- having regard to its resolution of 27 February 2014 on the use of armed drones ⁽¹⁾,
- having regard to its resolution of 11 December 2018 on military mobility ⁽²⁾,
- having regard to its resolution of 12 September 2018 on autonomous weapon systems,
- having regard to its position 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 ⁽³⁾,
- having regard to its resolution of 15 January 2020 on the implementation of the common security and defence policy — annual report ⁽⁴⁾,
- having regard to its resolution of 15 January 2020 on the Annual report on the implementation of the common foreign and security policy — annual report ⁽⁵⁾,
- having regard to its resolution of 17 September 2020 on Arms export: implementation of Common Position 2008/944/CFSP ⁽⁶⁾,
- having regard to its resolution of 23 October 2020 on Gender Equality in EU's foreign and security policy ⁽⁷⁾,
- 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 ⁽⁸⁾,
- having regard to its position of 28 April 2021 on the draft Council decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information ⁽⁹⁾,

⁽¹⁾ OJ C 285, 29.8.2017, p. 110.

⁽²⁾ OJ C 388, 13.11.2020, p. 22.

⁽³⁾ OJ C 232, 16.6.2021, p. 71.

⁽⁴⁾ OJ C 270, 7.7.2021, p. 54.

⁽⁵⁾ OJ C 270, 7.7.2021, p. 41.

⁽⁶⁾ OJ C 385, 22.9.2021, p. 47.

⁽⁷⁾ OJ C 404, 6.10.2021, p. 202.

⁽⁸⁾ OJ C 494, 8.12.2021, p. 54.

⁽⁹⁾ OJ C 506, 15.12.2021, p. 159.

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- having regard to its resolution of 7 July 2021 on EU-NATO cooperation in the context of transatlantic relations ⁽¹⁰⁾,
- having regard to its resolution of 7 October 2021 on the state of EU cyber defence capabilities ⁽¹¹⁾,
- having regard to Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 ⁽¹²⁾,
- having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument — Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 ⁽¹³⁾,
- having regard to the document entitled 'Implementation Plan on Security and Defence', presented to the Council by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on 14 November 2016, and to the Council conclusions of 14 November 2016 on implementing the EU Global Strategy in the area of security and defence, which set out a new level of ambition for the EU in security and defence,
- having regard to the conclusions of the Council and of the representatives of the governments of the Member States, meeting within the Council on 19 November 2018, on the establishment of a civilian common security and defence policy (CSDP) compact,
- having regard to the Council conclusions of 10 December 2018 on Women, Peace and Security,
- having regard to the Council conclusions on youth, peace and security of 7 June 2018 and to the Council conclusions on youth in external action of 5 June 2020,
- having regard to the Council conclusions of 20 November 2020 on the 2020 Strategic Review of Permanent Structured Cooperation (PESCO),
- having regard to the statement of the members of the European Council of 26 February 2021 on security and defence,
- having regard to the Council conclusions on a renewed Partnership with the Southern Neighbourhood — A new agenda for the Mediterranean of 16 April 2021,
- having regard to the Council conclusions on the European Union's integrated strategy in the Sahel of 16 April 2021,
- having regard to the Council conclusions of 25 November 2013, 18 November 2014, 18 May 2015, 27 June 2016, 14 November 2016, 18 May 2017, 17 July 2017, 25 June 2018, 17 June 2019, 10 December 2019, 17 June 2020, 12 October 2020, 20 November 2020, 7 December 2020 and 10 May 2021 on the CSDP,
- having regard to the Council conclusions of 18 October 2021 on EUFOR Operation Althea,
- having regard to the Council conclusions of 22 October 2021 on hybrid attacks instrumentalising migrants launched by the Belarusian regime,

⁽¹⁰⁾ Texts adopted, P9_TA(2021)0346.

⁽¹¹⁾ Texts adopted, P9_TA(2021)0412.

⁽¹²⁾ OJ L 170, 12.5.2021, p. 149.

⁽¹³⁾ OJ L 209, 14.6.2021, p. 1.

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- having regard to the New Strategic Agenda 2019-2024 adopted during the European Council on 20 June 2019,
- having regard to the Joint Declaration of the members of the European Council with the Member States of the G5 Sahel of 28 April 2020,
- having regard to the Council's Concept for an Integrated Approach on Climate Change and Security as adopted on 5 October 2021,
- having regard to the Council's Climate Change and Defence Roadmap of 9 November 2020,
- having regard to the report on the annual defence review of the European Defence Agency presented to the Council at its meeting of 20 November 2020,
- having regard to Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States ⁽¹⁴⁾,
- having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁵⁾,
- having regard to Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 ⁽¹⁶⁾,
- having regard to Council Decisions (CFSP) 2021/748, 2021/749 and 2021/750 of 6 May 2021 on the participation of Canada, the Kingdom of Norway and the United States of America in the PESCO military mobility project,
- having regard to the Council Decision (CFSP) 2021/1143 of 12 July 2021 on a European Union Military Training Mission in Mozambique (EUTM Mozambique),
- having regard to the global strategy entitled 'Shared Vision, Common Action: A Stronger Europe — A Global Strategy for the European Union's Foreign and Security Policy', presented by VP/HR on 28 June 2016,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 6 March 2014, entitled 'For an open and secure global maritime domain: elements for a European Union maritime security strategy' (JOIN(2014)0009),
- 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 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 President von der Leyen's State of the Union addresses of 2020 and 2021 and their accompanying letters of intent,
- having regard to the Annual Work Programme of the European Defence Fund for 2021, adopted by the Commission on 30 June 2021,
- having regard to the European Court of Auditors Review No 09/2019 of 12 September 2019 on European defence,
- having regard to the North Atlantic Treaty,
- having regard to the two Joint Declarations on EU-NATO cooperation signed on 8 July 2014 and 10 July 2018,

⁽¹⁴⁾ OJ L 129 I, 17.5.2019, p. 13.

⁽¹⁵⁾ OJ L 331, 14.12.2017, p. 57.

⁽¹⁶⁾ OJ L 102, 24.3.2021, p. 14.

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- having regard to the sixth progress report of 17 May 2021 on the implementation of the common set of proposals endorsed by the EU and NATO Councils on 6 December 2016 and 5 December 2017,
 - 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 EU-United States summit statement entitled ‘Towards a renewed Transatlantic partnership’ of 15 June 2021,
 - having regard to Russia’s illegal invasion and annexation of Crimea,
 - having regard to Russia’s violation of Member States’ airspace and maritime borders,
 - having regard to China’s increasing economic and military presence in the Mediterranean and African countries,
 - having regard to the threat of domestic and foreign terrorism, primarily from groups such as ISIS,
 - having regard to new technologies such as artificial intelligence, space capabilities and quantum computing which present new opportunities for mankind, but also create new challenges in defence and foreign policy that require a clear strategy and consensus among allies,
 - having regard to the UN Charter and the Helsinki Final Act of the Organization for Security and Co-operation in Europe of 1975,
 - having regard the UN Conventions on the Law of the Sea,
 - having regard to the final communiqué issued by the Economic Community of West African State (ECOWAS) extraordinary summit of 8 September 2021,
 - having regard to the UN Sustainable Development Goals (SDGs), in particular SDG 16 that aims to promote peaceful and inclusive societies for sustainable development,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Foreign Affairs (A9-0358/2021),
- A. whereas in 2020 the COVID-19 pandemic highlighted the rise in global threats and the Union’s vulnerability due to its external dependencies; whereas the pandemic has expanded the concept of security and strategic autonomy to cover health, technological and economic concerns;
- B. whereas Europe is facing a rapid and lasting deterioration in its strategic environment; whereas terrorism remains a major threat; whereas states are expressing their ambitions for more power and pursuing expansion strategies that involve the use of armed force; whereas the result of such strategies is a risk of militarising the sea, space, the Arctic and cyberspace, as well as reviving the arms race;
- C. whereas the proliferation of cyber-attacks against strategic infrastructure during the COVID-19 crisis, and more recently the Pegasus affair, are examples that justify the rapid development of protective measures against the most recent forms of cyber-threat and the most advanced spying techniques; whereas the EU has committed to investing EUR 1,6 billion in response capacity and the deployment of cybersecurity tools for public authorities, enterprises and individuals, and to increasing cooperation between the public and private sectors in this field;
- D. whereas Parliament, as the forum for the expression of European democracy, is a target; whereas the digitalisation of activities resulting from teleworking during the COVID-19 pandemic has only increased our exposure to current threats;
- E. whereas, through the military capabilities of its Member States, the EU has a total budget of EUR 395 billion, putting it in second place globally; whereas Europe’s capabilities are fragmented and suffer from duplication, gaps and a lack of interoperability;

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- F. whereas the increasing complexity of threats is linked to technological development, the digitalisation of societies and the integration of international economies; whereas, as a result, hybrid threats are proliferating, combining military and/or non-military means such as disinformation, the use of migration for blackmail, cyber-attacks or economic pressure that run counter to European interests and values and constitute a growing threat to the security of the EU, its enterprises, its public services and its citizens;
- G. whereas, in order to address the risks of crisis that are multiplying at the Union's borders and in the areas in which it has interests, the Member States have committed to providing rapid response capabilities in line with the EU's headline goals, in particular battlegroups; whereas these suffer from various limitations in political, organisational and financial terms; whereas, as a result, they have never been deployed;
- H. whereas an unprecedented build-up of Russian forces in and around Ukraine linked with demands put forward by Kremlin could — if not countered — lead to the return of spheres of influence in Europe and cut short the ambitions of the EU's eastern partners, such as Ukraine and Georgia, to join NATO;
- I. whereas the international community, and especially the EU, has a commitment to the Sahel and to Mali in particular; whereas the Malian junta has welcomed and already uses Russian military instructors and mercenaries connected to the so-called Wagner group to participate in military activities in Mali; whereas that firm has committed atrocities in every location where it has intervened;
- J. whereas the withdrawal from Afghanistan and the return to power of the Taliban is leading to an increased terrorist risk for the region and also beyond it; whereas the EU deployed a CSDP mission, the European Union Police Mission in Afghanistan (EUPOL Afghanistan) from 2007 to 2016, and granted EUR 17 billion to Afghanistan; whereas during the withdrawal, Member States depended on the United States, which deployed 6 000 soldiers to secure Kabul airport within a very short time, making it possible to evacuate European citizens as well as Afghan nationals who were in danger; whereas, in this situation, the EU was unable to put an air bridge in place or to coordinate its own evacuations; whereas if the EU had to run an operation similar to the evacuation from Kabul, it would not, as things currently stand, be able to take decisions swiftly, deploy troops or successfully implement evacuations or air bridges effectively and proactively; whereas, therefore, the EU and its Member States must urgently learn all the lessons of the Afghan crisis in order to strengthen the EU's capacity to act autonomously in similar circumstances; whereas the Strategic Compass should make it possible to set the EU's level of ambition, in particular in terms of the lessons learned from the Afghan failure;

Developing an EU security and defence doctrine using the Strategic Compass to drive strategic autonomy

1. Stresses that the EU is facing:

- new and evolving threats emanating from both state and non-state actors in a multipolar world, such as terrorism, the rise of authoritarianism, hybrid threats through hybrid warfare means such as cyber-attacks, and the instrumentalisation of migration, disinformation and foreign interference, which have blurred the lines between war and peace, increasing threats to natural resources, energy security, and climate change;
- increased militarisation around the world, with recurring global power competition with an increasing military dimension and rising geopolitical tensions, an age of 'unpeace' characterised by hostile competition, reduced disarmament efforts and international arms control regimes, the proliferation of weapons of mass destruction (WMD), including nuclear weapons, and the use of chemical weapons;
- a still unstable neighbourhood, both in the East and in the South;

considers that instability and unpredictability on the Union's borders and in its immediate neighbourhood (North Africa, the Middle East, the Caucasus, the Balkans, Eastern Mediterranean, etc.), as well as in its extended neighbourhood (Sahel, Horn of Africa, etc.), together with Russian aggression against Ukraine and Georgia pose both a direct and indirect threat to the security of the continent; stresses the inextricable link between internal and external security; acknowledges that active engagement in the neighbourhood is in the interests of the European Union; stresses the importance of stability in the Western Balkans; notes with concern the increasing militarisation of the Crimean Peninsula and the attempts by the Russian Federation to destabilise the Black Sea region;

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2. Strongly condemns the Russian military build-up in and around Ukraine, as well as the Kremlin's demand to halt the further expansion of NATO and reshape the European security architecture based on an outdated idea of 'spheres of influence'; underlines the fact that each democratic country is free to choose its own alliances and in this regard, strongly supports the pro-western aspirations of Ukraine and Georgia, including their membership of NATO and future EU accession;

3. Notes that 2020 was dominated by the COVID-19 pandemic and numerous challenges to the Union's foreign, security and defence policy, which exposed our insufficient coordination and dependencies on the rest of the world; stresses that the EU must learn lessons from this with a view, in particular, to reinforcing digital and technological sovereignty and overall strategic autonomy as an international actor, and its capacity and willingness to decide and act autonomously, if needed, in foreign affairs, security and defence matters and to re-evaluate its dependencies on actors that do not share the same values; reiterates the need for the Union to also strengthen its autonomy in healthcare;

4. Welcomes the launch of the work on the Strategic Compass, an unprecedented strategic reflection exercise, which should be completed in March 2022; stresses that the development of the Strategic Compass is a starting point for implementing a common European defence in line with the provisions laid out in Article 42(2) TEU, and for defining CSDP, and that it should constitute a major step towards a genuine European defence union which takes into account the specific constitutional situation of some Member States; considers that the Strategic Compass should develop greater cohesion in the sphere of security and defence; stresses that — in a highly multipolar world with increased competition between superpowers — the combined weight of the Union can contribute to ensuring the security of EU Members and that a robust EU defence policy is needed for the EU to have the means to effectively work towards peace, human security, democracy and sustainable development; highlights that a European defence union would be a part of the EU's stated objective of achieving strategic autonomy; notes that, in this context, the response to the external security challenges of the Union and its Member States lies primarily in the affirmation and practical implementation of capacities for a better assessment of crisis situations, faster decision-making and more robust action where circumstances so require, autonomously where necessary, in order to defend its interests and values, while respecting alliances and partnerships; notes that it would develop greater coherence of the Union in security and defence; believes that there is an urgent need to develop a true European security and defence union which encompasses all military and civilian security aspects, instruments, budgets and capabilities and the whole cycle of conflict from prevention to post-conflict stabilisation, and which is based on a modern, progressive and strong human security concept which addresses the security demands of EU citizens, local populations and the security and stability of state institutions; urges the EU to enhance its institutional capacities for conflict prevention, mediation, dialogue and de-escalation;

5. Emphasises the importance of supporting it with a 360 degree threat analysis; stresses that the Strategic Compass must be the EU's ambitious response to this analysis, whose findings must be subject to a regular and realistic review aiming to develop a mechanism for a continuous threat assessment and parliamentary consultation;

6. Stresses that the Strategic Compass must make it possible to strengthen the Union's capacity to act as an increasingly credible strategic partner and a global actor for peace which strengthens and defends a rules-based international system and multilateral cooperation, as well as the ability to act autonomously if necessary; stresses that this exercise must be regularly updated and set out an ambitious course, with the aim of being realistic and operational and include a timetable for the implementation of decisions and monitoring mechanisms; stresses that the exercise must enable the Union to make consistent and effective progress towards a coherent defence policy, a common strategic culture, a common understanding of the EU's strategic challenges and the capacity to anticipate threats, and provide for rapid and coordinated reaction, future scenarios for intervention and a capacity for autonomous resilience so that the EU is able to mobilise resources on the basis of solidarity, in line with the Treaties, when a Member State is threatened and when international peace, security and stability are challenged outside the EU, and ultimately to ensure the protection of European citizens, interests and values; recalls that the EU's current level of ambition for security and defence, as set out in the 14 November 2016 Council conclusions, includes responding to external conflicts and crises, building the capacities of partners, and 'protecting the Union and its citizens'; underlines the importance of the integrated approach as a basis of the EU response to conflicts and crises;

7. Stresses the importance of Parliament, particularly its Subcommittee on Security and Defence, receiving regular updates and reports on the implementation of the Strategic Compass from the European External Action Service (EEAS) once the Strategic Compass has been approved in March 2022;

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CSDP missions and operations in 2020 — assessment and recommendations

8. Recalls that the Union is currently deploying 11 civilian missions and seven military missions and operations; recalls that only three of these are operations with an executive mandate: European Union Naval Force (EUNAVFOR) Somalia Operation ATALANTA, EUNAVFOR Mediterranean Operation IRINI (EUNAVFOR MED IRINI) and the EU military force in Bosnia and Herzegovina (EUFOR ALTHEA); recalls the EU's overall engagement in the Sahel and the Horn of Africa through six civilian missions (the EU Capacity Building Mission in Mali (EUCAP Sahel Mali), EUCAP Sahel Niger, EUCAP Somalia) and six military missions (the European Union Training Mission in Mali (EUTM Mali), EUTM Somalia, EUNAVFOR ATALANTA, EUNAVFOR MED IRINI); notes that these missions and operations have not yet realised their full potential and are suffering the impact of the COVID-19 pandemic, which has affected their activity and limited their effectiveness; suggests that the budget, planning and equipment of EU CSDP missions and operations be assessed in the light of the lessons learned from COVID-19 and therefore considers a review of results and possibly adapting their mandate as part of the standard strategic review of a mission;

9. Underlines the importance for the Union of sustainable stability, human security and prosperity in its neighbourhood; notes that CSDP military missions are now almost exclusively focused on the training of armed forces (EUTMs), with no executive dimension and limited support; considers that, without affecting the non-executive dimension of these missions, their mandate should be strengthened, emphasising coaching, in order to enable European advisers to verify on the ground as precisely as possible whether the training programmes have been properly implemented and whether they are in line with the operational needs of the local armed forces;

10. Stresses that the delivery of arms under the umbrella of the European Peace Facility should be in full respect of the EU Common Position on arms exports, international human rights law and humanitarian law, and include effective transparency provisions;

11. Deplores the actions of the coup leaders in Mali; is deeply concerned at the lack of essential state services in Mali and in the Sahel in general; expresses its deep concern at deteriorating security in the region; is deeply concerned by the UN Secretary-General's reports which list serious past and ongoing human rights abuses and serious violations of international humanitarian law, including alleged war crimes, committed by armed groups including terrorist groups, Malian armed forces and other G5 Sahel armed forces; deeply deplores impunity in this respect and underlines that such ongoing crimes also undermine European and international efforts to create a secure and safe environment and combat armed groups and terrorists; stresses the increasing involvement of hostile actors in a region that is vital to our security, which could jeopardise the EU and Mali's common objective of human security, peace, stability and sustainable development in the country, where other actors that do not necessarily share the same ethical principles as the EU and its Member States are willing to fill capability gaps, regardless of respect for the rule of law international standards or the law of war; expresses its grave concern at the growing influence of foreign private military companies and the possible plans of the Malian government to initiate cooperation with a private Russian military company, the Kremlin proxy Wagner Group, on training of its armed forces; points out that such cooperation is incompatible with security and defence cooperation with the EU, in particular EUTM Mali, and would therefore require the EU to reassess its engagement in Mali; urges the current Malian authorities to refrain from contracting the Wagner Group and allowing its personnel to enter Malian territory; underlines, more generally, the need to closely monitor the actions of private security and military companies which are increasing their global footprint in vulnerable areas including Africa, Latin America and Eastern Europe, and recalls the importance of keeping Parliament briefed on the matter;

12. Notes the announcement of the reorganisation of French military action in the Sahel, in conjunction and in consultation with our international and African partners; stresses that these developments should take place in close consultation with all international partners, particularly European ones, present in the Sahel; welcomes the continued commitment of the EU and the Member States to the stabilisation of the G5 Sahel countries, in particular through support to the G5 Sahel Joint Force, by strengthening the EU's CSDP missions and the growing involvement of European Member States' armed forces in the Takuba Task Force;

13. Welcomes the adaptation of the new extended mandate of EUTM Mali; calls for strengthening structural cooperation and non-executive support to the armed forces and for speeding up the regionalisation process which enables the mission to provide military assistance to the armed forces of the G5 countries and in particular to Burkina Faso and Niger, which will have implications for international, European and African partners; underlines the possibilities opened up by the European Peace Facility with regard to the delivery of equipment intended for the training of the Malian armed forces,

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which will be essential for strengthening the action and the effectiveness of European action; is convinced that the EU needs to rapidly and effectively increase its capabilities to provide equipment so that EUCAP and EUTM missions do not lose their credibility with local authorities, provided that those security forces comply with international humanitarian law and international human rights law and are under democratic control;

14. Calls on the Member States to provide a significant contribution to EUTM Mali's consultancy activity and to send the staff able to contribute to it; recalls that in the Sahel, the regionalisation process of CSDP must continue to strengthen cooperation and coordination with international actors as well as with the EU Member States involved in the region, through ongoing initiatives such as the Partnership for Security and Stability in the Sahel (P3S); underlines that the EU is also providing robust support for the operationalisation of the G5 Sahel Joint Force and its related police component; welcomes the new EU Integrated Strategy for the Sahel, which includes a broader approach focused on strengthening governance and which places particular emphasis on the need to reinforce state presence and public services in the countries of the region; underlines the efforts made by EUCAP Sahel Mali to support the deployment of Malian security forces in central Mali; underlines the efforts of EUCAP Sahel Niger to assist Niger with the development of a national defence and security policy; recalls that the regionalisation of CSDP actions supports the EU's integrated approach to the Sahel and that, as such, the actions of the regional advisory and coordination cell (RACC) must continue; believes that a regionalised approach to the CSDP in the Sahel is relevant but requires clearer organisation and coordination between current CSDP civilian and military missions, local actors and other international organisations such as the UN peacekeeping mission — the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) — and the operations led by the French military; insists that a substantial effort to assist Burkina Faso is required, given the intensity of the threats that faced by this country with limited capacity; recalls that to be lastingly effective, military and security responses must be accompanied by concrete and visible measures to provide essential services for the population; underlines the importance of being able to more actively support the states bordering the Gulf of Guinea so that they can counter the growing terrorist threat they face; stresses the need to pay particular attention to the growing instability in the Sahel, West Africa and the Horn of Africa regions and the important implications that developments in these regions have not only for the African continent but also for the European Union;

15. Welcomes the discussions under way on the participation of Mozambique and India in CSDP missions and operations in Africa; welcomes Georgia's active participation in the CSDP actions and in particular its participation in training missions in the Central African Republic (CAR) and Mali;

16. Recalls that the security situation in Somalia is of great concern and a source of destabilisation throughout the Horn of Africa and even beyond; stresses that Al-Shabab remains one of the most powerful terrorist organisations linked to Al-Qaeda and that this should encourage Member States to consider greater participation in European missions and operations in this strategic region and the provision of the assets needed for them; stresses that strengthening the framework of EUTM Somalia with an advisory capacity in command structures allows for significant influence to be exercised on how operations are carried out within the multilateral military assistance framework; stresses that EUNAVFOR ATALANTA, EUCAP and EUTM Somalia form a coherent whole supporting the Union's Strategic Framework for the Horn of Africa; welcomes the crucial role played by Operation ATALANTA in the fight against piracy and trafficking in the Horn of Africa, thereby successfully protecting World Food Programme Vessels as well as that of EUCAP Somalia in advising the federal and regional authorities of Puntland and Somaliland on the development of coastguard activities and maritime police; underlines that the EU's engagement in the Horn of Africa region remains relevant for strengthening the capacity of Somali security forces and also notes the need to improve their effectiveness; welcomes and further encourages the participation of like-minded partners in order to ensure safe waterways in the Gulf of Aden and the Indian Ocean; calls for an integrated approach to tackle the development and governance issues driving piracy;

17. Notes with concern the deteriorating political and security situation in the Central African Republic (CAR); calls for the restoration of an inclusive dialogue between the Government, the democratic opposition and civil society, and for the revitalisation of the peace agreement; deplores that since 2018 the President of the CAR has turned to the Wagner Group, a private military company and Russian proxy, which is responsible for war crimes and grave violations of human rights in the CAR; is concerned about the impact of this decision on the viability and effectiveness of the training mission for Central African troops; denounces the growing threats and hostile incidents targeting the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) by certain local and foreign armed forces, including foreign security companies, and the disinformation campaigns targeting Union action; welcomes and fully supports the

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establishment of the EU Advisory Mission in the CAR (EUAM RCA); welcomes the action of the EUTM mission, in particular the training of officers and non-commissioned officers of the Central African Armed Forces (FACA) and its contribution to the overall process of security sector reform (SSR) coordinated by MINUSCA, and fully supports it; insists on the need to communicate with the population on the objectives and progress of the mission; stresses the importance of assessing the real capacity of the EU to respond to the FACA's equipment needs, as part of the strategic review to be held in the first half of 2022; insists that support within the framework of the European Peace Facility for units formed by the EUTM must be conditional on the CAR authorities promoting positive developments in the political, internal and regional situation;

18. Recalls the strategic importance of the Mozambique channel; welcomes the commitment of the Member States and the VP/HR to respond to the growing terrorist threat in Cabo Delgado and is concerned about the risk of this threat spreading in the area; welcomes the decision of the Council to launch the European Union Military Training Mission in Mozambique (EUTM Mozambique); notes the use of the European Peace Facility to cover the common costs of EUTM Mozambique and to provide military equipment; calls on the Council and the EEAS to make the best use of the European Peace Facility and take advantage of this experience for the improvement and expansion of the European Peace Facility in the future; notes that the EUTM meets a specific objective, namely training special forces units to combat the Islamist insurgency in the Cabo Delgado region, including the jihadist movement Ansar al-Sunna; calls for its deployment as soon as possible given the situation; urges Member States to contribute to the force generation for the mission more equitably; underlines the need for a comprehensive long-term coherent strategy for Mozambique, which also needs to fight Islamist insurgencies to address governance deficiencies and development needs in order to achieve a sustainable solution to the conflict; stresses the need to make sure that the government forces abide by international humanitarian law and that perpetrators of extrajudicial executions, acts of torture, looting and other abuses are brought to justice;

19. Welcomes the Council's unequivocal commitment to Operation EUFOR Althea as stated in its conclusions of 18 October 2021 with the renewal of operation Althea in 2020 and with the refocusing of its mandate to support the Bosnia-Herzegovina (BiH) authorities to maintain a safe and secure environment, as well as through the third strategic review of the operation presented in June 2021; recalls that this mission paved the way towards peace, stabilisation and the European integration of BiH, and that this mission still plays a pivotal role for the security and stability of BiH and the region; recalls that the experiences and lessons learned from this mission are of substantial value to all current and future military and civilian CSDP missions and operations; is alarmed by possible unconstitutional and secessionist actions by the Serb member of the BiH Presidency, Milorad Dodik, which undermine the Dayton Peace Agreement and therefore security and peace in the region as a whole; stresses that a sufficient over-the-horizon reinforcement capability still needs to be maintained in order to allow for a rapid reaction in case the security situation deteriorates; notes that this mission could be enhanced by secure information and communication channels to Member State capitals and the improvement of open source intelligence-gathering and analysis capabilities; stresses the importance of continuing secondary demining activity and the collective training of BiH armed forces; urges the Member States to fulfil their commitments regarding force generation for Althea; looks forward to Ukraine's participation in the Althea mission; recognises the important cooperation between the EU and NATO in the Western Balkans, notably through EUFOR Althea mission, whose operation headquarters are located at the Supreme Headquarters Allied Powers Europe (SHAPE) thanks to the Berlin Plus Arrangement;

20. Notes with satisfaction the results of the European Union Monitoring Mission in Georgia (EUMM Georgia); approves its extension for a period of two years; stresses the need for further reflection on CSDP commitments in the region; strongly condemns Russia's illegal occupation and militarisation of the Georgian regions of Abkhazia and Tskhinvali/South Ossetia in violation of international law, which poses a serious threat to the Eastern Partnership (EaP) region and Europe as a whole; is concerned about the deteriorating security situation in the occupied territories of Georgia and about the activities of the Russian Federation, which are destabilising peace and security in the EaP region; urges the EU to keep demanding Russia to engage constructively in the Geneva International Discussions and to fulfil its obligations under the EU-mediated 12 August 2008 Ceasefire Agreement, in particular to withdraw all its military forces from Georgia's occupied territories and to allow

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the EU Monitoring Mission unhindered access to the whole territory of Georgia; denounces illegal detentions and kidnappings of Georgian citizens and the increased 'borderisation' activities along the Administrative Boundary Line; is concerned about the disinformation campaigns targeting the EUMM Georgia mission and calls for strengthening its capacities for monitoring, analysis and strategic communication; reaffirms its unwavering support to the EaP countries, and in particular for their independence, sovereignty and territorial integrity within their internationally recognised borders; encourages the EU to strengthen its engagement in peaceful conflict resolution throughout the EaP region; reiterates its call for the EU to ensure that the security dimension of EaP countries is properly reflected in the Strategic Compass and to consider launching a series of security compacts — frameworks for increased investment and assistance in security, military, intelligence and cyber cooperation — with Georgia, Moldova and Ukraine as associated countries, in order to strengthen their resilience and security;

21. Notes the reinforcement of the EU advisory mission in Iraq (EUAM) with the inclusion of support to the implementation of the internal security reform and the implementation of national strategies to fight and prevent terrorism (including the fight against violent extremism) and organised crime, with specific reference to border management, financial crime, in particular corruption, money laundering and trafficking in cultural heritage property;

22. Calls for the EU to address the consistent and growing threats to the protection and preservation of cultural heritage and to clamp down on the smuggling of cultural artefacts, especially in conflict zones; notes that in Iraq, depriving some communities of their cultural heritage and historical roots has made them more vulnerable to radicalisation; recalls that EUAM Iraq is the only CSDP mission or operation that has a cultural heritage protection component included in its mandate in order to provide assistance and education to local partners in addressing security challenges related to the preservation and protection of cultural heritage; calls on the Council and the EEAS to include a similar component in other missions and operations;

23. Encourages the deployment of members of the European Integrated Border Management Assistance Mission in Libya (EUBAM Libya) mission to Tripoli, from which it will carry out its activities; proposes that this mission, which is engaged in supporting the Libyan authorities to dismantle the organised criminal networks involved in migrant smuggling, human trafficking and terrorism in the areas of border management, should continue to explore within the framework of a regional strategy the possibilities of support for the EU-led development of the border capacities of the Sahel States in connection with CSDP missions in the Sahel (in particular EUCAP Sahel Niger); express its concerns at the fate of migrants, asylum seekers and refugees in Libya; calls for the closure of detention facilities for migrants by the Libyan authorities and militias;

24. Welcomes the launch of the CSDP operation in the Mediterranean, EUNAVFOR MED IRINI and its renewal until 31 March 2023; stresses its key role in the implementation of the arms embargo on Libya in accordance with UN Security Council Resolution 2526 (2020); highlights that capacity building is disrupting human and weapons trafficking; the fact that, in 2020, EUNAVFOR MED IRINI received many refusals to allow inspections, even on Turkish vessels; calls for a transparent communication from the EEAS on this issue; notes that to date EUNAVFOR MED has very few assets, significantly limiting its capabilities; is concerned by the fact that NATO, which is active in the area through Operation Sea Guardian, is not effectively collaborating by means of increased cooperation cohesion or by sharing information and resources; stresses the strategic importance of public communication about the mission and its boardings of vessels, friendly approaches and inspections, including refusals; stresses the international obligations on search and rescue of people in distress at sea in full compliance with maritime law; calls for the EU to play a significant role in the Mediterranean, having become an actor able to guarantee the stability of the region; welcomes the results of the EU Liaison and Planning Cell (EULPC) in providing security, intelligence and planning expertise to EU actors in Brussels and on the ground or at sea (EU delegation, EUBAM, EUNAVFOR MED) and to the UN Support Mission in Libya (UNSMIL);

25. Regrets Turkey's overall destabilising role in many areas of concern in the EU and its neighbourhoods, which threatens regional peace, security and stability; is extremely concerned by, and strongly condemns Turkey's illegal activities and threats of military action against EU Member States, in particular Greece and Cyprus, in the Eastern Mediterranean and its newly announced illegal activities within Cypriot and Greek maritime zones; notes efforts to de-escalate tension, but regrets provocative actions, threats of aggression against operation MED IRINI by Turkish military vessels, in violation of international law and the sovereign rights of EU Member States; reiterates the Union's readiness to use all instruments and

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options at its disposal, including those under Article 29 TEU and Article 215 TFEU, in order to defend its interests and those of its Member States, as well as to uphold regional stability;

26. Commends the work of European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine); notes the EEAS's needs assessment report on the professional military education (PME) sector in Ukraine and welcomes the ongoing work in scoping possible EU engagement in Ukraine on its basis, complementing the efforts made by Ukraine and its international partners in reforming PME the country;

27. Calls for a revitalisation of the civilian CSDP through the implementation of the 22 commitments in the Civilian CSDP Compact; stresses that the Strategic Compass must set the ambition of renewing the civilian CSDP, and that Compact 2.0 should be adopted in a timely manner; supports the idea that the Compass should outline fundamental aspects of civilian CSDP, including civilian capability development beyond 2023; supports the idea that strategic priorities for civilian CSDP should be linked to the annual review process of the Compact; stresses the need for a stronger link between CSDP, Justice and Home Affairs and Commission-led action, when appropriate and with due respect for the different tasks and procedures of both policies prescribed by the Treaty, and the other relevant crisis management actors in order to enhance CSDP contribution to the Union's response to security challenges; calls on the EU to reflect and act on the current procedures for mission deployment with a view to making the decision-making process prompter and more efficient; believes that the EU should continue its comprehensive assessment of the EUCAP Sahel Mali, EUCAP Sahel Niger, EUCAP Somalia and EUAM RCA civilian missions, and review their mandate, budget and human resources, ensuring that they meet real needs, in order to foster their operation ability and effectiveness;

28. Acknowledges the contribution of CSDP missions and operations to peace security and stability, but points to the persistent structural weakness and lengthy decision-making processes for CSDP civilian and military missions and operations; stresses the importance of providing military missions with more flexible and more robust mandates which are tailored to the situation on the ground; calls for changes to CSDP structures and procedures so that missions can be deployed in faster, more flexible and more coherent ways; underlines the urgent need for closer linkages between current ad hoc European operations and CSDP military missions or operations, especially when dealing with an urgent crisis or guaranteeing access to contested strategic areas; emphasises that any future mandates must have a clear a comprehensive exit strategy combined with a list of the resources needed for this purpose; stresses the need for all the missions, and in particular military missions, to work with locals to build capacity within reasonable time with a view to allowing a sustainable exit;

29. Stresses the need for regular, systematic and transparent evaluation of all CSDP missions and operations on the basis of relevant strategic and operational criteria; calls on the VP/HR to launch process to learn the lessons from past and ongoing missions, operations and actions, and to focus on which political, institutional, but also socioeconomic circumstances have to be met for security and defence actions to effectively support lasting peacebuilding and the strengthening of sustainable and democratic governance structures; considers it necessary to delegate more operational responsibilities for the conduct and management of missions and operations to their military command; calls more generally for EU military structures to be systematically involved in all policies and instruments with an impact on the operational engagement of European armed forces, and in particular in the work of the EDF Programme Committee;

30. Is deeply concerned about the low force generation for operations and missions, and strongly urges the Member States to address this matter as soon as possible; urges the EU and its Member States to give CSDP missions and operations the necessary personnel, training and capabilities to fulfil their mandates and to become more alert and more resilient under less propitious conditions; highlights in this regard the 'Crisis Response Operation Core' PESCO project currently under discussion, which aims to improve the force generation process; regrets at the same time that up to now only six Member States participate in this PESCO project; calls on the Council and the Commission to make full use of the European Peace Facility and possibilities for funding from the Union's budget provided for by the Treaties in order to facilitate force generation as well as military deployments; supports third country participation in CSDP operations and missions when in line with European interests and values; believes that this participation should be expanded when and where appropriate;

31. Is concerned about the increasing manipulation of information, disinformation and hybrid threats stemming in particular from Russia, and China, but also from other actors, affecting several theatres and CSDP missions and operations directly, destabilising whole regions and delegitimising the EU's missions abroad; calls for a structured response to these threats by CSDP missions and operations as a matter of urgency; underlines in this regard the need for joint efforts by EU,

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Member States and partner countries, including in anticipation of hybrid threats, cyber-attacks, and of chemical, biological, radiological and nuclear (CBRN) risks; welcomes the creation of the crisis response capacity reserve for CBRN incidents; urges the EEAS to provide concrete support to CSDP missions and operations through strategic communication;

32. Calls for the strengthening of the Union's command structures, in particular the Military Staff (EUMS) and the Military Planning and Conduct Capability (MPCC), which must be provided with the necessary personnel, equipment and resources as soon as possible, and be able to exchange classified information in a secure way, including with Member States and missions or operations; deplors, in this regard, the postponement of the transition to phase 2 of the MPCC and calls on the Member States to fully honour their commitments to enable it; stresses the importance of making the MPCC a true fully-fledged command and control structure (HQ) as soon as possible, capable of providing a forward-looking and strategic anticipation function, of directing operations and European missions with the responsiveness and flexibility required by the strategic context and to strengthen the strategic operational autonomy of Europeans;

33. Highlights that women's participation in CSDP missions contributes to the effectiveness of the mission and is a driver of the EU's credibility as a proponent of equal rights for women and men worldwide; calls for a more systematic implementation of UN Security Council Resolution 1325 on Women, Peace and Security (WPS) and of UN Security Council Resolution 2250 on Youth, Peace and Security (YPS), and for the strengthening of the EU's WPS and YPS agenda; calls for meaningful gender mainstreaming in the formulation of the CSDP, in particular through a better gender balance in the personnel and leadership of CSDP missions and operations and specific training for the personnel deployed; calls for measures to ensure a working environment free of sexual and gender-based harassment; reiterates its call for gender analysis to be included in new CSDP instruments, including the European Defence Fund (EDF) and the European Peace Facility; welcomes the fact that all civilian CSDP missions have now appointed a gender adviser and calls on the military CSDP missions to do likewise; encourages EU Member States to put forward women as candidates for existing vacancies; regrets that the number of women working in CSDP missions and especially in military operations remains very low; urges the EEAS to promote the need for a concrete target for increasing the number of women in the EU's crisis management missions and operations; urges the Member States to look at ways to strengthen recruitment and retention policies and promote women's participation in peacebuilding and peacekeeping missions; stresses the need to include a new EU budget line that would finance the position of gender advisers in military CSDP missions;

34. Awaits the joint communication on a strategic approach to supporting the disarmament, demobilisation and reintegration of ex-combatants, announced in the 2020 State of the Union (SOTEU) letter of intent, which it considers a timely revision of the 2006 EU Concept for Support to disarmament, demobilisation and reintegration (DDR); underlines the importance of SSR as a priority, in particular for our CSDP missions; calls therefore on the Commission and the EEAS to enlarge the upcoming joint communication on DDR to SSR and capacity building in support of security and development (CBSD) in order to achieve a consistent, coherent and profoundly renewed Union approach towards security assistance for third countries; calls for consistency between CSDP instruments and EU development aid;

Anticipating and managing crises

35. Welcomes the cooperation capacity of European armies in helping citizens in the fight against the pandemic in 2020; is of the view that the valuable contribution of the armed forces during the COVID-19 pandemic has shown the importance of the use of Member States' military assets and capabilities in support of the Union Civil Protection Mechanism; calls on the EU and the Member States to seriously consider and make full use of detailed arrangements for the implementation of Article 44 TEU in order to enable the Union to respond rapidly, effectively and with the necessary flexibility to security crises with a strong collective EU dimension, including by allowing an ad hoc operation that is already being carried out by a group of Member States to subsequently receive an *ex post* EU mandate; welcomes the positive pooling and coordinating role played by air forces during the COVID-19 pandemic, in particular transfers for medical treatment and deliveries of equipment between Member States, as well as the synergies created with NATO allies' infrastructures and assets for airlifts and transportation of essential equipment; welcomes in particular the role of the European Air Transport Command (EATC) in the evacuation and transfer of patients and delivery of medical supplies during the pandemic; encourages generally the use of military air mobility, including transport, in-flight refuelling and aeromedical evacuation in Europe, which ensures the effectiveness and efficiency of military air transport efforts in Europe;

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invites, in this respect, Member States to consider the joint development of this strategic defence equipment and encourages the creation of an EU emergency military unit with the aim of facilitating the cross-border use of military logistical capabilities to face emergencies, in order to allow greater coordination, synergy and solidarity in the provision of assistance to civil support operations;

36. Supports the ambition of creating a 'rapid entry force' advocated by the VP/HR which should include a multinational land brigade of around 5 000 troops and air, maritime and special forces components that can be mobilised in a security emergency; recalls that the EU today lacks the land, sea and air know-how and capabilities necessary to conduct first-entry operations to restore security in a theatre; believes that it is realistic and necessary that, as a first step, the Member States agree within the framework of the Strategic Compass on the circumstances which would make it necessary to mobilise such a force, and agree on one or several operational scenarios, including within extremely short timeframes; recalls, however, that in over 15 years of existence EU battlegroups have never been used, in particular due to the lack of political consensus among Member States and the complexity of implementation and funding, despite the possibility of deploying them on several occasions; recalls the need to make them operational by conducting regular field exercises; deplores the Member States' lack of commitment to the battlegroups both in political and practical terms; criticises the fact that only one battlegroup, led by Italy, was operational in 2021; is concerned by the weakness of strategic planning for 2022 and 2023 and calls for its revision; calls for Member States to increase their commitment to the EU's military capacities; states that the concept of a rapid deployment force needs to provide added value in comparison to EU battlegroups; calls, therefore, on the Council and the Commission to thoroughly assess, explore and develop options for setting up a standing force which is permanently stationed and trains together; believes that the new 'rapid entry force' should either be the result of the ambitious reform of the battlegroups or completely replace them in order to avoid further capability duplications in the EU's CSDP; shares the level of ambition set by the VP/HR in terms of the robustness of the EU's military tools, especially ad hoc instruments; calls on the Council and the EEAS to study how to best organise the deployment of the EU battlegroups or a new 'rapid entry force', the implementation of Article 44 TEU, and the still unexploited operational component of PESCO; expects that the articulation of these elements must enable the EU and its Member States to rapidly and effectively respond to crises in its neighbourhood by military means, and conduct the tasks set forth in Article 43(1) TEU, also known as the Petersberg Tasks;

37. Stresses the importance of accurate and timely intelligence for supporting decision-making and ensuring secure missions and operations, and better combating influence and disinformation campaigns targeting them; calls on the EEAS to put in place an intelligence capacity in operations theatres by creating intelligence units in all CSDP missions and operations, which would feed intelligence in real time to the EU Intelligence and Analysis Centre (EU IntCen), the EUMS and the Civilian Planning and Conduct Capability (CPCC) to support decision-making; underlines, more generally, that the work of EU IntCen and EUMS Intelligence Directorate (EUMS INT) is dependent on the willingness of Member States to share information and calls for EU IntCen's financial and technical resources to be increased; agrees with the analysis of the Commission President in her 2021 SOTEU address that the EU needs to improve intelligence cooperation; stresses the importance of situational awareness and of coordination between national intelligence services, and welcomes the President of the Commission's call for an EU joint situation awareness centre, a crucial tool to improve strategic foresight and the EU's strategic autonomy;

38. Welcomes the establishment of the EPF in 2020; recalls that the EPF will be able to provide the Union with the capacity to respond more rapidly and effectively to current security challenges and therefore calls for it to be swiftly made operational; stresses that the requisite equipment, including lethal equipment where relevant and necessary, and training must be delivered in the relevant operation theatres, taking into account the geographically balanced nature of the facility, with full respect for the eight criteria of Common Position 944, human rights and humanitarian law, subject to a comprehensive *ex ante* risk assessment and permanent monitoring by the EU level of the supply of military technology to third country actors and effective transparency provisions; stresses that the EEAS must closely monitor and ensure the traceability and proper use of the material delivered to our partners under the EPF, bearing in mind the EPF's 360 degree approach; points out that the EPF does not solely address the provision of equipment to partners but also functions as a funding option for the common costs of military operation within the CSDP that should be used to the necessary extent;

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undertakes to ensure coherence and complementarity between CSDP missions and operations, the Union's financial instrument NDICI and the EPF; reiterates its call for the creation of a new administrative division within the EEAS to manage this new instrument; stresses the need to use the Strategic Compass to develop a clear vision on how the Member States want to use EPF in the short-, medium- and long-term;

39. Welcomes the EEAS roadmap of November 2020 on climate change and defence which includes concrete actions addressing the increasingly relevant climate/security nexus; underlines the increasingly frequent occurrence of natural disasters, global pandemics, or human-made disasters, which like cyber- and hybrid threats add to current security challenges and hence require additional resources; encourages the Union and its Member States to develop their capabilities to address these new challenges; stresses that addressing these new security challenges should not divert resources from traditional, conventional defence and security capabilities;

40. Considers the instrumentalisation of migration flows through the EU's eastern external borders coupled with disinformation campaigns to be a form of combined hybrid warfare that aims to intimidate and destabilise the EU; calls on the Union to develop relevant legislation providing necessary safeguards to effectively react and respond to the instrumentalisation of migration for political purposes by third countries, to ensure the effective protection of the EU's external borders and the protection of human rights and human dignity, and to adopt measures to prevent irregular crossings; reiterates its solidarity with Latvia, Lithuania and Poland in the face of the Lukashenko regime's instrumentalisation of migration to destabilise the EU;

A more resilient Union: ensuring access to contested strategic spaces and enhancing mutual assistance and security between Member States

Defending freedom of movement at sea

41. Points out that, given current maritime geopolitical tensions, the Union must defend universal values and principles, the UN Charter, international law such as the UN Convention on the Law of the Sea (UNCLOS), multilateralism and international cooperation, and protect its interests by guaranteeing freedom of navigation, the safety of maritime lines of communication and offshore infrastructure; recalls that the Union's maritime interests are closely linked to the well-being, prosperity and security of its citizens, and that approximately 90 % of the Union's external trade and 40 % of its internal trade is transported by sea; underlines European Union's competences and power, in particular normative, in the field of resilience;

42. Reiterates the need to strengthen the Union's role as a provider of international maritime security; calls on the Union to build on and develop its CSDP naval operations in order to provide a strong platform to further develop a more permanent operational commitment at international level; calls for consideration to be given to the possibility of organising regular naval exercises that should combine manned and unmanned assets whenever possible in order to enhance interoperability; considers it very important for the Union to maintain a stable and secure environment in the seas surrounding it; notes with concern that the Coordinated Annual Defence Review (CARD) has recognised that maritime command and control, intelligence, surveillance and reconnaissance capabilities are 'significant gaps'; welcomes the six PESCO projects focused on developing maritime capabilities, as well as the joint naval capability development programmes; underlines the need for the Union and NATO to cooperate closely to adopt an effective common approach to threats to maritime security, such as cross-border and organised crime, including organised criminal networks involved in trafficking in human beings, arms and drugs trafficking, smuggling and illegal fishing;

43. Welcomes, in this context, the launch of the Coordinated Maritime Presences (CMPs) concept and a pilot project in the Gulf of Guinea; calls for this concept, based on a needs analysis, to which includes the possibility of contributing to de-escalation of regional tensions, to be extended to other areas of interest, in particular the Indo-Pacific region, in order to ensure and safeguard Europe's international stance and values; calls for this concept and relevant ongoing missions to be evaluated and debated in Parliament; also calls on the Commission to pay particular attention to security and defence aspects in the next update of its communication on international ocean governance scheduled for 2022; calls on maritime Member States to strengthen their military naval capabilities to address both asymmetric and conventional threats to maritime security, freedom of navigation and the EU's blue economy; calls for the EU to update its maritime security strategy by 2022; welcomes the launch in early 2020 of the European Maritime Awareness in the Strait of Hormuz mission (EMASOH), and supports its dual objective: 'to guarantee a safe navigation environment, and to ease the current regional

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tensions'; welcomes the 'comprehensive and coordinated' strategic review of EUNAVFOR ATALANTA, EUTM Somalia, and EUCAP Somalia and their extension, with a view to encompassing all security aspects;

Countering hybrid threats

44. Condemns the malicious acts committed against Member States, such as hybrid attacks instrumentalising migration; calls on the Union and the Member States to improve their capabilities to identify hybrid threats; insists that the Union and the Member States react firmly and in a coordinated manner against any new malicious, illegal or destabilising cyber-activity by making full use of the instruments available to the EU and in coordination with its partners; calls on Member States to improve national cyber defence capabilities; calls on the Union to work towards the creation of a legal instrument to respond to hybrid threats and to develop a comprehensive cyber-capacity including secure networks, communications and information-sharing, training and exercises, including through PESCO projects, and making good use of the EU cyber-diplomacy toolbox; calls for an urgent revision of the cyber defence policy framework in order to increase the prevention, attribution, deterrence and responsiveness capacity of the Union and its Member States by strengthening their position, situational awareness, tools and procedures; underlines the need for all EU institutions and EU Member States to cooperate at all levels to build a cybersecurity strategy, whose main objective should be to further strengthen resilience, and to develop common, and also better, national, robust civilian and military cyber-capabilities and cooperation in order to respond to lasting security challenges; welcomes therefore the 2021 SOTEU announcement of a European cyber defence policy; welcomes the increased cooperation among Member States on cyber defence in the framework of PESCO, including cyber rapid response teams; recalls that the successful implementation of EU missions and operations is increasingly dependent on uninterrupted access to a secure cyberspace, and thus requires robust and resilient cyber-operational capabilities, as well as adequate responses to attacks against military installations, missions and operations; recognises that, to a certain degree, cyber defence is more effective if it also contains some offensive means and measures, provided that their use is compliant with international law; is concerned about the dependence of the EU and its Member States on foreign tools to guarantee their cybersecurity; stresses the need to foster a cybersecurity culture within European public and private entities, including through the introduction of devoted courses and curricula; notes the important training work carried out by the European Security and Defence College (ESDC) on cyber defence, and welcomes in this respect the establishment of the cyber education, training, evaluation and exercise (ETEE); stresses that ESDC should benefit from structural Union funding in order to be able to enhance its contribution to fostering the EU's cyber defence skills, especially given the increased need for top level cyber experts; recognises the growing importance of cyber and automated intelligence capabilities; stresses that these are threats to all the Member States and EU institutions; urges all EU institutions and Member States to continue to improve their cyber and automated technologies, and further encourages cooperation on these technological advances; recommends that options to foster the cyber capability-building of our partners should be explored, such as extending the mandate of EU training missions to also comprise cyber defence issues or launching civilian cyber missions; welcomes the imposition of sanctions against Russian, Chinese and North Korean perpetrators of cyber-attacks, including WannaCry, NotPetya and Operation Cloud Hopper;

45. Calls on the EEAS to create an EU toolkit, in line with the European democracy action plan, intended not only to focus on enhancing Member States' and stakeholders' resilience to disinformation, but also to set mandatory requirements for social platforms and to allow citizens to make informed decisions, and also to improve the EU's ability to strengthen the fight against disinformation and deliberate malicious behaviour, in order to identify attribute, deter, counter and sanction them;

46. Insists, in view of the evolution of this threat and the necessary adaptation of our institutions, that measures be put in place in the European institutions, including Parliament, to consolidate its internal capacities; stresses the importance of the inter-institutional coordination put in place by the Computer Emergency Response Team for the EU Institutions, bodies and agencies (CERT-EU); urges the European institutions, in particular the Commission, to make the necessary human resources available to strengthen CERT-EU; urges the VP/HR, in this regard, and/or the Member States to increase financial and personnel resources in order to strengthen the EU's ability to defend itself against cyber-attacks;

47. Calls for mutual operational assistance between Member States to be enhanced; stresses the importance of carrying out additional exercises based on crisis management scenarios; urges Member States to reach, upon completion of the Strategic Compass, an ambitious common understanding on Articles 42(7) TEU and 222 TFEU, including on the activation of Article 222 TFEU and Article 42(7) TEU in a hypothetical cyberattack scenario; stresses, in this respect, that the conditions for activating Article 42(7) TEU and the modalities of the assistance required have never been clearly defined, and calls for a more operational implementation of this tool;

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Preserving the Union's space and air sovereignty

48. Calls on the Union to develop a space defence strategy in order to preserve the autonomous and uninterrupted access of the EU and its Member States to space assets at all times; insists on the need to promote the emergence of a common European strategic culture of security and defence in space, to reduce strategic dependencies and to improve the operational governance of European space programmes, eventually aiming at strategic autonomy in all the other domains; supports initiatives aimed at boosting EU space policy, including the ambitious new EU space programme, which must seek to protect current and past European space assets; encourages the Union to improve its situational awareness and geo-intelligence support by strengthening its expertise capacities through the EU Satellite Centre (SATCEN) and those of the Member States in order to ensure the link between the CSDP and the EU space programme via Galileo, in particular the PRS and Copernicus, to take advantage of investment possibilities (in particular under Horizon Europe and the EDF) and to explore other possible synergies between space and defence (including capabilities); stresses the importance of the Union having autonomous access to space and its own launchers; insists that the Union should lead the way in strengthening the increasingly contested area of international space law; calls on the EU and its Member States to actively promote international initiatives on disarmament in space;

49. Warns that outer space has the potential to quickly become a military arena if the right international legal instruments are not put in place; insists that the Union should lead the way in strengthening the increasingly contested area of international space law, strive to prevent the weaponisation of space by working towards a comprehensive international legal instrument, and foster alliances, international cooperation and multilateral solutions in this regard;

50. Welcomes the proposal for a new European secure connectivity project, including quantum satellites; calls for the rapid completion of this project, in order to improve the level of telecommunications security in the Union; underlines the growing risk of cyber and physical attacks on European and Member State satellites; insists on the need to prevent such attacks and to put in place defensive mechanisms against them;

51. Is worried by the continued increase in space debris, especially in low orbit, which puts our satellite capabilities at risk, and by the number of microsatellites; stresses that new mega-constellations of satellites further increase the risk of collision; welcomes the work in progress on the development of a European policy for the management of space traffic, and calls for the intensification of negotiations in order to arrive at international responses to this; considers that one of the concrete achievements of such a policy should lead to an improvement in the capacity for monitoring space debris; suggests that SATCEN be commissioned to analyse and draft a report on the safety and/or vulnerabilities of the EU and Member State satellites to space debris, cyber-attacks and direct missile attack;

52. Notes the important work conducted by EU SATCEN; regrets that the funding of SATCEN missions cannot benefit from the long-term programming of the EU budget and stresses that EU SATCEN should benefit from structural Union funding to be able to maintain its contributions to the Union's actions, in particular in order to provide high-resolution satellite imaging in support of CSDP missions and operations; considers that SATCEN's technological development needs should be taken into account in the EDF work programme; suggests creating a geospatial data analysis community within the framework of PESCO; believes that SATCEN must play a major role in this context; suggests that an agreement be signed by Parliament and SATCEN allowing Parliament to have access to the imagery and analysis services of the centre that it deems useful for information and for developing its positions and decision-making, in full compliance with SATCEN's confidentiality and security procedures;

53. Insists that freedom of air traffic must be maintained; calls on the Union to protect itself against any threat to civil aviation or any failure to respect its airspace, and to defend international aviation safety in cooperation with NATO's air policing mission and with the EU's partners; calls on the VP/HR begin work to assess the advisability of extending the concept of a coordinated maritime presence to the air environment;

Protecting strategic infrastructure

54. Highlights the new threats facing Europe, including economic coercion, disinformation campaigns, elections interference and intellectual property (IP) theft; notes that these threats so far do not trigger Article 5 of the North Atlantic Treaty or Article 42(7) TEU, but that a collective response should be given to them; calls for increased European coordination to assess, analyse and prevent further hybrid attacks by some international actors; calls for current Union

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instruments to be made operational so that they can contribute more effectively to preventing and countering hybrid threats and to protecting critical infrastructure and the functioning of our democratic institutions, as well as to securing our supply chains, while considering current structures and a new possibility to execute collective countermeasures part of the wider hybrid toolbox; underlines the urgent need for European institutions, agencies and other bodies to develop their strategic communication capabilities, to equip themselves with secure communication systems and a rapid reaction capacity to attacks, and to greatly increase their resilience;

55. Calls on the Union to put into practice the lessons learned from exercises based on Article 42(7) TEU scenarios and to develop a flexible and non-binding analysis for its activation in order to strengthen mutual assistance and solidarity between Member States;

56. Stresses that optical fibre cables are the backbone of our digital economies in the internet worldwide, through which 97 % of all internet traffic passes; stresses that although these cables are a central and indispensable part of the EU's critical infrastructure and are therefore of great geopolitical importance, they have recently been the targets of sabotage or foreign espionage operations; considers that the EU should prioritise the security and protection of these cables; calls for the EU to put in place an EU optical fibre cable security programme, including research, coordination, policy development, incident reporting, investigating and monitoring and coastguard training; points out that our modern economies in general, but also defence and security industries in particular, strongly depend on semi-conductors; welcomes in this regard the President of the Commission's announcement that the shortage of semi-conductors should be addressed by strengthening research, design and production in the EU through a European chips act; strongly underlines in this context the role of the European defence and security industry in the EU, as it provides the means to guarantee the safety of European citizens as well as the sustainable economic development of the Union; welcomes EU efforts to achieve these aims and the creation of the European Raw Materials Alliance (ERMA);

Developing civilian and military capabilities, improving processes and development and ensuring their coherence

57. Notes that the pandemic has exposed our vulnerabilities, weaknesses and ongoing challenges; notes that the EU did not have the full capacities and capabilities to ensure the safe and coordinated evacuation of its citizens from Afghanistan during the chaotic military evacuation of Kabul International Airport; calls, therefore, for a thorough evaluation; calls for political willingness to also act during emergencies and crisis in a rapid, effective and clear manner and for a reduction in Europe's strategic dependencies, including when they affect Europe's capacity for military action; recalls the objective of strengthening the strategic autonomy of the European Union so that it can be a credible strategic partner, which is demanding and capable of defending its interests and values; welcomes in this regard the work and initiatives of the Commission and the activities of the EEAS;

58. Welcomes the progress made to allow the development of new European military capabilities in connection with the European Defence Industrial Development Programme (EDIDP) and the Preparatory Action on Defence Research (PADR) by strengthening the European Defence Technological and Industrial Base (EDTIB), which is crucial for achieving strategic autonomy; underscores the importance of a strong, competitive and innovative 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; calls on the Commission to learn the useful lessons from these instruments for EDF with the aim of achieving operational results; welcomes the adoption of the EDF Regulation and the clear rules it sets out; recalls the highly sensitive and strategic nature of defence research, both for industrial competitiveness and for the EU's strategic autonomy; considers that in order to preserve the competitiveness of the EDTIB, it is essential to support the access of its companies to bank and non-bank financing; underlines that defence production is largely dual in nature and serves the civilian domain; calls on the Commission to ensure that the European ecolabel, while encouraging industry to be more environmentally friendly, preserves the competitiveness of the European defence industry, particularly since it plays an important role for the strategic autonomy of the EU;

59. Encourages the establishment of efficient governance involving the Commission and the Member States for the management of projects at both state and industry level; recommends to the Commission that it should explore options to ease the bureaucratic burden in order to facilitate participation of companies, in particular small and medium-sized enterprises (SMEs), in EDF projects; encourages initiatives such as EDIDP, PESCO and EDF to facilitate SME involvement by

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increasing efforts to support incubation and capital investment; recommends setting up a joint mechanism for field testing of capabilities developed in the framework of EDIDP and EDF in order to facilitate the integration of these capabilities in national armies; welcomes the provisions of the Defence Procurement Directive (Directive 2009/81/EC) that aim to foster cooperative procurement in defence, and calls on the Member States to make full use of the development efforts undertaken under the EDF as well as to ensure that an adequate level of economies of scale is achieved;

60. Compels the Commission to continue its efforts to counter the 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;

61. Deplores the reduction in the amounts assigned under the MFF to the EDF and military mobility, which makes coherence between Union defence initiatives (PESCO, CARD, EDF and the Connecting Europe Facility (CEF)) even more necessary; stresses, in this regard, the role of the European Defence Agency (EDA); recalls the conclusions of the first CARD and, in particular, the importance of increasing consistency between European capability prioritisation initiatives and the national planning processes, especially in the long term, in order to genuinely meet the needs of the armed forces; calls on the Council and the Commission to further integrate CARD recommendations in future EDF work programmes and PESCO projects in order to improve coherence between these instruments; recalls, in this regard, the ultimate responsibility of the Member States to achieve the objective of coherence of the European capability landscape, in particular in the areas identified by the CARD report; recalls also the importance of the commitment of the Member States, made in different frameworks, to maintain a sustained pace of defence investment and to use the opportunities of the EDF to stimulate new investment; underlines that adequate levels of financial resources, personnel and assets are essential to ensuring that the Union has the strength and ability to promote peace and security within its borders and in the world; calls for a budget increase for the EDF after 2027;

62. Takes note of the launch of the NATO innovation fund on emerging and disruptive technologies, which was signed by 16 EU Member States and the UK; highlights that this fund addresses topics also covered within the EDF, and therefore calls on all participating EU Member States to ensure complementarity with the EDF in order to avoid unnecessary duplication; stresses in this context the necessity for close cooperation between the EU and the UK on security and defence matters;

63. Calls for EU Member States that are NATO Allies to aim to ensure that their national defence budgets amount to at least 2 % of their GDP;

64. Stresses that PESCO and the EDF are first and foremost tools at the service of the Union and its Member States; stresses that PESCO and the EDF must make it possible to enhance defence cooperation with high European added value between Member States; recalls, therefore, the objectives of strengthening the strategic autonomy of the Union, increasing the operability of European forces and interoperability of defence systems, reducing the fragmentation of the capability landscape and the European defence market for these initiatives, supporting the competitiveness of the EDTIB, strengthening strategic autonomy, technological sovereignty, improving operational capability and reducing fragmentation of the European defence market;

65. Regrets the accumulated delay in revising the decision on PESCO governance; recalls the need to develop financial incentives; recalls that third country participation in individual PESCO projects must be decided on a case-by-case basis, when such participation is in the strategic interest of the Union, particularly for the provision of technical expertise or additional capabilities, and be carried out in a highly conditional manner and on the basis of established and effective reciprocity; asks to be fully involved in the decision to open any PESCO project to third party participation; welcomes the initial stages of the military mobility project and calls for the subsequent stages to be implemented swiftly; welcomes the participation of the United States, Norway and Canada in the military mobility project; welcomes the bilateral partnerships on security and defence dialogue, in particular with Canada and Norway, two important contributors to CSDP missions and operations;

66. Stresses that the EDF must promote the build-up and consolidation of European industrial sectors and European industrial champions, and foster the competitiveness of SMEs by means of multiannual programming logic incorporating the development of technological and capability roadmaps in order to ensure the necessary predictability which is

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indispensable for complex long-term projects, and to take advantage of civilian-defence synergies; insists therefore on the need to establish synergies with different Union policies, and in particular Horizon Europe and the European space programme, in order to allow an effective concentration of EDF resources on military issues in a narrow sense; welcomes the Commission action plan for synergies between civil, defence and space industries, which promotes innovation in dual-use goods; calls on the Union and the Commission to systematically take into account the contribution of the EDTIB to the strategic autonomy of the Union in all its policies; calls on the Commission to also present a specific industrial strategy for the EDTIB;

67. Welcomes the fact that the PESCO strategic review has led to a reduction in the number of projects, which are more focused, and to an increase in its political monitoring; reminds Member States of the importance of meeting their commitments in this framework in order to make projects more efficient and achieve full operational capacity on schedule, and in particular before 2025; expects therefore the next strategic review to also include a thorough assessment which must lead to the delivery of PESCO project results;

68. Backs the Commission proposal for VAT exemption for defence equipment designed and developed within the EU, which is a positive measure seeking to standardise practices at global level and foster European strategic autonomy;

69. Considers that the Strategic Compass capabilities basket should have the following objectives:

- define clear priorities for the revision of the Capability Development Plan (CDP) and subsequent cycles of the main objectives (i.e. Headline Goals (HLG)),
- streamline the planning and capability development processes (CDP, HLG/High Impact Capability Goal (HICG), PESCO, CARD) and maintain coherence of results with the relevant NATO processes, in particular the NATO Defence Planning Process (NDPP),
- integrate EU military capability development processes, defence planning processes, and make the best use of EU defence initiatives through PESCO and CARD,
- focus on a small number of projects which are consistent with CSDP objectives, are needed for achieving EU's level of ambition, strengthen Member States' capabilities, are operational and provide European added value;

70. Stresses that the digital sector is an area of opportunity where there are also significant threats of malicious action against our security and democracies by state and non-state actors, erasing the lines laid down in the law of armed conflict, and that this sector transcends borders; believes that it is necessary to go further to guarantee Europeans' access to this now disputed sector, and to develop a culture of security and solidarity between Europeans as well as effective tools to achieve this; calls for particular attention to be paid to the impact of emerging technologies so as to ensure that they are applied and used throughout the Union, facilitate research and innovation and enhance the Union's resilience, keeping in mind the need to control their use and specifically to:

- analyse the impact of artificial intelligence (AI) on security and defence, including the malicious use of this type of technology and the use of AI by Member States against these threats;
- underline the importance of an innovative and competitive EDTIB (which is the means to respond to the needs defined by Member States and the EU) as well as to identify strengths and vulnerabilities;
- ensure the security of supply chains (both inside and outside the EU), including for raw materials, critical components and technologies;
- share alerts, information and threats in real time through the connection of operational centres;

71. Calls, therefore, for the EU to take the lead in global efforts to set up a comprehensive regulatory framework for the development and use of AI-enabled weapons; calls on the VP/HR, the Member States and the European Council to adopt a joint position on autonomous weapons systems that ensures meaningful human control over the critical functions of weapons systems; insists on the need to start international negotiations on a legally binding instrument that would prohibit

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fully autonomous weapons; supports work on lethal autonomous weapons systems within the Convention on Certain Conventional Weapons (CCW), which currently is the only international forum where these issues are discussed;

72. Welcomes the renewed commitment of the Member States to the Common Position as amended by Council Decision (CFSP) 2019/1560 and underlines the importance of a thorough assessment of applications for authorisation to export technology and military equipment, in accordance with the criteria set out therein; notes that Council Decision (CFSP) 2019/1560 and the corresponding conclusions of 16 September 2019 reflect a growing awareness among Member States of the need for greater transparency and convergence at the national and European level on arms exports; welcomes the efforts made to increase transparency and the public and parliamentary scrutiny of arms exports; calls for joint efforts to improve risk assessments, end user checks and post-shipment verifications;

73. Is of the firm view that, as the EU is increasingly ambitious on defence issues, there is a need for greater convergence and consistency in the Member States' arms export policies; calls on Member States to fully comply with Common Position 2008/944/CFSP on common rules governing control of exports of military technology and equipment as been amended by Council Decision (CFSP) 2019/1560, and to strictly implement criterion 4 on regional stability; calls for a consultation mechanism to be put in place among Member States to assess compliance with the Common Position;

74. Takes note of joint efforts of some Member States to develop essential future capabilities outside the EU framework, in particular the Future Combat Air System (FCAS) and the Main Ground Combat System (MGCS); highlights that these projects are important for strengthening European military capabilities in general; highlights that the results of the first CARD, which identified modernisation and the acquisition of main battle tank systems as a focus area for cooperation; recommends that the Member States in question explore additional cooperation and funding possibilities at the European level, especially the EDF, in order to make full use of the European defence industries' innovation potential and achieve greater economies of scale; considers in this context that the Tempest project led by the United Kingdom in which EU Member States also participate is an unnecessary duplication of FCAS and therefore encourages the states participating in both projects to combine both projects in order to achieve economies of scale as well as to ensure interoperability between the EU and the UK; stresses in this context the necessity for close cooperation between the EU and the UK on security and defence matters, building stronger defence partnerships and supporting the autonomy of partner countries;

Building stronger defence partnerships and supporting the sovereignty of partner countries

Defending multilateralism on arms control, disarmament and non-proliferation

75. Calls for support to be given to strengthening and preserving the arms control architecture in Europe in a context of gradual erosion marked by the United States' and Russia's withdrawal from the Treaty on Open Skies; calls for disarmament regimes and forums to be actively supported and strengthened in every aspect: universalisation, support for implementation, political and institutional support, and financial support; calls on the Union to pay particular attention to CBRN risk in the context of the Organisation for the Prohibition of Chemical Weapons, with particular emphasis on the prohibition regime and conventional obligations under the Chemical Weapons Convention (CWC) and the fight against impunity;

76. Welcomes the extension of the New Strategic Arms Reductions Treaty (New START Treaty) and laments the end of the Intermediate Nuclear Forces Treaty (INF); notes the proliferation of hypersonic missiles; believes that the European Union should contribute to preventing an international hypersonic missile arms race; reaffirms its full support for the EU and its Member States' commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the nuclear non-proliferation and disarmament regime; reiterates its calls for the adoption of concrete and effective measures during the 10th NPT Review Conference; insists on the need to ensure that the EU plays a strong and constructive role in developing and reinforcing global rules-based non-proliferation efforts and arms control and disarmament architecture;

77. Reiterates its continued support for the Joint Comprehensive Plan of Action (JCPOA) as the best possible means of obtaining assurances of non-proliferation in Iran; welcomes the resumption of talks, and calls on all parties to return to full compliance; calls on the Union to ensure that obligations under the CWC are met by all parties and to fight against

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impunity; calls for the EU and its Member States to strive for a protocol to the Biological Weapons Convention establishing verification mechanisms to be concluded;

Strengthening dialogue, partnerships and cooperation on security and defence

78. Stresses that the Union should adopt a strategic approach to its mutually beneficial partnerships based, in particular, on shared values and principles on the defence of its interests and its aim to achieve strategic autonomy; underlines that it is in the Union's interest to act together with partners, in full respect of alliances, with strategic autonomy being a part of the multilateral framework;

79. Calls for even deeper cooperation with international organisations and in particular with the UN, including between CSDP missions and peacekeeping operations, especially on joint theatres; stresses the importance of cooperation with the Organisation for Security and Cooperation in Europe (OSCE) on security;

80. Underlines the need to strengthen EU-US transatlantic cooperation on the basis of an equal partnership based on shared values and objectives, while respecting the other party's autonomy, interests and aspirations; welcomes the establishment of an EU-US strategic dialogue on security and defence with a view to contributing to a mutually beneficial and balanced transatlantic relationship; welcomes in particular the ongoing or upcoming EU-US dialogues on China, Russia and the Indo-Pacific; stresses the operational dimension of the partnership and the importance of ensuring that the Union maintains its strategic autonomy, in particular as regards the United States' International Traffic in Arms Regulations (ITAR); welcomes the relevance of this format for dealing with hybrid threats; welcomes, in this regard, the involvement of third countries in the EDA on the basis of administrative agreements, provided that it is accompanied by legally binding quid pro quo measures and safeguards to protect the defence and security interests of the Union and its Member States; regrets the fact that there was scant consultation and information of EU Allies on the Afghanistan withdrawal and on the AUKUS trilateral security pact; underlines that this should remind the EU once more of the urgent need to deliver on EU defence in order to ensure the EU's ability to be a global player for peace;

81. Points out that the necessary cooperation with NATO enshrined in Article 42(2) of the North Atlantic Treaty must develop with due regard for the specific characteristics and roles of NATO and the EU, in full respect of the decision-making autonomy of both organisations; calls for a stronger NATO supported by a stronger European Union (the European pillar within NATO) and wishes to see very tangible development in the EU-NATO partnership, particularly in view of the growing hybridisation of threats, and which should include parameters which are not directly military in the strategic competition in peacetime; acknowledges that for new threats on European soil, such as disinformation, IP theft, economic coercion or cyber sabotage, the European Union is strengthening its capabilities in order to become a security provider; stresses that the current strategic situation calls for NATO's unequivocal support for European initiatives on defence, including capability, while respecting the prerogatives of each organisation; recalls the importance of fully implementing the 'Berlin Plus' agreement and of allowing the communication of classified documents between both organisations; considers that the work being carried out in parallel on both the EU's Strategic Compass and the expected update of NATO's Strategic Concept represents a unique opportunity to establish clear priorities and coherence as well as identify additional synergies in order to strengthen the transatlantic bond and further EU-NATO cooperation; calls, in this context, for NATO's new strategic concept to take into account and to be coherent with the EU's Strategic Compass; recognises NATO's role as the cornerstone of collective security for those Member States that are also NATO members; notes with concern, however, that deep and persistent divergences with one non-EU-NATO ally are hampering cooperation between the two organisations and undermining solidarity between the Member States, particularly in the strategic area of Eastern Mediterranean; looks forward to the new EU-NATO Joint Declaration;

82. Notes the potential exponential increase in threats from extremists following NATO's withdrawal and the subsequent Taliban takeover in Afghanistan; calls for a thorough reflection on lessons learned from Afghanistan and for an active strategy in the region to mitigate the impact of Afghanistan being a new safe breeding ground for extremism and terrorism; reaffirms that every effort must be made to safeguard the security and human rights of Afghans and to protect them from violence, persecution and being killed; stresses the need to continue evacuations, in particular of those who have

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worked for the EU; notes that the withdrawal from Afghanistan has highlighted the need for the EU to increase its share of responsibility in global security, and for it to contribute meaningfully to strengthening its capabilities and capacities;

83. Calls for closer relations with the democratic states in the Indo-Pacific region, and in specific policy sectors (cybersecurity, hybrid, maritime, arms control etc.), with the Association of Southeast Asian Nations (ASEAN) and with Latin American partners; highlights the security challenges in the Indo-Pacific region, which is of significant interest for EU; notes with increasing concern China's steadily growing arms build-up and military posture, in particular the reported test of a hypersonic missile and the increasing violations of Taiwan's Air Defence Identification Zone; calls for all parties concerned to resolve their differences through peaceful means and to de-escalate the tensions as well as to refrain from taking unilateral action to change the status quo; calls on all parties to adhere to the principles of international law, most in particular UNCLOS; highlights the increasing relevance of disinformation originating in the Indo-Pacific which threatens to undermine EU activities in the region and therefore calls on the Council and the Commission to tackle this challenge in a similar way to disinformation originating from the eastern flank of EU; notes with serious concern the recent display of force and escalating tensions in regional hotspots such as the South and East China Sea and Taiwan Strait; underlines that peace and stability in the Indo-Pacific regions is of great importance to the EU and its Member States; expresses grave concern over China's continued military manoeuvres in the Taiwan Strait, including those aimed at Taiwan or taking place in Taiwan's Air Defence Identification Zone; calls on the PRC to desist from this military sabre-rattling, which poses serious threats to peace and stability in the Taiwan Strait and the Indo-Pacific region; reiterates the need for dialogue, without coercion or destabilising tactics by either side; stresses its opposition to any unilateral action that may undermine the status quo of the Taiwan Strait, and that any change to cross-Straits relations must not be made against the will of Taiwan's citizens; highlights that China's increasingly belligerent attitude towards certain states and territories is a cause for concern; stresses that the EU should undertake an assessment of the possible consequences of a regional conflict on the EU's security, which should also weigh up how the EU should respond to a deteriorating security situation in the Indo-Pacific region and beyond; welcomes the currently ongoing discussion on Japan's participation in EUTM Mali and Mozambique. and on Indian participation in African CSDP operations and missions;

84. Welcomes the signing of the Strategic Military and Defence Cooperation Agreement between Greece and France as a positive step towards European strategic autonomy and the creation of a true and functioning European Defence Union; calls for enhanced cooperation with partner countries in the Mediterranean to combat extremism, terrorism, the illicit trade in weapons and human trafficking;

85. Underlines the geopolitical importance of the Union taking lead responsibility for its regional stability, security and prosperity and preventing destabilising processes in the EU neighbourhood in the East, South and the Arctic; recognises the growing political, economic, environmental, security and strategic value of the Arctic Circle; urges the Member States to continue cooperation with the Arctic Council on all issues of interest to the EU and to develop a comprehensive strategy for the region; notes the emerging security challenges in the Arctic caused by the changing environment and the growing geopolitical interest in the region; underlines the need to include the EU's Arctic policy in the CSDP; stresses that the EU must have a clear vision of its role in Arctic security matters and engage in effective cooperation with NATO; stresses that the Arctic must remain an area of peaceful cooperation, and warns against increased militarisation of the region;

86. Acknowledges the importance of CSDP involvement in the Eastern Neighbourhood; supports the deepening of military and security cooperation with the Eastern Partnership countries to maintain stability at the borders of the Union; reiterates its call for developing a more active EU role in the peaceful resolution of ongoing conflicts and in the prevention of any future conflicts in the region; calls for support to be provided to Eastern Partnership countries and the involvement of interested Eastern Partnership countries in the activities of the European Centre of Excellence for Countering Hybrid Threats; calls for setting up an EU Strategic Communications-Eastern Partnership cooperation platform to address issues related to tackling disinformation with a view to improving the resilience of the Eastern Partnership countries;

87. Recognises the contribution of Georgia, the Republic of Moldova and Ukraine to CSDP missions and operations; supports closer defence and security cooperation with these valued partners;

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88. Reiterates its strong condemnation of Russia's aggressive behaviour towards Ukraine, notably the substantial military build-up at Ukraine's borders and in the Donbas, the occupied Crimean peninsula and Belarus, the continuous financial and military support for armed groups in the Donbas, the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol, the blockade of the Sea of Azov and repeated cyber and other hybrid attacks against Ukraine; underlines that Russia's military build-up and repeated breach of the ceasefire represent a threat to peace, stability and security in Europe; calls on the Russian Government to withdraw its forces from the Ukrainian borders and stop threatening its neighbours; recalls that the Normandy Format and Minsk I & II Agreements are the only diplomatic initiatives that aim to end hostilities between Ukraine and the Russian-backed separatists in Donetsk and Luhansk and calls for support for efforts to restart Normandy Format talks and achieve tangible results; commends the considerable efforts to sustain intense cooperation between the EU, its Member States and the United States and among Member States as regards the situation; calls for increased and credible military and security assistance to Ukraine, according to its needs, including by mobilising the European Peace Facility; encourages the Member States to increase their bilateral military and security assistance to Ukraine; acknowledges the first meeting of the EU-Ukraine cyber dialogue and stands ready to support, if needed, an increase in EU cybersecurity assistance to Ukraine; welcomes the launch of EU-Ukraine dialogue on cybersecurity and encourages similar engagement with other interested Eastern Partnership countries;

89. Regrets the lack of a security and defence cooperation partnership between the UK and the EU on account of the British Government's lack of interest, despite the assurances given in the political declaration setting out the framework for the future relationship between the EU and the UK; underlines the need for an agreement on EU-UK foreign policy and security cooperation in order to be able to better tackle common global security challenges; calls on the UK Government to open up negotiations for establishing strong cooperation on foreign policy, security, defence, and capability development; calls for a closer cooperation and stronger partnership to be built up with relevant African organisations, such as the African Union, ECOWAS, the Southern African Development Committee (SADC), G5 Sahel, the Pan African Parliament, promoting a greater parliamentary role in Africa; calls on the EU, further, to keep its commitments made at the Fourth EU-African Summit to support economic and political stability and to further support the capabilities of the African Standby Force; emphasises, given the cyclical nature of conflicts in the region, the need for more political engagement with the governments supported by the EU in order to ensure greater transparency, combat corruption, cultivate inclusivity and engage with citizens in an effort to curb the explosion of armed and ethnic conflicts in Africa;

90. Calls for cooperation on training and military capacity building with partner countries weakened by conflicts or regional threats or targeted by malicious foreign interference;

91. Recognises the role of the increased flow of illicit money to tax havens and the risk they pose in terms of increased militarisation, the financing of terrorist activities and worsening global instability; calls for more actions to curb money laundering, and empowering partners, especially in Africa and Latin America, by means of mechanisms to curb murky financial transactions involving tax haven authorities;

Improving European governance of the CSDP

92. Welcomes the fact that the Directorate-General for Defence Industry and Space (DG DEFIS) has started operations; welcomes the announcement that a European Defence summit will be held in early 2022, as well as the fact that the President of the European Council declared 2022 the year of European defence; expects both initiatives to bring a new impetus for further development of the European Defence Union; calls on citizens, academia, civil society organisations and the private sector to express their expectations on CSDP architecture, peace, defence, the security agenda, the Strategic Compass and the role of the EU in the world in the course of the Conference on the Future of Europe; calls on EU institutions to take such expectations on-board by translating them into concrete proposals and actions; underlines the importance of improving the tools available to civil society for ensuring its meaningful involvement in the formulation and oversight of defence policy; calls for the establishment of a fully-fledged Security and Defence Committee in Parliament and for the formalisation of an EU Council of Defence Ministers;

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93. Recalls the role played by the High Representative of the Union for Foreign Affairs and Security Policy; calls on the Member States to assess a reform of the decision-making process, in particular Article 31 TEU, extending qualified majority voting (QMV) to EU foreign and security policy in areas relating to CSDP, as well as exploring the full use of 'passerelle clauses' and the scope of articles that enhance the EU's solidarity and mutual assistance in the event of crises;

94. Points out that Parliament should be consulted in advance and be properly informed about the planning, modification and possibility of ending CSDP missions; underlines the need for Parliament to be actively involved in the evaluation of CSDP missions and operations with a view to reinforcing their transparency and their political and public support; considers that its recommendations should be duly taken into account; is determined to play its full role in scrutinising the Global Europe instrument, in particular its peace and security dimension, and in the implementation of the EDF;

95. Stresses the need to develop ever closer cooperation with national parliaments on CSDP matters in order to reinforce accountability and scrutiny and to strengthen defence diplomacy;

96. Stresses that Parliament should be regularly informed and consulted on the implementation of PESCO, given its essential linkage with the various financial instruments of the CSDP, in particular the EDF, over which Parliament exercises scrutiny;

97. Insists on the importance of effective linkages between different EU governance structures (Commission, EEAS, EDA, etc.), and on need to foster good relations with the European Parliament, as the sole body representing Union citizens, in accordance with the relevant provisions of the Treaties;

98. Will pay particular attention to ensuring that the special nature of military affairs is better reflected in European Union law; recalls, to this end, that Parliament is in favour of preserving the military's status, which meets the very specific requirements of the military profession and constitutes the guarantee of the armed forces' effectiveness in each of the Member States; calls for the intelligence services' intervention capacities to be preserved, as these services cannot carry out their task of protecting national security without retaining access to connection data provided in full, as a preventive measure, for a sufficient period of time and under the supervision of the national courts and the European Convention on Human Rights; takes notes of Council's adoption of its general approach on the Single European Sky package; recalls the need to safeguard Member States' sovereignty and European armed forces' freedom to act; recalls, in respect of the provision of services, the national security imperatives relating to access, reliability and integrity of data, and insists that the inclusion of military safeguard clauses in EU regulations should make it possible to meet this twofold challenge;

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99. Instructs its President to forward this resolution to the European Council, the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President of the European Commission and competent Commissioners such as the Commissioner for Internal Market, the Secretary-General of the United Nations, the Secretary-General of NATO, the EU agencies in the space, security and defence fields, and the governments and parliaments of the Member States.

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Human rights and democracy in the world — annual report 2021**European Parliament resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter — annual report 2021 (2021/2181(INI))**

(2022/C 342/15)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention on Human Rights,
- having regard to Articles 2, 3, 8, 21 and 23 of the Treaty on European Union (TEU),
- having regard to Articles 17 and 207 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Universal Declaration of Human Rights and other UN human rights treaties and instruments,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and UN Human Rights Council Resolution 43/29 of 22 June 2020 on the prevention of genocide,
- having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979,
- having regard to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by UN General Assembly Resolution 36/55 of 25 November 1981,
- having regard to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992,
- having regard to the UN Declaration on Human Rights Defenders, adopted by consensus on 10 December 1998,
- having regard to the UN Convention on the Rights of the Child of 20 November 1989 and the two Optional Protocols thereto, adopted on 25 May 2000,
- having regard to the UN Arms Trade Treaty on Export and Export Assessment and the EU Code of Conduct on Arms Exports,
- having regard to the Beijing Declaration of September 1995,
- having regard to the Council of Europe Conventions for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (CETS No 164), adopted on 4 April 1997, and the protocols thereto, on Action against Trafficking in Human Beings (CETS No 197), adopted on 16 May 2005, and on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No 201), adopted on 25 October 2007,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter 'the Istanbul Convention') of 11 May 2011, which not all Member States have ratified,

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- having regard to the Council of Europe Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty,
- having regard to Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses ⁽¹⁾,
- having regard to Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items ⁽²⁾,
- having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument — Global Europe ⁽³⁾,
- having regard to the EU Action Plan on Human Rights and Democracy 2020-2024, adopted by the Council on 18 November 2020,
- having regard to the UN Secretary-General's Call to Action for Human Rights,
- having regard to the Council conclusions of 16 November 2015 on the EU's support to transitional justice,
- having regard to the Council conclusions of 17 February 2020 on EU priorities in UN human rights forums in 2020 and of 22 February 2021 on EU priorities in UN human rights forums in 2021,
- having regard to the Council conclusions of 13 July 2020 on EU priorities at the UN and the 75th UN General Assembly, September 2020-September 2021, and of 12 July 2021 on EU priorities at the UN during the 76th session of the UN General Assembly, September 2021-September 2022,
- having regard to the 2030 Agenda for Sustainable Development, adopted on 25 September 2015, in particular goals 1, 4, 5, 8 and 10 thereof,
- having regard to UN Security Council resolutions 1325, 1820, 1888, 1889, 1960, 2106, 2122 and 2242 on women, peace and security,
- having regard to the resolutions of the UN General Assembly of 28 May 2019 establishing the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief and of 19 December 2017 establishing the International Day of Remembrance of and Tribute to the Victims of Terrorism,
- having regard to the report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association of 17 May 2019 on the exercise of those rights in the digital age,
- having regard to the info note of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on strategic litigation against public participation and the rights to freedom of assembly and association,
- having regard to the report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of 28 May 2019 on the adverse effect of the surveillance industry on freedom of expression,
- having regard to the EU Action Plan on Gender Equality and Women's Empowerment in External Action 2021-2025 (GAP III),

⁽¹⁾ OJ L 410 I, 7.12.2020, p. 1.

⁽²⁾ OJ L 206, 11.6.2021, p. 1.

⁽³⁾ OJ L 209, 14.6.2021, p. 1.

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- having regard to the EU Strategy on the Rights of the Child 2021-2024,
- having regard to the human rights comment of the Council of Europe Commissioner for Human Rights of 27 October 2020 entitled 'Time to take action against SLAPPs',
- having regard to the revised Council guidelines of 16 September 2019 on the EU's policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment,
- having regard to the EU guidelines on the promotion and protection of freedom of religion or belief of 24 June 2013,
- having regard to the Commission communication of 12 September 2012 entitled 'The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations' (COM(2012)0492),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 8 April 2020 on the global EU response to COVID-19 (JOIN(2020)0011),
- having regard to the Commission communication of 23 September 2020 on a New Pact on Migration and Asylum (COM(2020)0609),
- 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 joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 17 February 2021 on strengthening the EU's contribution to rules-based multilateralism (JOIN(2021)0003),
- having regard to the EU Annual Report on Human Rights and Democracy in the World 2020,
- having regard to its resolution of 3 July 2018 on violation of the rights of indigenous peoples in the world, including land grabbing ⁽⁴⁾,
- having regard to its resolution of 15 January 2019 on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU ⁽⁵⁾,
- having regard to its resolution of 23 October 2020 on Gender Equality in the EU's foreign and security policy ⁽⁶⁾,
- 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 ⁽⁷⁾, and to its previous resolutions on earlier annual reports,
- having regard to its resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability ⁽⁸⁾,
- having regard to its resolution of 19 May 2021 on the effects of climate change on human rights and the role of environmental defenders on this matter ⁽⁹⁾,
- having regard to its resolution of 16 September 2021 with recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU ⁽¹⁰⁾,

⁽⁴⁾ OJ C 118, 8.4.2020, p. 15.

⁽⁵⁾ OJ C 411, 27.11.2020, p. 30.

⁽⁶⁾ OJ C 404, 6.10.2021, p. 202.

⁽⁷⁾ OJ C 456, 10.11.2021, p. 94.

⁽⁸⁾ OJ C 474, 24.11.2021, p. 11.

⁽⁹⁾ OJ C 15, 12.1.2022, p. 111.

⁽¹⁰⁾ Texts adopted, P9_TA(2021)0388.

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- having regard to all its resolutions adopted in 2020 and 2021 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 its Sakharov Prize for Freedom of Thought, which in 2020 was awarded to the democratic opposition in Belarus and in 2021 was awarded to Alexei Navalny,
 - having regard to the definition of a civil society organisation in the glossary of summaries of EU legislation,
 - having regard to the EU's policy framework on support to transitional justice,
 - having regard to Rule 54 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 Foreign Affairs (A9-0353/2021),
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, as set out in Article 2 TEU; whereas no one may be persecuted or harassed in any way for their involvement in activities to protect and promote human rights or democracy; whereas silencing dissenting voices and curbing public participation and access to information has a direct impact on human rights and democracy;
- B. whereas the serious threats to multilateralism and international law witnessed at present are such as to require the EU to have an even more committed role in promoting and protecting human rights around the world; whereas the EU's policies and actions on human rights should lead to more assertive, decisive and effective actions, with the aid of all of the instruments at its disposal; whereas the EU should constantly explore the best ways to act effectively, employing the most suitable instruments to address violations and abuses of human rights worldwide, and should undertake a regular assessment of its human rights toolbox to this end;
- C. whereas the European Parliament has a crucial position as a vocal EU institution in defending human rights and fundamental freedoms and a fervent supporter of human rights defenders from all around the world;
- D. whereas the EU Action Plan on Human Rights and Democracy 2020-2024 is a roadmap of the EU's priorities concerning human rights, which should be at the centre of all EU external policies; whereas in order to effectively advance human rights in the world, the EU must ensure coherence between its various internal and external policies;

General challenges and policy tools

1. Is extremely concerned by the challenges to human rights and democracy, resulting in the weakening of the protection of democratic governance and institutions and of universal human rights, as well as the shrinking space for civil society, observed around the world; underlines the link between the rule of law, democracy and human rights violations; calls for the EU and its Member States to make more concerted efforts to address the challenges to human rights worldwide, both individually and in cooperation with like-minded international partners, including in the UN; calls for the EU and its Member States to lead by example and act as a truly global leader in the promotion and protection of human rights, gender equality and the rule of law, and to strongly stand up to attacks against the principles of the universality, inalienability, indivisibility, interdependence and interrelatedness of human rights;
2. Underlines the importance of both the new Neighbourhood, Development and International Cooperation Instrument (NDICI) — Global Europe and the EU Action Plan on Human Rights and Democracy 2020-2024 for this goal; recalls that the use of qualified majority voting in the Council on human rights issues would result in a more effective and proactive EU foreign and security policy, and would strengthen cooperation on matters of key strategic interest for the EU, while reflecting its fundamental values; stresses the need to arrive at common positions and consensus among the Member States; stresses the importance of Member States taking ownership of the EU action plan and publicly reporting on their action under this strategic document; encourages national and regional parliaments, national human rights institutions and local civil society organisations to engage with their authorities at Member State level on their contribution to the conduct of the EU's external human rights policy;

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3. Is deeply concerned by the increasing number of illiberal democracies and autocratic regimes, which are in the majority worldwide for the first time in 20 years, and which seek to suppress their own people and to weaken freedom, democratic governance and international norms; calls for the EU and the Member States to make full use of the tools at their disposal, including their economic leverage in mutual trade relations, to develop more ambitious support for freedom, good governance, the rule of law and democratic institutions, as well as to help to ensure space for civil society globally;
4. Calls on the EU to continue to intensify its cooperation with the United States and other like-minded democratic partners to support freedom and democracy worldwide and to push back against authoritarian and totalitarian regimes; calls for the adoption of new international tools and instruments to defend democracy; calls on the Commission to review, update and further develop EU state-building programmes, to increase their efficiency, and to improve the sustainability of the results achieved;
5. Underscores that the ambitious commitment and rhetoric of the EU's external human rights policy requires it to be consistent and to lead by example in order to avoid undermining its credibility when opposing the global democratic decline; calls for the EU, to this end, to take particular care to assess and prevent any violations linked to its own policies, projects and funding in third countries and to ensure their transparency in order to avoid inconsistent approaches to comparable human rights situations worldwide, and to set up a complaints mechanism for those whose rights may have been violated by EU activities;
6. Underlines the importance of the EU's support for mediation and electoral processes through its assistance to domestic observers and through the election observation missions, in which Parliament plays an active role; stresses the importance of providing the highest level of protection for domestic electoral observers and calls for further support in this respect; highlights the need for effective follow-up to the reports and recommendations of these missions in order to strengthen democratic standards and facilitate future peaceful democratic transitions and development in the countries concerned; recalls Parliament's political mediation tools, which could be developed further to assist with this overall approach; stresses the importance for the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the European External Action Service (EEAS) to continue to submit the reports drawn up by the exploratory missions to the European Parliament in due time and form as per agreed practice;
7. Calls for the EU to work closely together with domestic and international organisations such as the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe and the organisations that have endorsed the Declaration of Principles for International Election Observation in order to effectively identify obstacles to any candidate's electoral campaign, electoral fraud, voting irregularities and the persecution of free media for their reporting on election processes;
8. Stresses that the European Parliament should strive towards more effective communication on the protection of human rights, including by translating its urgency resolutions on human rights abuses into the local languages of the countries concerned and publishing and distributing them accordingly;

Human rights and democracy thematic programme

9. Recalls that respect for human rights, democracy and the rule of law is a cross-cutting objective throughout the whole NDICI — Global Europe Instrument as stipulated in Article 3 (objectives) of the regulation; underlines the importance of the human rights and democracy thematic programme adopted under the NDICI — Global Europe Instrument for the protection of human rights and promotion of freedom and democracy around the world;
10. Reiterates that the diversification and maximisation of the funding arrangements and mechanisms for civil society actors under the NDICI are essential elements and should be encouraged by taking account of the specificities of those actors and ensuring that neither their scope for action nor the number of potential interlocutors is restricted, in addition to continuing to work towards greater autonomy of civic space in accordance with the principle of policy coherence for development; calls for the level and flexibility of funding for civil society and human rights defenders under the NDICI thematic programme on human rights and democracy, including for ProtectDefenders.eu and the European Endowment for Democracy, to reflect the seriousness of today's illiberal backlash and the shrinking of civil society space worldwide;

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11. Calls for greater transparency regarding human rights provisions in financing agreements under the NDICI and a clarification of the mechanism and criteria for the suspension of such agreements in the event of a breach of human rights, democratic principles and the rule of law or of serious cases of corruption; calls on the Commission to strictly refrain from disbursing budget support to the governments of third countries as an operational modality for the provision of aid in countries witnessing widespread violations of human rights and the repression of human rights defenders;

12. Welcomes the strategic dialogue between the Commission and Parliament on all the components of the NDICI, and calls on the Commission to fully take into account Parliament's input concerning the human rights priorities, both in the thematic programme and in all the geographical programmes; stresses that the full impact of the instrument can only be achieved if the human rights agenda is streamlined into all of the EU's external policies and programmes, if it is coherent with its internal policies, and if the EU is perceived as a credible international actor committed to defending and advancing human rights;

13. Commends the work of the European Endowment for Democracy in supporting civil society and a free media across the EU's southern and eastern neighbourhoods, as well as the Western Balkans; calls on the Commission to increase re-granting mechanisms within the EU's democracy support programmes in order to bolster bottom-up approaches to democracy support and ensure that smaller initiatives at a regional or local level can also benefit from EU support;

14. Reiterates its support for the work of European political foundations in supporting and empowering the next generation of political leaders in the EU's neighbourhood and beyond;

EU Special Representative for Human Rights

15. Welcomes the contribution of the EU Special Representative for Human Rights (EUSR) to defending and advancing human rights in the world; underlines the EUSR's important role in enhancing the effectiveness of the EU's human rights policies through engagement with third countries, cooperation with like-minded partners to advance the human rights agenda, and increasing the internal and external coherence of the EU's policies in the field; reiterates that the appointment of the EUSR should be subject to a prior hearing in Parliament;

16. Notes that the mandate of the EUSR and the visibility of their role should be enhanced in order to have a meaningful impact on human rights; underlines that the EUSR has a flexible mandate which could be adapted to evolving circumstances; is of the opinion that the EUSR's position could be made more effective by enhancing communication activities and developing a more public profile through, inter alia, the publication of public statements in support of human rights defenders at risk, including Sakharov Prize laureates and finalists, and of human rights defenders imprisoned for long periods, thereby helping to protect their physical integrity and the essential work they do; stresses the importance for the EUSR to cooperate closely with other EU special representatives on countries and regions in order to streamline human rights into EU regional policies;

17. Recommends that the EUSR devote special attention to the countries and topics addressed in Parliament's monthly urgency resolutions on human rights abuses, and to any human rights violations, notably those committed under authoritarian regimes;

18. Calls on the Commission, the VP/HR and the Member States to ensure political backing and adequate human and financial resources for the EUSR and their team;

19. Encourages the EUSR to pursue diplomatic efforts to enhance the EU's support for international humanitarian law and international justice; reiterates its call for a dedicated EU special representative on this issue;

EU human rights dialogues

20. Acknowledges that the EU human rights dialogues have the potential to promote human rights and democracy in bilateral relations with third countries, but underlines that in order to be effective, they need to be pursued in a results-oriented manner and based on clear benchmarks to evaluate their outcomes; regrets the fact that the revised EU guidelines on human rights dialogues with partner/third countries, while establishing specific objectives, fail to identify indicators which would allow a proper evaluation to be conducted; calls for the EEAS to carry out such evaluations for each

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dialogue, in line with the EU guidelines, including follow-up on individual cases raised both in the context of human rights dialogues and by Parliament; is of the opinion that the failure to achieve concrete results on human rights dialogues with third countries would require a further assessment on how to conduct bilateral relations;

21. Reiterates the commitment undertaken in the EU guidelines on human rights defenders to raise individual cases of human rights defenders at risk during EU human rights dialogues with partner/third countries, and stresses the need to be consistent in ensuring such cases are raised on these occasions; expects the EEAS to pay particular attention to the individual cases raised by Parliament, notably in its urgency resolutions, as well as to the Sakharov Prize laureates and finalists at risk, and to report back on action taken;

22. Underlines that the dialogues should be one of the tools in the EU's comprehensive engagement in human rights and that they should not be seen as a replacement for human rights-related discussions at high-level forums with all relevant actors and, in particular, with the EU's strategic partners; calls on the EEAS to share the information about envisaged dialogues — both bilateral and within international forums — sufficiently in advance with Parliament's Committee on Foreign Affairs and Subcommittee on Human Rights and with civil society organisations;

23. Stresses that all civil society actors, including independent civil society organisations, faith-based organisations, trade unions, community-led organisations and human rights defenders, have a vital role to play in the dialogues in providing input both to the dialogues themselves and to the evaluation of their outcomes; underlines that the EU and its Member States should ensure genuine, accessible and inclusive consultation and participation of such organisations within the framework of official and informal dialogues, where possible and appropriate, as well as exploratory talks; calls on the EEAS and the Commission to improve communication and transparency with regard to civil society; calls, to this end, on the EEAS and the Commission to reinforce and increase the visibility of human rights focal points at the geographical divisions of their headquarters and to strengthen support for civil society, including technical support, particularly in countries where oppressive regimes seek to prevent the work of civil society;

24. Highlights that human rights dialogues are intended to be a central part of the EU's foreign policy toolbox and cannot therefore be an end in themselves; reiterates that pursuant to Article 21 TEU, the values on which the Union was founded must guide all aspects of its external policies; calls on the EEAS and the Council, therefore, to strike a better balance between diplomacy, interests and values that is more in line with the human rights objectives underpinning the EU's external action, with a greater focus on the long-term perspective; reiterates, therefore, that respect for human rights must be an underlining condition of the EU's support to third countries;

Multilateralism and international justice

25. Notes that 2020 marked the 75th anniversary of the United Nations, an essential universal forum for international consensus-building on peace and security, sustainable development and respect for human rights and international law; calls for the EU and its Member States to maintain their vital support to the UN and to continue their efforts to speak with one voice in the UN and other multilateral forums; draws attention to the challenges to the universal enjoyment of human rights and highlights the need for more inclusive and effective multilateralism and international cooperation; highlights the vital role of UN bodies as the forum for advancing peace, conflict resolution and the protection of human rights, and calls for enhanced action and resources in this regard; welcomes the UN Secretary-General's Call to Action on Human Rights;

26. Regrets the continued practice of double standards by certain countries in the treatment of human rights situations worldwide; condemns the increasing number of attempts to undermine the functioning of UN bodies, in particular the Human Rights Council, by questioning the universality of human rights, and to obstruct the rules-based international order; regrets the fact that countries that have been home to autocratic regimes and repeated human rights violations have become part of the Human Rights Council and deplores their blatant disregard for their human rights obligations and deplorable track records in cooperating with the UN mechanisms established through the Human Rights Council; calls, in this regard, for a fundamental reform of the Human Rights Council, including setting clear criteria for its members; calls on the EEAS, in particular, to initiate and spearhead efforts towards a coordinated EU and Member State position on membership of the Human Rights Council, which would promote greater transparency in the election process, notably by making the Member

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States' votes public and providing the rationale for their votes; highlights the need, furthermore, for a genuinely competitive process by ensuring that the three regional blocks in which the Member States are present offer more candidates than seats and improving the accountability of the candidates by scrutinising their voluntary pledges and track records in cooperating with the Human Rights Council and the UN treaty bodies and special procedures;

27. Strongly condemns all attacks against the mandate holders of UN special procedures and the independence and impartiality of their mandates; stresses that state sovereignty cannot be used as a pretext to avoid human rights monitoring by the international community since, according to the UN Charter and UN General Assembly Resolution 60/251, all states — regardless of their political, economic and cultural systems — have the duty and responsibility to promote and protect all human rights and fundamental freedoms for all, and the Human Rights Council should address situations of violations of human rights;

28. Calls on the Member States and the EU's democratic partners to decisively counter these attempts and to strengthen their response to serious violations of international human rights; calls on the Council and the Member States to work to reform multilateral institutions to make them more resilient and capable of making decisions that are more consistent and adaptable;

29. Highlights the need for adequate funding for all UN human rights bodies, notably the treaty bodies and special procedures; calls on the UN Secretary-General, to this end, to provide appropriate resources from the UN budget and urges the EU Member States to increase their voluntary contributions;

30. Underlines the need to carry out an impartial, fair and transparent review of the applications for consultative status on the UN Economic and Social Council by non-governmental organisations (NGOs); supports the EU's call for the approval of heavily delayed applications from certain reputable NGOs;

31. Denounces the reprisals and acts of intimidation against some 240 individual members of civil society, human rights defenders and journalists in 45 countries for cooperating with the UN over the past year, as reported by the UN Secretary-General; calls on the EU and its Member States to take robust action against such reprisals, including through a global demarche towards the countries concerned, and to take all possible measures to help provide safe and open spaces for interaction by individuals and civil society organisations with the UN and its representatives and mechanisms;

32. Reiterates its strong support for the International Criminal Court (ICC) as the only international institution able to prosecute some of the world's most heinous crimes and deliver justice for their victims; highlights the independence and impartiality of the ICC; calls on the EU and the Member States to provide adequate financial support to enable the ICC to carry out its tasks; supports the universality of the Rome Statute and calls for the EU to include a specific clause on its ratification and access in agreements to be concluded with third countries; requests that the EU step up its engagement with the countries which have not yet acceded to the Rome Statute; strongly condemns any attacks on the staff or independence of the ICC; is of the opinion that attempts to undermine the credibility and essential role of the ICC constitute attacks on multilateralism and should be contested as such by the EU and its Member States, including when they originate from close partner countries; stresses that the ICC needs full access to the countries it investigates to be able to perform its tasks; underlines the potential of other innovative tools to bring the perpetrators of international crimes to account, including universal jurisdiction at national-level judiciaries; underlines, in this context, the current discussions at the UN International Law Commission on the immunity of state officials and calls for follow-up to these; calls for the EU to continue to strengthen capacity-building at national level in third countries, while supporting international criminal tribunals and mechanisms, as well as platforms and organisations dedicated to the fight against impunity such as the Coalition for the ICC;

33. Reiterates its call for action to combat impunity and promote accountability in regions and countries affected by conflicts; notes the adoption by Parliament and the Council of the pilot project on the European Observatory on the Fight against Impunity; calls, in this regard, on the Commission and the EEAS to implement similar tools to empower and support the victims through access to remedy and reparations, including those related to corruption;

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Specific human rights challenges

COVID-19

34. Underlines that COVID-19 has significantly strengthened the recent trends of illiberal democracies and autocratic regimes weakening democracy; deplores the abuse of the epidemiological crisis by these regimes to further constrain the freedoms of expression, assembly and religion and belief by restricting the functioning of democratic institutions and repressing dissent, including limiting media freedom both online and offline and targeting critics and whistleblowers with defamation campaigns; equally deplores the fact that these regimes have also pursued discrimination against marginalised populations, notably indigenous populations and other minorities, the mass use of surveillance tools, disinformation campaigns, restrictions on access to information, in particular from pluralistic and independent media through blanket internet shutdowns, bandwidth throttling and content blocking, the implementation of emergency measures without clear criteria for their revocation, restrictions on the democratic exercise of elections, and the use of selective access to healthcare as a means of discriminating against certain segments of the population;

35. Recognises the important role played by human rights defenders in responding to COVID-19 by taking on a multitude of new roles in addition to their everyday human rights work, notwithstanding the significant and disproportionate risks they face; notes with concern that governments around the world have used the pandemic as an opportunity to specifically target human rights defenders by refusing to release them from prison, prolonging their incommunicado detention, restricting prison visits, and sentencing them on trumped-up charges in closed-door hearings;

36. Stresses that the COVID-19 pandemic has had a negative impact on economic and social rights in most countries worldwide, while the health and subsequent economic crisis has triggered the growth of inequality within and between countries; denounces the continued attempts by authorities to withhold vital information from international investigators about the origins and spread of COVID-19; highlights that the highly negative consequences of COVID-19 have disproportionately affected groups in vulnerable situations, including women, LGBTIQ persons, impoverished people, children, persons with disabilities, migrants, refugees, asylum seekers, minorities of religion, belief and others, informal workers and persons in prison or detention, among others; stresses that groups in vulnerable situations are also more affected by the negative economic and social consequences of the pandemic, as well as the restrictions on access to healthcare and education; notes with concern the increase in intolerance, discrimination and hate speech against certain groups in vulnerable situations, in particular minority groups, as well as restrictions on fundamental freedoms;

37. Stresses that the EU should increase its support to tackle the negative consequences of COVID-19, particularly for groups in vulnerable situations; calls, to this end, for the EU to urgently strengthen its efforts to eliminate the alarming imbalance in the global distribution of vaccines, thereby fulfilling its previous commitment to support the COVID-19 vaccine as a global public good through, among other things, technological transfer and the ramping up of local production, including through the COVID-19 Technology Access Pool (C-TAP), in order to ensure that the vaccines are available, accessible and affordable for the maximum number of people; stresses the importance of supporting the reinforcement of education and healthcare systems to make them resilient to future threats; urges the EU and its Member States to increase financing for the provision of basic public health services; underlines, in this context, the importance of social protection; calls for greater support for innovative technologies to that end and welcomes the response of Team Europe; acknowledges the right to physical and mental health, which in many countries is still subject to stigma and discrimination, and underlines how the COVID-19 pandemic has revealed enormous neglect in the provision of mental health care;

Human rights defenders

38. Praises the important work undertaken by all human rights defenders around the world, sometimes at the most severe of costs, and takes this opportunity to acknowledge the contribution of all human rights defenders to the human rights movement; reiterates that human rights defenders are often the only interlocutors able to conduct on-site monitoring and human rights protection in territories such as those under occupation or annexation, especially in certain frozen conflict areas, where there are limited engagement capacities for both the international community and the EU;

39. Is seriously concerned at the precarious situation of human rights defenders and deplores the fact that they are the victims of increasing violence, including targeted killings; points out that some countries have a particularly worrying track record when it comes to the persecution, harassment, intimidation, kidnapping and extrajudicial killing of human rights defenders; underlines the particularly severe situation for female, labour, environmental and indigenous human rights defenders, which has been further aggravated by COVID-19; deplores the increased use of techniques such as harassment,

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criminalisation and defamation campaigns, arbitrary arrests and unlimited detention in inhumane conditions to silence human rights defenders, often on the basis of ill-defined terrorism charges; reiterates its call on EU Delegations and Member States' embassies in third countries to study developments and challenges on the right to promote and protect human rights, to seek, receive and respond to information on the situation of human rights defenders, to visit them regularly in prison, to monitor their trials, and to advocate for their access to justice and protection; further calls on the EU and its Member States to develop a strategy for ambitious EU action to address the rising number of attacks against human rights defenders;

40. Urgently calls for the creation of an EU-wide scheme for issuing short-term visas for the temporary relocation of human rights defenders, in particular through the inclusion of instructions in the EU Visa Handbook and amending the legal instruments on visas, in particular the Visa Code; deplors the lack of progress on this issue over the past year and urges for the revisiting, in a meaningful way, of a more coordinated EU policy on the issuance of emergency visas for human rights defenders by the Member States;

41. Calls for the European Parliament to be given greater oversight of the actions of EU Delegations towards human rights violations and abuses in third countries and to take concrete and vigorous measures if they are unable to fulfil those responsibilities; underlines the need to ensure that the EU Delegations can count on all the necessary and appropriate resources and capabilities to act effectively in the event of human rights issues in third countries;

42. Strongly condemns the killing of human rights defenders around the world and demands justice and accountability for those attacks at the highest level of decision-making; stresses that most of these human rights defenders were engaged in the protection of their land and the environment and the defence of the rights of indigenous peoples; reiterates its call to ensure that the principle of free, prior and informed consent is fully respected, in line with International Labour Organization (ILO) Convention No 169 on Indigenous and Tribal Peoples; stresses the need to improve access to justice throughout the world with a view to combating the widespread impunity for such killings; notes, however, that greater efforts are needed not only on reparation and redress, but also in prevention through the strengthening of national plans for the protection of human rights defenders in third countries, among other measures;

The freedoms of expression, peaceful assembly and association

43. Stresses that recent revelations such as the NSO Pegasus scandal confirm that spying against human rights defenders and journalists, among others, is an extremely alarming matter and appear to confirm the dangers of the misuse of surveillance technology to undermine human rights; calls for the promotion of a safe and open space and greater capacity for civil society organisations, human rights defenders, journalists and other individuals concerned in order to protect them from cyber surveillance and interference; underlines the need for more robust national and international regulation in this area;

44. Expresses its serious concern about the particular restrictions on the freedoms of expression, peaceful assembly and association and underscores the need to guarantee and respect them; reiterates the specific challenges to freedom of opinion and expression and their link to freedom of information, including access to independent and reliable information both online and offline;

45. Notes that independent journalism and the existence of reliable media channels have never been as vital in maintaining safe, healthy and properly functioning societies as they are today and stresses the need for more public support to independent journalism all around the world; condemns the rise of legal harassment and restrictive legislation as a means of silencing critical voices such as through strategic lawsuits against public participation and the criminalisation of defamation online and offline, which is used to scare journalists, whistleblowers and human rights defenders into ceasing their investigations into and exposing corruption and other matters of public interest in many countries; recalls the need to ensure transparency of media ownership, including shareholders, given its role in guaranteeing media pluralism;

46. Reiterates the specific challenges to freedom of association posed by restrictive legislation such as anti-terrorism, anti-extremist and anti-corruption legislation against civil society organisations, and the subsequent risks of burdensome registration, funding and reporting requirements as forms of state control, as well as other measures such as the suppression of demonstrations through the use of force, harassment and arbitrary detention; condemns such a misuse of

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legislative and police power or security measures to restrict the right to protest; underlines that dozens of demonstrations were suppressed in 2020 and 2021, including the assassination of protesters and the arbitrary detention of hundreds of peaceful protesters, many of whom were subjected to torture and ill-treatment and forced to pay large fines in trials with no guarantee of minimum procedural standards; denounces the violations of the right to collective bargaining, consultation and the participation of workers and trade unions;

47. Expresses its serious concern about the restriction of academic freedom and the increase in the censorship and imprisonment of scholars worldwide, which has significant consequences for the right to education; urges the EU and its Member States to step up their diplomatic efforts through bilateral and multilateral engagement in relation to threats or attacks on academic freedom by state and non-state actors; calls on the EEAS and the Commission to revisit existing support and protection mechanisms for human rights defenders in order to develop the capacity to identify and provide assistance, including emergency protection and support, in cases involving attacks on academic freedom; calls on the Commission to ensure continued high-level support to the European Inter-University Centre for Human Rights and Democratisation and the Global Campus of Human Rights, as a flagship of the EU's support to human rights education worldwide;

48. Denounces the increasing practice by authoritarian states of hosting mega sports or cultural events in order to boost their international legitimacy while further restricting domestic dissent; calls on the EU and its Member States to engage with national sports federations, corporate actors and civil society organisations on the arrangements for their participation in such events, including the 2022 Winter Olympics in Beijing; calls for the development of an EU policy framework on sports and human rights;

The right to a safe and healthy environment

49. Acknowledges that climate change is one of the greatest threats facing the human rights of our generation and those to come, posing particularly serious risks to the fundamental rights to life, health, food, housing and an adequate standard of living for individuals and communities; stresses that governments have obligations regarding human rights and sustainable development; is aware of the close relationship between human rights, a healthy environment, biodiversity and the fight against climate change and welcomes the UN's call for global recognition of the right to a safe, clean, healthy and sustainable environment; underlines the vital role played by environmental human rights defenders and local and indigenous populations in preserving such an environment, despite the threats of violence that they often face from those responsible for, and profiting from, environmentally harmful practices; encourages the EU and its Member States to promote the recognition of ecocide as an international crime under the Rome Statute of the ICC, and requests that the Commission study the relevance of ecocide to EU law and EU diplomacy; calls on the EU and the Member States to take bold initiatives to fight the impunity of environmental crimes at a global level;

50. Highlights the obligations and responsibilities of states and other duty bearers, including businesses, to mitigate the effects of climate change, prevent its negative impacts on human rights and the degradation and loss of biodiversity, and promote appropriate policies that are sufficiently ambitious and non-discriminatory and that provide for the participation of citizens and access to effective remedies and are commensurate with human rights obligations; urges the EU to seek to counter the effects of the global climate crisis, inter alia by introducing effective and sustainable policy actions, and to comply with the goals of the Paris Agreement; reiterates its call on the EU and its Member States to strengthen the relationship between human rights and the environment throughout their external action and to provide effective protection for human and environmental rights defenders;

51. Draws particular attention to the link between the exploitation of resources and the financing of conflicts, wars and violence and recognises that the environmental consequences of climate change can exacerbate migration and forced displacement;

52. Stresses that indigenous peoples have often been the first victims of deforestation, which endangers their rights to land, among other rights, and access to vital resources; underlines, in this regard, the right to determine and establish priorities and strategies for their self-development and for the use of their lands, territories and other resources; recalls that impunity for violations of the rights of indigenous peoples is a driving force in deforestation and deems it essential, therefore, that there is accountability for these violations;

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Women's rights, women's empowerment and gender equality

53. Underlines the crucial importance of advancing women's rights and welcomes the EU Action Plan on Gender Equality and Women's Empowerment in External Action 2021-2025 (GAP III) as a sign of the EU's commitment in this field; commends the important role played by female political leaders and civic activists in political, social and environmental movements, and deplores the fact that women often become targets of violence as a result of both their gender and their activities, even paying for them with their lives;

54. Recalls that the Istanbul Convention, as the first universally binding treaty designed to combat violence against women and girls and domestic violence, sets the benchmark for international standards that need to be further ratified and implemented;

55. Acknowledges the disproportionate impact that the pandemic has had on women, notably the increase in gender-based violence as a result of lockdown measures; deplores the fact that women, including in the EU, continue to make up the majority of victims of gender-based violence, such as domestic violence and sexual violence and abuse, including female genital mutilation, and face discrimination in political and professional life, as well as in access to education and healthcare; stresses that the provision of care, protection and access to justice for the victims of gender-based violence and trafficking has significantly decreased as a result of the pandemic; calls for the EU to promote the development of emergency assistance plans and protocols both at the UN and in partner countries with the aim of adapting assistance programmes to the circumstances of the pandemic, its aftermath and future crises; welcomes the joint efforts and investments of the EU, together with the UN, in launching the Spotlight Initiative aimed at eliminating all forms of violence against women and girls;

56. Regrets the fact that the overall progress in women's rights is far below the UN countries' commitments included in the 1995 Beijing Convention and is concerned at the trend of backsliding in the progress achieved; is extremely concerned about the deterioration of the right of every individual to have full control over matters related to their sexuality, as well as sexual and reproductive health and rights (SRHR), without coercion and discrimination, particularly with regard to safe and free access to legal abortion; condemns all attempts to roll back existing entitlements and protections in the area of SRHR, as well as legislation, policies and practices that continue to deny or restrict these rights in many countries worldwide; underlines that access to SRHR and the right to education, information, family planning, modern contraceptive methods, safe and legal abortion, and maternal, prenatal and postnatal healthcare must be guaranteed for all people; calls for the EU and its Member States to reaffirm the inalienable rights of women to bodily integrity, dignity and autonomous decision-making, to uphold the universality and indivisibility of all human rights in all contexts, and to promote SRHR as part of their international commitments and in line with the UN Sustainable Development Goals;

57. Expresses grave concerns over the use of sexual and gender-based violence as a weapon of war; stresses that sexual crimes and gender-based violence are considered by the Rome Statute as war crimes, crimes against humanity or constitutive elements of genocide or torture; calls for concerted action to put an end to the use of sexual violence as a weapon of war; calls for the EU to combat impunity for sexual and reproductive rights violations in conflict settings and supports the rights of women and girls to truth, effective remedies and reparations for violations of these rights;

58. Stresses that estimates published by the World Health Organization indicate that approximately 1 in 3 women (30 %) worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime; underlines that most of this violence is intimate partner violence; stresses the fact that 137 women are killed every day by a member of their family; calls for the EU and global actors to strongly condemn intimate partner violence and to use all instruments available to prevent intimate partner violence, protect victims and prosecute perpetrators; condemns the crimes committed against girls and women within the family in relation to perceived inappropriate conduct in order to restore the supposed reputation of the family;

59. Notes that 2020 saw a considerable deterioration in the situation of the victims of trafficking, the majority of whom are women, as they were left in an even more vulnerable position by the COVID-19 pandemic; welcomes the launch of the EU's Strategy on Combating Trafficking in Human Beings (2021-2025); highlights the particular need to increase the fight against trafficking in human beings and the organised crime groups involved in it; underlines that identifying the victims of

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trafficking has become even more complicated during the COVID-19 pandemic; calls for the EU and its Member States, therefore, to intensify their efforts in international judicial and law enforcement cooperation to prevent trafficking and identify victims, while avoiding their criminalisation, and to provide them with the necessary health and psychological support in close cooperation with the UN Office on Drugs and Crime, NGOs and civil society organisations dedicated to the protection of victims;

60. Condemns the commercial practice of surrogacy, a global phenomenon that exposes women worldwide to exploitation and human trafficking while targeting financially and socially vulnerable women in particular; highlights its severe impact on women, women's rights, women's health and gender equality, and underlines its cross-border implications; calls for a European legal framework to address the negative consequences of commercial surrogacy;

The rights of the child

61. Recalls that there are no boundaries to the rights of the child and calls for a systematic and coherent approach to promoting and defending children's rights in Europe and beyond in line with the UN Convention on the Rights of the Child and the 2030 Agenda;

62. Reiterates its call for the EU and its Member States to step up their efforts to eliminate all forms of abuse against children; welcomes the newly adopted EU Strategy on the Rights of the Child (2021-2024); stresses, however, that children continue to be the victims of violence, early and forced marriage, forced conversion, prostitution, child pornography and paedophilia, sexual abuse, including genital mutilation, trafficking, forced separation from their parents, child labour and recruitment as child soldiers, and continue to suffer from a lack of access to education and healthcare and from malnutrition and poverty, particularly during humanitarian crises and armed conflicts; stresses that 2021 is the International Year for the Elimination of Child Labour; calls for children's rights and the UN Agenda on Children and Armed Conflict to be streamlined into all of the EU's external policies; urges the EU to ensure that its trade and development policies are fully coherent in order to eradicate child labour; highlights, in this regard, the multi-stakeholder pilot dialogue on sustainable cocoa; calls on the Member States to uphold their responsibilities with regard to the protection of foreign fighters' children who are EU citizens;

63. Calls on the EU to mainstream children's rights and child protection in all EU external policies, including in the context of human rights dialogues, international and trade agreements, the Instrument for Pre-Accession Assistance and the NDICI — Global Europe; highlights the need to track all EU interventions relevant to children and to ensure that a do-no-harm approach to children's rights is implemented in full;

People trafficking and forced labour

64. Condemns all forms of people trafficking, forced labour and modern slavery among a wide range of groups including women, children, immigrants and skilled workers, among others; reminds the Member States of the need to prosecute and convict those involved in these activities both in their countries of origin and when they traffic groups internationally; stresses the need for comprehensive monitoring and auditing of respect for human and employment rights when contributions are made to cover the cost of essential services in third countries that require them, in order to prevent those services from being provided under poor conditions that violate human rights; urges the EU and its Member States to lead action in multinational forums to eradicate all forms of people trafficking, forced labour and modern slavery, which in addition to being abominable crimes, are the source of migration under poor conditions that give rise to situations of extreme vulnerability and suffering; asks, given the gravity of these violations, that the EU include a specific clause condemning and expressing the irreconcilability of any form of people trafficking, forced labour and modern slavery among a wide range of groups including women, immigrants and skilled workers, among others, both in current agreements and in those made with third countries;

Intolerance and discrimination

65. Reiterates its strong condemnation of discrimination, xenophobia, intolerance, persecution and killings linked to race, ethnicity, nationality, social class, disability, caste, religion, belief, age, sexual orientation and gender identity, which continue to be a major problem in many countries; stresses the profoundly disproportionate impact of the COVID-19 pandemic on racial and ethnic discrimination, xenophobia and related intolerance; welcomes the launch of the EU's Anti-Racism Action Plan 2020-2025, which recognises not only the individual and social dimensions, but also the

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structural nature of this phenomenon; stresses that in spite of 20 years of work since the adoption of the Durban Declaration and Programme of Action in 2001, racism, discrimination, xenophobia and related intolerance continue to be a scourge in many countries around the world, and calls for a zero-tolerance approach to these phenomena; calls on governments, regional organisations, civil society and other stakeholders to redouble their efforts to implement the declaration effectively and to develop and implement action plans to combat racism, racial discrimination, xenophobia and related intolerance; calls for the EU to organise a global anti-racism summit on combating racism and discrimination worldwide in collaboration with like-minded partners and international organisations such as the OSCE, the UN, the African Union, the Organization of American States and the Council of Europe;

66. Regrets the fact that indigenous peoples continue to face widespread and systematic discrimination and persecution worldwide, including forced displacement, arbitrary arrests and the killing of human rights and land defenders; reiterates its call for the EU, its Member States and their partners in the international community to adopt all the necessary measures for the recognition, protection and promotion of the rights of indigenous peoples, including their language, lands, territories and resources, and the creation of a grievance mechanism to lodge complaints over violations and abuses; welcomes the work that civil society and NGOs are doing on these issues; refers to its appointment of a standing rapporteur on indigenous peoples within Parliament with the objective of monitoring the human rights situation of indigenous peoples; encourages countries to ratify the provisions of ILO Convention No 169 on Indigenous and Tribal Peoples; recommends that the EU and its Member States include references to indigenous peoples and the rights contained in the UN Declaration on the Rights of Indigenous Peoples in the relevant and emerging frameworks for due diligence;

67. Notes with great concern the scale and consequences of caste hierarchies, caste-based discrimination and the perpetuation of caste-based human rights violations, including the denial of access to the legal system or employment, continued segregation, poverty and stigmatisation, and caste-related barriers to the exercise of basic human rights and the facilitation of human development; reiterates its call for the EU and its Member States to intensify efforts and support initiatives at the UN and in the relevant third countries to eliminate caste discrimination;

LGBTIQ rights

68. Strongly condemns human rights breaches, discrimination, persecution and threats to life against and the killings of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) people around the world, which has been exacerbated by the use of COVID-19 as an excuse to crack down on LGBTIQ defenders and engage in homophobic and transphobic defamation; calls on the EU to play a leading role in defending the rights of LGBTIQ people in international forums, including working towards the decriminalisation of sexual orientation, gender identity, gender expression and sex characteristics and the elimination of intersex genital mutilation, so-called 'conversion therapy' and the forced sterilisation of trans people; welcomes the fact that the LGBTIQ Equality Strategy 2020-2025 includes the EU's commitment to include LGBTIQ issues in its external policy, including support under the NDICI — Global Europe Instrument and Instrument for Pre-Accession funds; calls on the EU and the Member States to thoroughly and consistently apply the EU guidelines on the promotion and protection of the human rights of LGBTIQ persons across its external policies;

The right to freedom of thought, conscience, religion or belief

69. Fully supports the right to freedom of thought, conscience and religion, to hold a belief, or not to believe, and the right to manifest and to change or leave one's religion or belief without fear of violence, persecution or discrimination; stresses the importance of addressing persecution on the grounds of religion or belief and condemns the persecution suffered by minorities on these grounds in many places around the world; calls on the Member States and the EEAS to take special note of these cases and to respond to them accordingly; condemns the abuse of blasphemy laws to perpetuate discrimination and deplores the use of religion and religious institutions to the detriment of human rights through the persecution, including by legal means, of belief or religious minorities and communities, women, LGBTIQ persons, and others in vulnerable situations; reiterates its condemnation of any attempt by authorities or governments to deny or interfere in the choice of religious or belief leaders; stresses that states have a responsibility to promote and safeguard the human rights of persons belonging to belief or religious minorities; underlines the importance of civil society initiatives in this regard;

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70. Calls on the Commission and the Council to implement ambitious programmes to defend freedom of religion or belief worldwide, including encouraging and supporting international efforts to collect evidence of crimes of atrocity, bringing the perpetrators to court, rendering criminal sentences effective, and compensating the victims; calls on the Council, the Commission, the EEAS and the Member States to work with third countries to adopt measures to prevent and fight hate crime;

71. Notes that the post of the EU Special Envoy for the promotion of freedom of religion or belief outside the EU has remained vacant for more than a year in total; reiterates its call on the Council and the Commission to carry out a transparent and comprehensive assessment as soon as possible into the effectiveness and added value of the position of the Special Envoy, to provide the Special Envoy with adequate resources, and to adequately support their institutional mandate, capacity and duties;

National, ethnic and linguistic minorities

72. Recalls the obligations of states to protect the rights of their national, ethnic, cultural, religious and linguistic minorities within their respective territories; calls on the Commission to support the protection of the rights of persons belonging to minorities worldwide, including within its human rights and democracy thematic programme;

73. Calls on the governments of the EU's partner countries to respect the fundamental human rights of national, ethnic and linguistic minorities, including their culture, language, religion, traditions and history, in order to preserve their cultures and diversity; reiterates the need for those governments to fulfil the obligations and commitments they have assumed under international treaties and agreements; deplores any attempts to disregard the fundamental and human rights of ethnic and linguistic minorities through their forced assimilation;

The right to participate in free and fair elections

74. Underlines that the right to participate in the conduct of public affairs, particularly through elections, in addition to being a human right in itself, is intrinsically linked to a number of other human rights, the enjoyment of which are crucial to a meaningful electoral process, and are at the core of democratic governments;

75. Strongly condemns the erosion of democratic values in a number of third countries and challenges to electoral integrity, electoral violence, the misuse of administrative resources by governing parties, clampdowns on political opponents, the censorship of and threats to independent media, and the rise of disinformation; urges the EU to target and counter this extremely worrisome situation and come forward with concrete and effective proposals, reaffirming its willingness to take a leading role in promoting democratic values and free and fair elections in third countries;

76. Deplores the fact that authoritarian and illiberal regimes are moving away from the path of mature democracies, universal human rights and democratic standards, creating a false impression of legitimacy through fake electoral processes that are neither free nor fair nor transparent; calls on the EU and its Member States to strengthen the Union's promotion of democratic resilience in third countries using all the instruments at their disposal;

77. Calls for the establishment of the protection of democratic and electoral processes as a primary global concern and for the development of an effective framework for responses to all kinds of interference in electoral processes, collaborating closely with international organisations such as the OSCE;

Corruption and human rights

78. Considers that corruption facilitates, perpetuates and institutionalises violations of human rights and disproportionately affects the most vulnerable and marginalised individuals and groups in society; insists that the EU and its Member States must tackle corruption as such in their external action by applying the highest transparency standards to their funding to third countries, as well as by supporting anti-corruption civil society organisations, journalists and whistleblowers, while promoting the establishment of effective anti-corruption institutions and the adoption of robust regulatory frameworks and addressing secrecy jurisdictions and tax havens;

79. Calls on the EU to adopt tools against authoritarian leaders and their financial enablers, including those involved in electoral fraud, to uncover and freeze illicit assets, and to promote the application of universal jurisdiction in cases of gross human rights violations;

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80. Is conscious of the fact that the EU cannot serve as a good example in the fight against corruption as long as some of its Member States and some EU-based actors have unfavourable track records in this area; expects the Commission and the Member States to step up with concrete action against malpractice in these fields; recommends that Parliament, the Commission and the Member States provide significant support to anti-corruption civil society organisations, journalists and whistleblowers;

81. Underlines the need to develop principles on and work towards an internationally recognised legal definition of grand corruption, including its systemic nature, as a crime in national and international law;

82. Calls for the ongoing cases of impunity for grand corruption to be tackled by stronger enforcement of anti-corruption laws in order to ensure accountability for the perpetrators of grand corruption schemes; calls for comprehensive approaches to be explored including reforms to international justice institutions, such as extending the jurisdiction of the ICC;

EU Global Human Rights Sanctions Regime (EU GHRSR — ‘EU Magnitsky Act’)

83. Welcomes the adoption of the EU Global Human Rights Sanctions Regime (EU GHRSR — ‘EU Magnitsky Act’) 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 grave human rights violations around the world; commends the Council for adopting the first targeted sanctions under the regime and calls on the Council to adopt additional measures if necessary; considers that the application of the EU GHRSR does not prevent or exclude the adoption of other EU instruments on the protection of human rights, which can be combined and complementary; condemns any arbitrary or unjustified restrictive measures against the EU or other entities in retaliation to the EU’s decisions under the EU GHRSR; regrets the fact that the Council has decided to apply unanimity voting and reiterates its call for the introduction of qualified majority voting when adopting sanctions on human rights issues;

84. Reiterates its request to extend the scope of the EU GHRSR to include acts of corruption in order to ensure that the economic and financial enablers of human rights abusers are targeted effectively; highlights the alternative possibility for the Commission to come forward with a legislative proposal to adopt a new thematic sanctions regime to address serious acts of corruption defined on the basis of the UN Convention against Corruption; stresses the need for an effective strategy to implement the EU GHRSR consistently, both with the EU’s other external policies, in particular on human rights, and the existing international sanctions frameworks; emphasises that the EU GHRSR must respect the principle of not adversely affecting the general population of the country targeted in line with international criminal law and international humanitarian law; recalls that the consistent and uniform application of restrictive measures in all Member States is a precondition for the credibility and effectiveness of the EU’s external action; welcomes the Commission’s announcement that it would conduct a review by the end of 2021 of the practices undermining sanctions and of the existing reporting obligations for Member States on their implementation and enforcement; urges the Commission, in its role as guardian of the Treaties, and the VP/HR, as the person responsible for the unity, coherence and effectiveness of the EU’s foreign policy, to ensure that national responses to non-compliance with the restrictive measures adopted by the EU are effective, proportionate and dissuasive;

Migration and asylum

85. Reaffirms the inalienable human rights of migrants, refugees and forcibly displaced persons, and calls for the EU and its Member States to fully uphold them and include them in their cooperation with third countries, both in terms of the establishment of high legal standards and, equally importantly, their operationalisation in order to ensure the effective protection of these rights in practice; recalls that in their external and extraterritorial actions, agreements and cooperation in the field of migration, borders and asylum, the EU and its Member States must respect and protect human rights, notably those enshrined in the Charter of Fundamental Rights, including the right to life, liberty and asylum, particularly the individual assessment of asylum applications;

86. Reiterates its call on the Commission to carry out a review of the human rights impact of cooperation on migration with third countries, including both pre-assessment and an evaluation of monitoring mechanisms, and to conduct transparent *ex ante* risk assessments on the impact on the rights of migrants, refugees, and forcibly displaced persons of any formal, informal or financial EU cooperation with third countries; calls, moreover, for greater transparency and for an adequate level of parliamentary scrutiny and democratic oversight over its activity in this area; underlines the risks related to informal arrangements on return and readmission, which are not subject to judicial scrutiny and therefore do not allow for effective redress for human rights violations suffered by migrants and asylum seekers; reiterates, therefore, its call on the EU

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to ensure that all migration cooperation and readmission agreements with non-EU states strictly comply with international human rights, refugee and maritime law, in particular the Convention Relating to the Status of Refugees; insists that human rights need to be mainstreamed and monitored in all activities carried out by Frontex and the European Asylum Support Office;

87. Calls on the EU and its Member States to address the root causes of migration and to support and promote development, invest in education and provide direct assistance to improve life opportunities, which could contribute to more stable and sustainable societies; calls on the Commission, in this regard, to study the best methods of engagement with third countries; requests that the EU and its Member States support the right of refugees and asylum seekers to return to their homeland once the persecution or violence that caused their displacement has ended, while respecting the principle of non-refoulement;

88. Calls on the Commission to prepare legislative proposals in order to provide the Member States with the necessary safeguards to respond effectively to the instrumentalisation of migration by third countries; calls on partner countries and international organisations to ensure the implementation of legal frameworks and to redouble their efforts for cooperation on the issue of migrant smuggling, ensuring the protection of migrants and preventing their exploitation;

89. Denounces the number of deaths occurring along migration routes and reiterates its call for the establishment of a coordinated European approach in order to support and ensure a prompt and effective identification process of those who died on their way to the EU; regrets the fact that some potential asylum seekers were returned to the border or deported to places where their lives were in danger, in violation of international law and, in particular, the right to asylum; denounces the attacks on NGOs that help migrants; calls on the EU and its Member States to be fully transparent regarding the allocation of funds to third countries for cooperation on migration, and to ensure that such cooperation does not benefit — either directly or indirectly — state entities involved in human rights violations; insists on the need to define frameworks for the protection of migrants, in particular by opening safe and legal pathways for migrants and improving access to humanitarian visas, and to improve their application; calls for the European Parliament to monitor agreements on migration;

International humanitarian law

90. Underlines that universal respect for international humanitarian law and international human rights law is of the utmost importance, and calls for the parties to the world's armed conflicts to ensure the full, timely and unhindered access of humanitarian aid agencies to vulnerable populations and areas, and to protect these civilian populations, particularly women and children, as well as humanitarian and medical workers, as guaranteed by the Geneva Conventions and additional protocols thereto; underlines the importance of contributing to the creation of humanitarian corridors for emergency situations, including those involving a risk or imminent risk of escalating into widespread and major human rights abuses;

91. Reiterates that the EU and its Member States should actively support the UN Secretary-General's and UN Security Council's appeal for a global ceasefire, including through effective measures against illicit arms trade and by enhancing the transparency and accountability of Member States' arms exports; deplores the fact that the COVID-19 pandemic and its effects have increased political violence, intensified competition between armed groups and exacerbated long-simmering tensions, while leaving victims more unprotected; expresses grave concern about the increase in conflict-related sexual violence in this context, despite 2020 being the 20th anniversary of UN Security Council Resolution 1325 on women, peace and security;

92. Recalls its resolution of 27 February 2014 on the use of armed drones⁽¹¹⁾ and expresses its continued concern over their use outside the international legal framework; reiterates its call for the EU to urgently develop a legally binding framework for the use of armed drones to ensure that the Member States, in keeping with their legal obligations, do not perpetrate unlawful targeted killings or facilitate such killings by third states; calls on the Commission, furthermore, to keep Parliament properly informed about the use of EU funds for all research and development projects associated with the construction of drones; calls for human rights impact assessments to be conducted in respect of further drone development projects; recalls its resolution of 12 September 2018 on autonomous weapon systems⁽¹²⁾ and urges the VP/HR and the Member States to ban the development, production and use of fully autonomous weapons which lack meaningful human control over the critical functions of selecting and attacking targets; insists on the launch of international negotiations on

⁽¹¹⁾ OJ C 285, 29.8.2017, p. 110.

⁽¹²⁾ OJ C 433, 23.12.2019, p. 86.

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a legally binding instrument that would prohibit lethal autonomous weapons without meaningful human control; urges the VP/HR and the Member States to adopt a common position for international negotiations in this respect;

Existence of wars and conflict around the world and their impact on human rights

93. Stresses the multi-faceted threat to the enjoyment of human rights brought about by modern armed conflicts, which, in addition to states, often involve non-state agents and terrorist organisations and have disastrous humanitarian consequences; underlines the human rights violations and abuses committed by private military and security companies; emphasises that the victims of human rights violations have very limited access to justice in territories such as those under occupation or annexation including in frozen conflict areas, where developed legal and institutionalised structures for the protection of human rights are either lacking or inadequate; reiterates its call for the EU to strengthen its response to conflicts, for which it should fully develop and be able to implement its own instruments autonomously, also in collaboration with partner countries and regional organisations, including a strong focus on humanitarian aid, conflict prevention, transitional justice, mediation and good offices, as well as reconciliation, addressing the root causes of conflicts, and providing the necessary support to the international peacebuilding and peacekeeping missions, as well as EU missions in the framework of the common security and defence policy and post-conflict reconstruction operations, supporting and applying strong integration and scrutiny of human rights and a robust gender perspective;

94. Welcomes the new concept of EU peace mediation, extending the EU's toolbox of crisis management tools to the broader goal of conflict transformation, and encourages the development of further dialogue tools and capacities in this field; reiterates its call on the Member States to help contain armed conflicts and serious violations of human rights or international humanitarian law by strictly abiding by the provisions of Article 7 of the UN Arms Trade Treaty on Export and Export Assessment and the EU Code of Conduct on Arms Exports, including when it comes to any transfer of arms, surveillance and intelligence equipment which would result in the risk of the importing state or non-state actors committing or facilitating violations of human rights or international humanitarian law; reiterates its calls for stricter EU-wide controls on EU arms exports, better end-use control of exported arms, and more coordination of national decisions on arms exports;

95. Calls on the VP/HR and the Council to pay special attention to the human rights situation in occupied or annexed territories and to take effective measures to prevent grave human rights abuses on the ground; insists on the importance of ensuring that EU policy is coherent in relation to the occupation or annexation of territory; recalls that international humanitarian law should guide EU policy in all such situations, including cases of protracted occupation; highlights the responsibility of EU-based corporations to apply the most stringent due diligence policies towards any economic or financial activity in or with these territories, and to ensure strict compliance with international law and EU sanctions policies when applicable to these situations;

Transitional justice

96. Calls for the promotion of transitional justice processes that empower civil society, victims, marginalised and vulnerable populations, women, children, young people, and rural and urban residents alike; encourages the creation of links between permanent structures such as national justice systems and national institutions and atrocity prevention networks and transitional justice initiatives; stresses the need to provide the victims and the communities affected with tools, space and access to information;

Due diligence and corporate responsibility

97. Emphasises that the EU has a unique opportunity to exert leverage on businesses to uphold human rights at a global level with the upcoming binding EU legislation on corporate due diligence and corporate accountability, obliging companies to identify, prevent, communicate, account for and effectively remedy potential and/or actual adverse impacts on human rights, the environment and good governance throughout their value chains and to provide civil liability regimes and access to justice for victims and ensure accountability; calls for the legislation to apply to all large undertakings governed by the law of a Member State, established in the territory of the Union or operating in the internal market, as well as publicly listed small and medium-sized companies (SMEs) and SMEs in high-risk sectors, while paying due regard to the principle of proportionality; stresses the need to establish and enforce administrative controls and sanctions to make the legislation effective and ensure a level playing field for undertakings; deems it necessary that companies' due diligence strategies should be defined and implemented through meaningful and regular consultation with stakeholders and made

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available to the public; welcomes the full entry into force of the EU Taxonomy Regulation⁽¹³⁾ in 2020 and the EU Conflict Minerals Regulation⁽¹⁴⁾ in 2021 as constructive steps in this field;

98. Reiterates that an estimated two thirds of the human rights defenders killed around the world last year were engaged in the protection of their land and the environment and the defence of the rights of indigenous peoples, often in the context of business; emphasises the ever-more crucial need, as expressed by human rights defenders, for the EU to implement mandatory human rights due diligence legislation for companies;

99. Reiterates its calls to combat and eradicate forced labour and other forms of human rights abuses in supply chains, including abuses of environmental, indigenous and labour rights and threats and attacks against human rights defenders; calls on the EU institutions to lead by example and conduct thorough due diligence assessments of vendors, including sub-contractors, from outside the EU; calls on the Commission and the Council to ban all imports of products made as a result of grave violations of human rights, including forced labour on an equal basis; calls on European companies to fulfil their corporate responsibility by undertaking a thorough review of their supply chains to ensure that they are not implicated in human rights abuses;

100. Notes that 2021 is the 10th anniversary of the UN Guiding Principles on Business and Human Rights, a genuine framework whose guidelines, in particular those in the third pillar focused on access to remedy and respect for human rights defenders, provide an essential structure for cooperation with third countries on prevention, as well as on access to judicial and non-judicial complaint and redress mechanisms for victims; stresses the importance for all countries to fully implement the UN Guiding Principles on Business and Human Rights and calls on those EU Member States that have not yet adopted national action plans on business rights to do so as soon as possible; stresses the need to establish an international binding instrument to regulate the activities of transnational corporations and other companies in international human rights law; encourages the EU and its Member States to participate constructively in the work of the UN Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights; considers this to be a necessary step forward in the promotion and protection of human rights;

The importance of strong human rights clauses in international agreements

101. Reiterates its call for the systematic inclusion of enforceable human rights clauses in all agreements between the EU and non-EU countries, including free trade agreements, association agreements and standalone investment protection agreements; calls for the use of these clauses to be improved, including by setting dedicated monitoring and problem-solving mechanisms; calls for these clauses to be enforced through clear benchmarks and to be monitored, with the involvement of Parliament, civil society and the relevant international organisations; underlines that the establishment of specific benchmarks could lead the EU to explore the introduction of proportionality into sanctions for non-compliance; underlines that breaches of agreements should trigger clear consequences, including, as a last resort, suspension or the withdrawal of the EU from the agreement for the most severe or persistent cases of human rights violations; recommends the inclusion of monitoring mechanisms on human rights in all trade and foreign investment agreements, as well as complaints mechanisms, in order to ensure effective recourse to remedy for affected citizens and local stakeholders;

Trade and the Generalised Scheme of Preferences (GSP)

102. Underlines the strong link between trade and human rights and the incentivising role played by access to trade on upholding human rights conditionality for third countries; notes the Commission's recent proposal for a revised GSP Regulation⁽¹⁵⁾, which is an opportunity to further strengthen this link; stresses the necessary contribution of the GSP to achieving the objectives of the European Green Deal, among other policies, and suggests exploring the possibility to offer preferential treatment to sustainable goods; underlines that access to GSP+ status is contingent on respect for international conventions and progress in the area of human rights and calls for the strict application of conditionality to partner countries, including the withdrawal of GSP+ status, if warranted; calls on the Commission to use clear and transparent benchmarks when assessing compliance with GSP+ obligations;

⁽¹³⁾ OJ L 198, 22.6.2020, p. 13.

⁽¹⁴⁾ OJ L 130, 19.5.2017, p. 1.

⁽¹⁵⁾ Commission proposal for a regulation of the European Parliament and of the Council on applying a generalised scheme of tariff preferences and repealing Regulation (EU) No 978/2012 of the European Parliament and of the Council (COM(2021)0579).

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103. Stresses the need for continued engagement and dialogue between the EU and all stakeholders in beneficiary countries, notably civil society organisations and trade unions, as well as for further improvements to transparency and monitoring in order to ensure that the GSP scheme fulfils its objective of sustainable development and good governance;

Digital technologies

104. Underlines the important role played by digital technologies, particularly during the COVID-19 pandemic; stresses that these technologies will continue to be implemented around the world in the post-pandemic period and that they should be appropriately regulated to leverage their strength while avoiding any negative effects on human rights; stresses, in particular, the importance of effective safeguards to the right to privacy and data protection in the health-related systems of mass surveillance, and of their proportionate use which should also be limited in time; stresses the evident risks of surveillance technologies being used inappropriately against human rights defenders, opposition figures, journalists, civil society and others, not least as such technologies pose a serious obstacle to the defence of human rights, a risk to privacy and freedom of expression, and a serious threat to democratic institutions; calls on the EU to urgently devise a robust regulatory framework in this field to guarantee that the use of these technologies is compliant with international human rights standards; calls on the EU and its Member States to ensure full due human rights diligence and proper vetting of exports of European surveillance technology and technical assistance; calls on the EU and its Member States to engage with third-country governments to end repressive legislative practices on cybersecurity and counter-terrorism; calls on the EU to take the initiative to promote an immediate global moratorium on the sale, transfer and use of spyware technology;

105. Notes the benefits brought about by the increased use of artificial intelligence, but stresses that the technologies must be developed, deployed and used under meaningful human supervision, in full transparency and ensuring accountability and non-discrimination, in particular to avoid both bias in automated decisions and data protection violations;

106. Stresses the vital role of social platforms in advancing freedom of expression and of organisation, but underlines the need for proper safeguards to prevent the manipulation or unjustified limitation or curation of user content, including automated censorship, on the one hand, and the spread of hate speech, fake news, disinformation and intentionally harmful content, on the other; calls for the EU to propose ways to facilitate the work of human rights defenders online and promote recognition of the notion that debate on human rights should be promoted and protected in all circumstances; welcomes the adoption of the new EU rules on the control of exports, brokering, technical assistance, transit and transfer of dual-use technologies;

107. Emphasises that democracy is facing increasing threats through covert foreign funding, disinformation and other interference online, and underlines the fact that in the authoritarian states the internet and cyberspace is often the only area free of state control and the censorship of human rights defenders, free media and pro-democratic opposition; calls on the Commission and the Council to strengthen the EU's response and work towards the creation of international safeguards on disinformation, cyber-attacks and other hybrid threats emanating from malign foreign actors seeking to undermine societal resilience and democratic processes across the EU, in our neighbourhood and beyond; stresses the need for more public support into research on novel ways to counter the spread of fake news;

The death penalty, torture and other forms of ill-treatment

108. Reiterates its strong opposition to the death penalty in view of its cruel and irreversible nature and calls for the EU to intensify its efforts to advocate universal abolition; underlines that a positive trend emerged in 2020 towards a moratorium on executions with a view to fully abolishing the death penalty, with 123 states voting in favour of the UN General Assembly's resolution on this matter; is extremely concerned, however, about the dramatic increase in executions in certain countries; urges the EU and its Member States to defend abolition in all international forums and advocate for the broadest possible support for this position;

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109. Deplores the fact that torture and inhuman or degrading treatment continue to be widespread in many countries and calls for the EU to strengthen its efforts aimed at eradicating these practices, while supporting victims and promoting mechanisms to hold the perpetrators accountable; urges the countries which have not yet done so to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto; recognises the importance of civil society organisations and human rights defenders in the fight against torture and other forms of ill-treatment; denounces in the harshest possible terms the human rights violations that have been reported in places of detention and calls for a systematic investigation into all allegations of violations;

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110. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 76th session of the UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the EU Heads of Delegation.

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P9_TA(2022)0043

Tackling non-tariff and non-tax barriers in the single market

European Parliament resolution of 17 February 2022 on tackling non-tariff and non-tax barriers in the single market (2021/2043(INI))

(2022/C 342/16)

The European Parliament,

- having regard to the Commission communication of 10 March 2020 entitled ‘Identifying and addressing barriers to the Single Market’ (COM(2020)0093),
- having regard to Article 3 of the Treaty on European Union,
- having regard to the Commission communication of 10 March 2020 entitled ‘Long term action plan for better implementation and enforcement of single market rules’ (COM(2020)0094),
- having regard to the Commission communication of 13 November 2020 entitled ‘New Consumer Agenda — Strengthening consumer resilience for sustainable recovery’ (COM(2020)0696),
- having regard to the Commission communication entitled ‘Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe’s recovery’ (COM(2021)0350),
- having regard to the Commission communication of 17 March 2021 ‘A common path to safe and sustained re-opening’ (COM(2021)0129),
- having regard to its resolution of 20 January 2021 on strengthening the single market: the future of free movement of services ⁽¹⁾, and to the opinion of the Committee on Employment and Social Affairs thereon,
- having regard to Regulation (EU) 2018/1724 of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 ⁽²⁾ (‘the Single Digital Gateway Regulation’),
- having regard to the Opinion of the European Committee of the Regions — Single Market Barriers Report and Single Market Enforcement Action Plan (COR 2020/02355),
- having regard to the Opinion of the European Economic and Social Committee on (a) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘Long term action plan for better implementation and enforcement of single market rules’ (COM(2020)0094) and (b) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘Identifying and addressing barriers to the Single Market’ (COM(2020)0093) (EESC 2020/01412),
- having regard to the Commission staff working document of 10 March 2020 entitled ‘Business Journey on the Single Market: Practical Obstacles and Barriers’ (SWD(2020)0054),
- having regard to the Commission staff working document of 8 September 2020 entitled ‘Evaluation of the Vertical Block Exemption Regulation’ (SWD(2020)0172),
- having regard to the study of July 2020 by the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs entitled ‘Territorial supply constraints in the EU retail sector’,

⁽¹⁾ OJ C 456, 10.11.2021, p. 14.

⁽²⁾ OJ L 295, 21.11.2018, p. 1.

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- having regard to the study of February 2018 by the Benelux Union entitled ‘Territorial Supply Constraints in the Retail Trade in Belgium, The Netherlands and Luxembourg’,
 - having regard to the study of November 2020 by the European Parliament Policy Department for Economic, Scientific and Quality of Life Policies entitled ‘Legal Obstacles in Member States to Single Market rules’,
 - having regard to the study of October 2020 by the European Parliament Economic Governance Support Unit entitled ‘Background Reader on the European Semester Autumn edition 2020 — The European Semester from a Parliamentary perspective’,
 - having regard to the study of February 2021 by the European Parliament Policy Department for Economic, Scientific and Quality of Life Policies entitled ‘The impact of COVID-19 on the Internal Market’,
 - having regard to the study of February 2019 by the European Parliament Policy Department for Economic, Scientific and Quality of Life Policies entitled ‘Contribution to Growth: The Single Market for Services — Delivering economic benefits for citizens and businesses’,
 - having regard to the Special report No 05/2016 of the European Court of Auditors of 14 March 2016 entitled ‘Has the Commission ensured effective implementation of the Services Directive?’,
 - having regard to the European Parliamentary Research Service study of April 2019 entitled ‘Mapping the Cost of Non-Europe’,
 - having regard to its resolution of 12 December 2018 on the single market package ⁽³⁾
 - 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 report of the Committee on the Internal Market and Consumer Protection (A9-0336/2021),
- A. whereas the single market accounts for 56 million European jobs and generates 25 % of EU GDP; whereas the agri-food sector is the EU’s biggest manufacturing sector in terms of jobs and value added;
- B. whereas sustainable development and high levels of social and environmental standards are prerequisites for a form of productivity compatible with the Sustainable Development Goals of the UN 2030 Agenda and the target of achieving climate neutrality by 2050;
- C. whereas protecting and promoting social, labour and trade union rights, including collective bargaining, fair wages and good working conditions, is an integral part of building a well-functioning, fair, inclusive and sustainable single market that delivers quality goods and services; whereas economic freedoms to provide goods and services should not prevail over or undermine fundamental rights, including social, labour and trade union rights;
- D. whereas a comprehensive assessment of the non-tariff barriers in the single market, especially in the agri-food sector, could be used to provide impetus to tackle these barriers;
- E. whereas any assessment of the barriers to the single market should be based, among other things, on the experiences and perceptions of businesses, workers and consumers who engage to some degree with the single market every day, as well as on the purpose of the single market rules; whereas existing single market barriers disproportionately affect or even penalise SMEs and microenterprises, and hinder their cross-border activities;

⁽³⁾ OJ C 388, 13.11.2020, p. 39.

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- F. whereas the functioning of the single market, the effective implementation of existing EU legislation and abolition of barriers is the responsibility of both the Commission and the Member States;
- G. whereas many barriers affecting the single market derive from incorrect or incomplete application of EU legislation, lack of proper transposition of EU law into national legal frameworks, lack of appropriate EU law measures targeting existing barriers, hindered access to necessary information, or from unilateral policy measures taken by Member States; whereas unnecessary regulatory intervention at EU level might also adversely affect the single market, creating barriers such as high compliance costs or legal uncertainty for individual consumers;
- H. whereas fragmentation, restrictive national regulations, inadequate or incorrect implementation, red tape and 'gold-plating', as well as the lack of enforcement or of appropriate EU law measures tackling the barriers may have negative consequences both at EU and national level, depriving citizens of jobs, consumers of choices, and entrepreneurs of opportunities;
- I. whereas a non-tariff barrier (NTB) is a disproportionate or discriminatory regulatory action which results in a burden or cost to be borne by a firm which seeks to enter a market, and which is not borne by firms already in the market, or a cost which accrues to non-national firms which is not borne by domestic firms, without prejudice to the Member States' right to regulate and the pursuit of legitimate public policy objectives such as protection of the environment and consumer or employment rights; whereas Parliament addressed non-tariff barriers in its resolution of 26 May 2016 ⁽⁴⁾;
- J. whereas 'gold-plating' means 'practices resulting in Member States introducing additional unjustified administrative requirements unrelated to the legislation objectives and that can undermine the smooth functioning of the internal market'; whereas gold-plating should, however, be differentiated from the setting of higher standards that go beyond EU-wide minimum standards for environmental and consumer protection, healthcare and food safety;
- K. whereas the current Commission has not yet come forward with a comprehensive legislative package addressing failures in the exercise of the core freedoms of the single market beyond enforcement, other than digital initiatives; whereas the Commission has prioritised the need for a better enforcement of existing single market legislation alongside a number of digital and green initiatives, paving the way for the twin transition;
- L. whereas the development and implementation of internal market legislation must always ensure the proper involvement of social partners and civil society organisations;
- M. whereas Parliament and the Council rejected some of the proposals of the 2016 Services Package;
- N. whereas a clear majority of businesses consider that the single market is not sufficiently integrated; whereas fragmentation of rules for cross-border commerce deeply affect business and consumers all over the internal market;
- O. whereas despite the efforts made in the past through multiple programmes and applications, traders often still struggle to find information on the rules and procedures for the cross-border provision of services and the sale of goods;

⁽⁴⁾ OJ C 76, 28.2.2018, p. 105.

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- P. whereas 71 % of SMEs that tried the current mutual recognition system for non-harmonised goods received a market access denial decision, and whereas the recent review of the regulation governing this system aimed to make it easier for companies to apply it by providing a better framework for national decision-making;
- Q. whereas the Professional Qualifications Directive ⁽⁵⁾ is a key instrument to ensure the proper functioning of the single market but the lack of automatic recognition instruments for qualifications and skills between Member States is impeding the mobility of professionals and thereby creating unjustified barriers;
- R. whereas the EU single market is a never finished project and the rapid speed of societal and technological developments may create new obstacles to the single market hampering its full execution;
- S. whereas digitalisation and the use of AI and new technologies have the potential to add significant value to the single market, helping to reduce the existing obstacles and burdens and allow for new business opportunities and the full functioning of the digital single market for the benefit of consumers and enterprises; whereas the use of new technologies and AI can be helpful to overcome some barriers in the digital single market;
- T. whereas the lack of harmonisation and insufficient minimum standardisation bring additional cost and reduce the safety of products in the single market while decreasing European competitiveness on the international markets;
- U. whereas for the single market framework it is vital to correctly balance economic freedoms, social rights, the interests of consumers, workers and businesses, and the general interest;
- V. whereas several non-tariff barrier-related petitions have been tabled recently to Parliament's Committee on Petitions (PETI), for example petitions 0179/2021 and 0940/2020;
- W. whereas the COVID-19 crisis has been a shock both to production and consumption, and has reshaped domestic and cross-border activities impacting on consumers, businesses, workers and the provision of services; whereas some of these effects may be temporary, but others will have lasting consequences on the shape and needs of the single market; whereas the response to the pandemic has sped up a shift to digital services; whereas the crisis has shown the importance of European integration, strong institutions and regulation; whereas arbitrary public procurement practices implemented during the COVID pandemic have severely affected the internal market and posed serious threats to transparency; whereas the current difficult situation requires the elimination not only of COVID-related restrictions but also of unjustified barriers that have remained in the internal market for years, in order to improve and deepen the single market, which is one of the ways out of the crisis;

The state of the single market and its policy objectives

1. Welcomes the Single Market Governance Package of March 2020, which aims to improve the implementation and enforcement of European legislation by initially presenting an overview of existing and upcoming initiatives; considers as well that legislative and enforcement deficiencies remain, which are hampering the proper functioning of the single market; considers in particular that initiatives to improve the single market for services are lacking;
2. Supports the Commission's communication on a long term action plan for better implementation and enforcement of single market rules, and especially the proposals to reinforce SOLVIT as a tool for single market dispute resolution, increase the role of the Commission to assist Member States in transposing EU law correctly, fully and on time in order to secure harmonised interpretation and avoid gold-plating, create a single market obstacles tool under the Single Digital Gateway,

⁽⁵⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

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and allow citizens and businesses to report anonymously on regulatory obstacles encountered by them in exercising their internal market rights;

3. Points out that the price for inadequate implementation is paid by both businesses and consumers and encourages the Commission to prioritise adequate enforcement actions;

4. Stresses the efforts to ensure that the proper functioning of the single market goes hand in hand with efforts to achieve the EU's fundamental objectives in respect of sustainable development and a social market economy, as well as a high level of protection and improvement of the quality of the environment;

5. Underlines that the single market remains one of the greatest achievements of the European Union; urges the Commission, therefore, to aim resources towards issues affecting the single market, in particular unjustified non-tariff barriers (NTBs), which prevent the realisation of the single market's full potential for consumers, workers and businesses, especially SMEs, by creating unnecessary and unfair barriers to the free movement of goods and services;

6. Acknowledges that stronger monitoring also by the Member States, regulatory prudence, the simplification of how the current EU regulatory framework is applied and an increased political emphasis on the single market are likely to be needed in order to effectively remove such barriers and further deepen single market integration;

7. Recognises the fundamental importance of consumer protection policy as a factor strengthening the single market and contributing to its integration;

8. Calls on the Commission to use the resources of the single market programme to strengthen the single market's governance and improve its functioning, in particular with regard to non-tariff barriers;

9. Calls on Member States to respect the integrity of the single market by better exchanging information on and coordinating the implementation of EU law, facilitated by the Commission, to refrain insofar as is possible from introducing deviating national rules and to seek solutions at European level, to apply Better Regulation guidelines for introducing national rules, provide proper impact assessments and support stakeholders so they can properly contribute to the decision-making process, and to apply all rules in a justified, proportionate and non-discriminatory manner;

10. Underlines that the full achievement of the objectives in the Green Deal and European digital agendas mainly depends on the effective functioning of the single market and appropriate public policy, which is a key enabler of market efficiency and innovation and one of several tools for modernising European economies; believes, therefore, that the single market's shortcomings deserve the same level of attention as the Green Deal and the European digital agenda; underlines that other European policies should take into account the rules of the single market and must respect its principles; reaffirms its own commitment to developing and safeguarding a robust, sustainable consumer-, worker- and business-friendly internal market;

11. Regrets that a number of NTBs might impede the EU's industrial strategy goals, especially reshoring of production and strengthening the resilience of the European economy; underlines that a solid integrated single market where NTBs are eliminated is a precondition for attaining the EU's industrial strategy goals;

12. Urges the Member States to ensure that they act proportionally and in strict alignment with legitimate public policy objectives such as public health, the environment, public services and the general interest; regrets, however, that some Member States still refer to public interest to isolate their domestic markets; highlights, furthermore, that requirements such as unfounded territorial restrictions, unnecessary language requirements and economic needs tests create unjustified barriers within the single market and calls on the Commission to improve the monitoring of Member States in this regard, including legal notification obligations;

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13. Deplores the fact that according to a Parliament study, the number of infringement proceedings against Member States in the field of the single market rose between 2017 and 2019, reaching 800 in 2019, its highest level since 2014;

Barriers to the free movement of goods and services

14. Points out that the Commission and stakeholders have identified a group of key unjustified barriers to cross-border activities, among others:

- (a) regulatory disparities and inconsistent implementation of EU law, which complicate cross-border exchanges and force companies to commit resources to the laborious process of analysing EU law provisions, diverting investments away from activities that create jobs or support growth;
- (b) inadequate enforcement of EU legislation as well as long and complex procedures to resolve breaches of EU law;
- (c) burdensome and sometimes complex administrative requirements or practices, such as repeated persistent inspections and sanctions disproportionate to the offense, insufficient and inaccessible or non-existent information and limited lines of communication with public administration, which also limit the possibilities for new or competing services in new locations that would grant more choice for consumers;
- (d) territorial supply constraints (TSCs) which clearly hamper the development of the single market and its potential benefit to consumers;
- (e) additional technical requirements adopted at national level that generate excessive and unjustified administrative burdens which could undermine the smooth functioning of the internal market;
- (f) lack of effective tools and mechanisms to facilitate knowledge of existing obligations or lack of harmonised technical standards, increasing compliance costs for companies operating across borders;
- (g) lack of transparency and information and complex procedural requirements which increase the difficulty of accessing cross-border procurement, particularly for small and medium-sized enterprises (SMEs);
- (h) insufficient rules for cross-border e-commerce;
- (i) difficulties in resolving commercial and administrative disputes in a timely manner;

15. Notes that concrete examples of above-mentioned barriers have already been reported by EU companies functioning in the internal market, including, for example, requirements on foreign service providers to register a company in a trade and companies register of a host Member State, even if they only send workers to the territory of the host Member State on a temporary basis and have no infrastructure there from which they would carry out activities in a habitual, stable and continuous manner;

16. Stresses that the most effective way to reduce fragmentation of the single market is to seek harmonisation where possible; stresses that this harmonisation should not lead, however, to more regulatory burden for companies;

17. Highlights that upholding the rule of law strengthens the integrity of the single market and reminds Member States of their legal notification obligations;

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18. Emphasises that the NTBs, among others, severely impact the services sector and thereby other segments of the economy underpinned by the services sector; highlights, furthermore, that the Commission still has identified 24 specific restrictions across 13 sectors which breach rules established by the Services Directive⁽⁶⁾, including some which are discriminatory or are requirements on establishment or nationality; notes that the objective of the exercise was to document the presence or absence of restrictions, and that the assessment of proportionality of restrictions was outside the scope of the exercise and the exercise did not assess whether the relevant restriction was justified or proportionate;

19. Acknowledges that the report shows a small decrease in the level of barriers in almost all the sectors assessed which calls for further assessment by the Commission; emphasises, however, that according to the Commission, mapping of the reduction of barriers in the different services sectors was slow from the implementation of the Services Directive in 2006 until 2017, and that for the retail sector the mapped barriers even increased between 2011 and 2017, thereby eliminating progress made;

20. Regrets that some of the identified restrictions under the Services Directive come as a result of the legal uncertainty it has triggered since its entry into force with regard to its scope, in particular for SMEs in the tourism sector;

21. Points out that public services enjoy special protection in respect of the internal market rules because of the general interest role they fulfil, meaning that the rules set by the public authorities for their proper operation do not constitute non-tariff barriers; points out, in this regard, that social services and health services fall outside the scope of the Services Directive;

22. Calls on the Commission and the Member States to increase their efforts to remove barriers to retail and act expeditiously when new barriers are identified; calls on the Commission to prepare guidance on the proportionality of retail authorisation procedures in order to increase legal certainty and predictability for retail and to present a new action plan for the European retail sector by mid-2022;

23. Recalls that a considerable number of problems with the cross-border provision of services stem from administrative practices and not from incompatibility with EU law;

24. Calls on the Commission to continue developing guidelines to address underperforming legislation; points out that the lack of a common interpretation of EU laws facilitating the free movement of workers might lead to a lack of legal clarity and bureaucratic burdens for companies and workers providing services in various Member States; calls on the Commission to support Member States in the transposition process to guarantee a more harmonised approach;

25. Regrets the insufficient use of the notification procedure under the Services Directive and the TRIS notification system⁽⁷⁾; highlights that this undermines the Commission's ability to ensure that new services laws are compliant with the Services Directive; calls on Member States to fulfil their notification obligations under the Services Directive; calls on the Commission to bring forward an action plan by mid-2022 on improving the current framework; notes in that regard the Commission's intention to update the handbook on implementation of the Services Directive to incorporate aspects arising from the most recent case law and to improve enforcement of the directive;

26. Stresses that barriers may also derive from the limited capabilities of national administrations to provide services in other languages, and from shortages of relevant training and infrastructure; calls on Member States to ensure that information and documents relating to market access are not only available in the official language of the Member State but also in English or the other most-used language in the local economy;

⁽⁶⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

⁽⁷⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

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27. Calls on the Commission and Member States to adopt handy, concise, and ready-to-use tools for national authorities to address incorrect practices and violations and enforce internal market rules;

28. Recalls that public policy, public health or public security can be invoked by a Member State only where it can prove the existence of a genuine, sufficiently serious threat affecting one of the fundamental interests of society; finds unacceptable, therefore, any form of state sponsored discrimination, for example against people with disabilities or based on economic position, nationality, age, racial or ethnic origin, religion or belief, profession, sex or sexual orientation (including LGBTIQ-phobia); considers that such discrimination may restrict the freedoms of the internal market and thus establish a non-tariff barrier affecting the free movement of goods and services, as it prevents goods producers and service providers from delivering the same goods and services equally throughout the EU and consumers from benefitting from the achievements of the single market;

29. Welcomes the significant improvements to the free movement of goods in recent years thanks to regulations such as Regulation (EU) 2018/302⁽⁸⁾ (Geo-blocking Regulation), Regulation (EU) 2019/1020⁽⁹⁾ (Market Surveillance and Compliance of Products Regulation), and most importantly thanks to Regulation (EU) 2019/515⁽¹⁰⁾ (Mutual Recognition of Goods Regulation); recalls that the principle of mutual recognition applies only to non-harmonised goods and stresses the importance of top-down harmonisation in order to ensure a high level of product safety and consumer protection; believes that thorough application of the principle of mutual recognition and the instruments recently defined by Regulation (EU) 2019/515 would efficiently advance the agenda of the single market, especially in the areas where difficulties remain;

30. Takes the view that the adoption and implementation of the Geo-blocking Regulation has been beneficial for consumers in facilitating cross-border purchases; recalls, however, that certain obstacles persist, particularly in the provision of audiovisual services and content, and that this manifests itself in reduced consumer confidence in cross-border online shopping; calls on the Commission, as part of the evaluation report scheduled for 2022, to propose ways to remove unjustified and ineffective geo-blocking and to strive to build a harmonised digital single market;

31. Highlights the existence of discriminatory and anti-competitive practices such as territorial supply constraints, which are hampering the development of the single market and undermining its potential benefits to consumers; calls on the Commission to come forth with adequate measures to eliminate territorial supply constraints and thereby reduce barriers to cross-border trade with a view to achieving a fully functioning single market;

32. Welcomes the fact that the harmonisation of qualifications through mutual recognition has already contributed to the growth of the single market in relation to several professions; regrets, however, that further advancement is seriously restricted by administrative barriers imposed by Member States; underlines that the mutual recognition of diplomas, qualifications, skills and competences between Member States would strengthen the free movement of workers and services and urges Member States to extend mutual recognition to all possible levels of education and training and to improve or introduce the necessary procedures for such an extension as soon as possible;

33. Recalls the specific status that regulated professions have within the single market and their role in addressing the public interest, but also underlines that this specific status should not be used to maintain unjustified barriers resulting in the fragmentation of the single market;

34. Encourages the Member States to eliminate undue restrictions on professional qualifications and the Commission to remain vigilant in pursuing infringement procedures where Member States do not comply with EU legislation on the recognition of qualifications;

⁽⁸⁾ Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market (OJ L 60 I, 2.3.2018, p. 1).

⁽⁹⁾ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products (OJ L 169, 25.6.2019, p. 1).

⁽¹⁰⁾ Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State (OJ L 91, 29.3.2019, p. 1).

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35. Recalls that the Professional Qualifications Directive is built on the principle of equal treatment and the prohibition of discrimination on grounds of nationality;
36. Calls on the Commission and the Member States to continuously increase awareness among businesses and workers that might lack knowledge on mutual recognition and other relevant rules facilitating cross-border operations;
37. Calls for the European Qualifications Framework to be promoted and its application to be facilitated throughout the EU, so that it becomes a widely accepted recognition instrument;
38. Regrets the insufficient access to information in relation to labour mobility in the services sectors, and is concerned by burdensome procedures in certain Member States for obtaining essential documents and the on-going problems with providing citizens with an A1 form in a timely manner; underlines that access to information, for example on domestic collective agreements where applicable and relevant, as is required under Directive 2014/67/EU⁽¹¹⁾ should be improved to facilitate compliance for businesses and information for workers; insists that this information should be available via the Single Digital Gateway; calls on the Commission and the European Labour Authority to take appropriate steps in order to improve access to information;
39. Urges the Commission to introduce — as planned — a digital form for the declaration of the posting of workers in the first quarter of 2022, as outlined in its update of the 2020 new industrial strategy, establishing a simple, user-friendly and interoperable digital form that suits the needs of European companies and in particular SMEs;
40. Recalls that access to information is essential and must be made as easy as possible for users; takes the view that the measures taken to improve access to information on applicable rules and obligations for businesses as part of the Goods Package are a welcome development in facilitating cross-border trade while maintaining a high level of consumer protection; calls for sufficient resources to be allocated for the establishment of one-stop shops;
41. Takes note of the increasing number of urban vehicle access regulations applied to both private and commercial vehicles; asks the Commission to assess whether coordination is needed at EU level;
42. Stresses that the proper functioning of the single market is key to safeguarding sufficient supplies of affordable and high-quality products, including agri-food products, across the EU;
43. Highlights the importance of enhancing the dynamism and resilience of EU supply systems, including at regional and local levels, and of strengthening short, smart and integrated supply chains to ensure continuous product supplies throughout the EU;
44. Stresses the need to ensure that the single market is as harmonised as possible through a uniform, EU-wide approach to labelling that can both remove barriers to the functioning of the single market and ensure that the information provided to consumers remains clear, transparent, traceable and understandable;
45. Welcomes the adoption of the revised Unfair Commercial Practices Directive⁽¹²⁾ and the Commission's incentives to that end and supports the work and findings of the Joint Research Centre, all of which seek to address the issue of dual quality;

Digitalisation and use of AI in addressing single market barriers

46. Underlines the importance of a fully functioning digital single market that benefits consumers and enterprises and asks for SMEs to be supported in order to face the obstacles and struggles in their digital transformation;

⁽¹¹⁾ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 159, 28.5.2014, p. 11).

⁽¹²⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).

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47. Believes that digitalisation and emerging technologies such as AI can contribute to achieving the objectives of the EU and deepen the internal market; stresses that, if such technologies are used correctly, they can be positive and transformative and address many challenges to eliminate obstacles in the single market;

48. Calls on the Commission to further assess allowing and encouraging the use of digital solutions which can help to provide mandatory product or packaging information without the need to increase packaging size or to repackage;

49. Welcomes the Commission's proposals for a digital services act (COM(2020)0825) and a digital markets act (COM(2020)0842) and asks for the Commission and the Member States to adopt frameworks which are coherent with the other policies of the internal market and the EU; considers that it is of the utmost importance for companies and especially SMEs and consumers to have a clear, harmonised and robust set of rules;

50. Welcomes the Commission's plan to establish a single European information entry point for control authorities on non-food products;

51. Calls on the relevant EU and national authorities to take appropriate steps aimed at developing a single template for official national websites and to make them compatible with the Single Digital Gateway so as to improve access to relevant information among Member States;

52. Recognises that numerous barriers stem from the limited capacity of administrations to deliver high-quality services in cross-border settings; believes that digitalisation of public services and fully-fledged eGovernment capabilities remain essential to eradicate some of the onerous NTBs; calls on the Commission to promote the use of digital tools and urges Member States to commit fully to the digitalisation of public services; stresses the importance of developing and using interoperable and open source eGovernment tools with a view to fostering the development of internationally compatible eGovernment procedures; recalls, in this regard, that the key provisions of the single digital gateway had to be in force in all EU Member States by 12 December 2020; underlines the importance of the 'digital-by-default' and 'once only' principles, which will save citizens and businesses time and money, in particular if used more widely; welcomes the proposal to add a single market obstacles tool to the single digital gateway;

53. Regrets that the implementation of the Single Digital Gateway is moving slowly; calls on Member States to dedicate sufficient resources to swiftly implementing the Single Digital Gateway in an SME-friendly way by providing user-centred information on single market rules and administrative procedures in order to make it a virtual one-stop shop as far as possible; calls on the Member States and the Commission to extend the scope of the Single Digital Gateway to all business-relevant administrative procedures;

54. Highlights that SOLVIT has a high potential to become the main informal problem solving tool for businesses and consumers in cases of misapplication of EU law; welcomes the Commission proposal to make SOLVIT the default tool for single market dispute resolution; takes the view that this requires greater awareness-raising regarding the existence of these dispute resolution instruments;

55. Notes that despite the awareness-raising activities of the Commission and Member States, SOLVIT is still unknown to many citizens and businesses; stresses that further measures should be taken by the Commission and Member States to increase its profile;

56. Notes that SOLVIT is based on recommendation rather than law and cannot make legally binding decisions; underlines that substantial improvements can be made to SOLVIT's operations;

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57. Notes that many SOLVIT centres are still understaffed, and lack resources and relevant training for staff, and, therefore, the necessary knowledge; calls on the Commission and the Member States to ensure that SOLVIT centres have adequate resources to operate as requested by the Commission in communication COM(2017)0255;

58. Draws attention to the fact that unjustified, disproportionate and discriminatory control practices applied by Member States, including excessive fines or access to competitive company data, are also a form of barrier within the internal market; notes that European companies are regularly reporting examples of such practices either via SOLVIT, petitions submitted to the PETI Committee or complaints to the Commission;

59. Stresses the need for an approachable and accessible contact point for European citizens, businesses and their representatives to raise measures taken by Member States which hinder the EU single market; highlights the need for a smooth follow-up to these complaints in order to tackle the unjustified barriers to the single market as quickly as possible;

60. Recalls that the international road haulage sector is subject to NTBs restricting access to national markets, which limit its competitiveness;

61. Highlights the importance of harmonisation of standards for the internal market and stresses the importance of better involving stakeholders and businesses in the harmonisation process in order to avoid unnecessary barriers to EU single market access;

Enforcement and compliance monitoring

62. Welcomes in principle the Single Market Enforcement Taskforce (SMET) which aims to assess compliance of national law with single market rules and prioritise the most pressing barriers, address gold-plating and discuss horizontal enforcement issues; points out that the SMET should not just identify problems but also propose possible solutions; calls on the Commission and the Member States to ensure greater inclusion of stakeholders in the workings of the SMET;

63. Recalls that so far the Commission's plan to step up enforcement of EU law by means of the SMET, which held its first meeting in April 2020, has only delivered limited results; regrets that the SMET's working methods lack transparency; calls on the Commission and the Member States to improve the transparency of the SMET and to include stakeholders in its meetings, as well as to ensure that the SMET publishes lists of participants, agendas and minutes of its meetings on the Commission's website; calls on the Commission to present concrete outcomes of the work of the SMET by the end of 2022, and to deliver them to Parliament's Committee on the Internal Market and Consumer Protection and the Competitiveness Council in accordance with its communication of 10 March 2020 on a long term action plan for better implementation and enforcement of single market rules (COM(2020)0094);

64. Calls on the Commission to present regularly, at least every three years, a report on NTBs, to expand the existing Single Market Scoreboard in a transparent manner, and to list the infringement procedures and the national regulations suspected of contravening EU law;

65. Calls on the Commission and the Member States to consistently, speedily and rigorously assess whether national rules hinder the internal market, and where they do, to assess if they are necessary, non-discriminatory, proportional and justified as stipulated by Directive (EU) 2015/1535 on the provision of information on technical regulations and Directive (EU) 2018/958⁽¹³⁾ on access to regulated professions; notes that proper impact assessments and well-explained justifications are missing, especially regarding national product and services rules; calls on the Commission to make quick decisions on complaints to ensure that relevant issues from an end-user perspective are handled promptly and settled efficiently;

⁽¹³⁾ Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions (OJ L 173, 9.7.2018, p. 25).

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66. Recalls that throughout the regulatory lifecycle, Member States and the Commission must share the responsibility of ensuring that single market rules are complied with, also taking into account the Paris Agreement and the European Pillar of Social Rights, and that citizens' rights, including workers' and consumer rights, are enforced; stresses the need for EU-wide harmonisation of rules on the frequency and quality of checks and other market surveillance activities, particularly in respect of product safety, and for the promotion of tools for the exchange of information between national authorities with a view to strengthening cooperation in this area;

67. Calls on each Member State to ensure that all competent authorities within their jurisdiction have all the minimum powers as well as the budget and staff necessary to ensure the proper application of the internal market *acquis*;

68. Points to the importance of proportionate surveillance, inspection and sanctioning by relevant authorities of economic operators, regardless of their Member State of establishment, who do not comply with legislation; stresses that it is essential not only to make use of instruments for market surveillance cooperation between national authorities and the Commission, but also to develop new ones to give advance warning of non-compliance problems that jeopardise consumer safety, in particular by providing increased supervision at European level;

69. Stresses the importance of an increased level of harmonisation that includes effective and efficient enforcement cooperation among the competent authorities in order to detect, investigate and order the cessation or prohibition of infringements;

70. Stresses the importance of monitoring, and therefore welcomes the Single Market Scoreboard as a performance monitoring tool; emphasises the need for a recurring debate on the outcomes of the Scoreboard at the highest political levels, ensuring political commitment to tackling the obstacles identified, not only from a business perspective, but also with regard to the challenges experienced by workers, consumers and citizens, taking due account of social and environmental policy considerations;

71. Welcomes capacity building for national public administrations, public procurement professionals, judges and other legal practitioners for which funding is possible under the reform support programme;

Barriers to the single market due to the COVID-19 response

72. Recalls that the initial response to the pandemic by Member States and the Commission did not take into account the needs of the single market, and recalls the serious impact this has had on the free cross-border movement of goods, persons and services; believes that further assessment of the pandemic's impact on the single market will be necessary in order to draw conclusions from the COVID-19 crisis;

73. Calls on the Member States, in the event that the pandemic situation deteriorates, to fully implement the Commission's guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak and Commission communication entitled 'Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls' (C(2020)3250) in order to allow workers, in particular transport, frontier, posted and seasonal workers, and service providers to cross borders and have unhindered access to their place of work;

74. Welcomes the NextGenerationEU recovery package, the EU guidelines for border management, transport green lanes, the EU Digital COVID Certificate to facilitate free movement, and further measures which aim to allow the single market to operate normally;

75. Regrets that some Member States have introduced additional travel restrictions such as quarantine for some holders of the EU Digital COVID Certificate; notes that these restrictions are particularly burdensome for cross-border and posted workers and truck drivers;

76. Recalls the importance of ensuring that COVID-19 measures do not affect the flow of products, especially food, within the EU, including when it comes to territories not connected to mainland Europe;

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77. Notes that the COVID-19 pandemic has led to certain restrictions between and within the Member States, in addition to a decline in the hotel, restaurant and catering sector, with a devastating impact on food production;

78. Takes the view that sustainable development, fair transition, social inclusion and the creation of quality jobs must pave the way to recovery;

79. Welcomes the Commission's proposal to present a Single Market Emergency Instrument; calls on the Commission to develop it as a legally binding structural tool to ensure the free movement of persons, goods and services in case of future crises;

80. Calls on the Commission and Member States to proactively use the lessons learned and to develop a response plan for emergencies, which should aim to assure a joint response and safeguard as far as possible the free movement of services, goods and persons, especially cross-border workers; recalls the need for prompt notification by Member States of national measures which limit the free movement of goods and services;

81. Welcomes the Commission's proposal for a regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU (COM(2020)0727), in particular its proposal for the creation of a mechanism for control of restrictions on exports of medical equipment in the internal market;

82. Stresses the urgent need to widen access to digital services and technologies which are essential during emergencies for the smooth functioning of the single market and for access to public services by citizens and businesses through eGovernment solutions; recognises digital exclusion and lack of internet access as some of the most significant non-tariff barriers to the digital transformation of the EU single market;

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

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P9_TA(2022)0044

A statute for European cross-border associations and non-profit organisations**European Parliament resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations (2020/2026(INL))**

(2022/C 342/17)

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union (‘TFEU’),
- having regard to Articles 114 and 352 TFEU,
- having regard to Article 11 of the Treaty on European Union,
- having regard to the Charter of Fundamental Rights, and in particular Article 12 thereof,
- having regard to Article 11 of the European Convention on Human Rights,
- having regard to its opinion ⁽¹⁾ on the Commission proposal for a Regulation on the Statute for a European association ⁽²⁾,
- having regard to its resolution of 13 March 1987 on non-profit-making associations in the European Communities ⁽³⁾,
- 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 ⁽⁴⁾,
- having regard to its Declaration of 10 March 2011 on establishing European statutes for mutual societies, associations and foundations ⁽⁵⁾,
- having regard to the EESC Opinion on ‘European Philanthropy: an untapped potential (Exploratory opinion at the request of the Romanian Presidency)’,
- having regard to the Joint Guidelines on Freedom of Association (CDL-AD(2014)046) adopted by the European Commission for Democracy Through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR),
- having regard to Rules 47 and 54 of its Rules of Procedure,
- having regard to the opinion 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 Legal Affairs (A9-0007/2022),

A. whereas Article 63 TFEU together with Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union (the ‘Charter’) enshrines the freedom of association at all levels and protects non-profit organisations against discriminatory, unnecessary and unjustified restrictions regarding the financing of their activities;

⁽¹⁾ Legislative resolution embodying the opinion of the European Parliament on the Commission proposal for a Council Regulation (EEC) on the statute for a European association (OJ C 42, 15.2.1993, p. 89).

⁽²⁾ Commission proposal for a Council Regulation (EEC) on the Statute for a European association (COM(1991)0273 — SYN 386).

⁽³⁾ OJ C 99, 13.4.1987, p. 205.

⁽⁴⁾ OJ C 395, 29.9.2021, p. 2.

⁽⁵⁾ OJ C 199 E, 7.7.2012, p. 187.

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- B. whereas the term ‘non-profit organisation’ should, for the purpose of this resolution, be understood to reflect the multitude of forms of non-profit organisations in the Union, both membership and non-membership based, for example associations, philanthropic organisations, organisations whose assets are allocated to the pursuit of a specific aim, such as foundations, and other, similar organisations;
- C. whereas the European Court of Human Rights has recognised that the State has a positive obligation to secure the enjoyment of the right to freedom of association and found, in its judgment of 21 October 2005, *Ouranio Toxo and Others v. Greece* ⁽⁶⁾, that ‘genuine and effective respect for freedom of association cannot be reduced to a mere duty on the part of the State not to interfere’; whereas in its judgment in Case C-78/18 ⁽⁷⁾, the Court of Justice of the European Union (CJEU) held that freedom of association does not only include the ability to create or dissolve an association but also covers the possibility for an association to act in the meantime;
- D. whereas non-profit organisations are fundamental to representing the interests of citizens and civil society, including by providing services in often unprofitable areas of the social sector, encouraging participation in social life and defending the rights of minorities; whereas, furthermore, they play a key role in anticipating and tackling socio-economic challenges as well as in closing the gaps in services and economic activities, alongside national, regional and local governments;
- E. whereas non-profit organisations often make use of and promote the freedom of expression, in particular in relation to promoting the public interest, support active participation in democratic life, and function as schools of democracy;
- F. whereas the COVID-19 crisis has highlighted the vital role of non-profit organisations in helping people face the many difficulties, thereby guaranteeing social cohesion; whereas, however, their status has been shaken by the COVID-19 crisis notably due to it interrupting their activities and also creating new needs and missions;
- G. whereas European democracy depends on civil society and representative organisations being able to function freely and across borders; whereas the essential role of civil society and representative organisations in contributing to democracy is considered a fundamental value of the Union, as recognised, in particular by Article 11 of the Treaty on European Union (‘TEU’), and requires the existence of an open, transparent and structured dialogue;
- H. whereas non-profit organisations are an integral part of the Union’s civil society and include philanthropic organisations, such as foundations that contribute to and facilitate the work of individuals, and non-profit organisations for the public interest;
- I. whereas reliable statistical information on non-profit organisations is scarce or not readily available;
- J. whereas the European statutes for European Companies, European Cooperative Societies or European Parties are not suitable for enabling non-profit organisations to co-operate cross-border;
- K. whereas businesses, commercial undertakings and economic interest groupings have the possibility of forming a European Economic Interest Grouping;
- L. whereas public bodies can create a European Grouping of Territorial Cooperation;
- M. whereas a European Statute for Association should be open to organisations and persons that want to engage in exchanges and mutual learning across borders;

⁽⁶⁾ Judgment of the European Court of Human Rights of 21 October 2005, *Ouranio Toxo and Others v. Greece*, n. 74989/01, ECLI:CE:ECHR:2005:1020JUD007498901.

⁽⁷⁾ Judgment of the Court of Justice of 18 June 2020, *Commission v Hungary*, C-78/18, ECLI:EU:C:2020:476, par. 113.

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- N. whereas Parliament's call for national statistical registers for social economy actors does not cover organisations outside the social economy;
- O. whereas many non-profit organisations play a full part in the economy and in the development of the internal market, by engaging in some economic activity on a regular basis; whereas the volume of cross-border financial flows between associations or non-profit organisations has increased considerably in the last decade;
- P. whereas nowadays the awareness among policymakers and civil society about the potential of non-profit organisations in terms of provision of services, citizen engagement and social innovation has increased; whereas their potential is probably untapped in a wide range of areas such as education, culture, health care, social services, research, development aid, humanitarian assistance and disaster preparedness;
- Q. whereas the socio-economic potential of non-profit organisations in the European Union is constantly increasing, with employment opportunities being created in a wide range of sectors;
- R. whereas non-profit organisations play a key role in supporting individuals to actively participate in democratic life;
- S. whereas the vast majority of the activities of non-profit organisations are carried out at national level, although an increasing number of non-profit organisations are operating across borders, thereby strengthening the social cohesion between Member States at a societal level, especially in border regions which comprise nearly 40 % of Union territory;
- T. whereas cross-border non-profit organisations, in particular, contribute greatly to the achievement of the Union's objectives and develop many and varied activities of general interest with a transnational relevance which benefit the general interest in different fields; whereas this includes but is not limited to the protection and promotion of fundamental rights and values, environmental protection, education, culture, social work and development aid;
- U. whereas, despite the burgeoning numbers of cross-border non-profit organisations in the European Union, there is no harmonised pan-European legislative framework allowing them to operate and organise themselves properly at cross-border level;
- V. whereas, at present, in the absence of Union regulation of non-profit organisations, their cross-border activities are characterised by cultural, judicial and political disparities deriving from national law;
- W. whereas Parliament stressed as early as 1987 the need to introduce an appropriate European Regulation for European non-profit organisations in its resolution of 13 March 1987 on non-profit-making associations in the European Communities;
- X. whereas any organisation benefiting from a European statute or from European common minimum standards should act in favour of the promotion and the implementation of the Union's common values and objectives enshrined in the Treaties and in the Charter;

Current situation

1. Notes that non-profit organisations lack a legal form at Union level to put the representation of civil society interests on an equal footing with that of commercial undertakings and economic interest groups for which a legal form at Union level has long been established;
2. Observes that legal, cultural, political and economic differences between Member States continue to make the cross-border activities of non-profit organisations very complex, and that the current administrative and fiscal treatment of the cross-border activities of such organisations results in higher transaction costs than at national level;
3. Emphasises that the current legal framework at Union and national level is insufficient to establish and support a strong pan-European civil society, the existence of which is necessary for democracy; thus, identifies the need to introduce a new legal form, namely that of European Association, including rules on the establishment, transparency, accountability and governance of a European association;

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4. Underlines the importance of ensuring coordination at Union level, avoiding fragmentation and supporting a harmonised approach across the Union with regard to the European Association, through a designated European Associations Board; to this end, calls on the Commission to examine the different options and put forward a proposal for the most appropriate form and status for such a European Associations Board, in which all Member States are represented and which has well-defined decision-making powers;
5. Believes that Union legislation supporting non-profit organisations is also needed for the completion of the internal market;
6. Stresses that, even though the freedom of movement and of establishment is enshrined in the Treaties, the fundamental right of association is still not fully supported and promoted under various jurisdictions of the Member States because of the lack of appropriate organisational forms and lack of equal treatment of existing forms throughout the Union, which, on the one hand, hinders transnational activities and projects, cross-border missions and the mobility of civil society, and, on the other hand, causes legal uncertainty;
7. Regrets the lack of an instrument to further facilitate the freedom of movement for non-profit organisations, regardless of the Member State in which they have been established, or where their members reside, in particular by removing legal and administrative hurdles;
8. Stresses that, due to the lack of approximation of practices, non-profit organisations that operate across the Union often face unjustified restrictions such as fees, formalities, and administrative and other hurdles, which put their day-to-day activities at risk and discourage such organisations from extending their missions across borders; underlines that such hurdles also lead to a significant increase of workload due to the need to follow many different administrative procedures in more than one Member State;
9. Deplores the fact that, in a number of Member States, non-profit organisations were left out of pandemic-response relief schemes;
10. Stresses that the lack of approximation of practices also leads to an uneven playing field due to the different market conditions and other obstacles that non-profit organisations face in different Member States, for example when opening bank accounts, raising and accounting for foreign funds, accessing public benefit measures and schemes, benefitting from certain kinds of financial or tax treatment, or hiring staff, in particular when hiring across borders, which should be facilitated in line with the freedom of movement of workers;
11. Calls on the Commission to look into the different forms under which non-profit organisations operate in the Member States and to draw up a comparative analysis;
12. Points out that non-profit organisations contribute to innovation, research, economic development, and job creation, in particular in the social, entrepreneurial, technology and cultural sectors;
13. Recognises the contributions of non-profit organisations to certain strategic goals of the Union, such as combating the climate crisis, tackling the digital transformation, and recovering from the COVID-19 pandemic; underlines that achieving those goals will be impossible without the contribution of civil society promoting those issues throughout Europe, in particular with regard to the implementation of the necessary policies at local, regional, national, and Union levels, while respecting the interests and rights of those affected;
14. Regrets that data are scarce or outdated; requests the Member States to regularly provide disaggregated data and the Commission to create reliable and frequently updated statistical resources, based on established methodology ensuring transparency and comparability, and to make it possible for such data to be included in Eurostat, on cross-border activities and contributions; points out that, according to the 2017 study commissioned by the EESC, 'Recent evolutions of the social economy in the European Union', out of a total of 13,6 million paid posts in cooperatives, mutual societies, associations, foundations and similar entities in the European Union, 9 million stemmed from employment in associations and foundations, making them the leading source of employment in that sector; highlights the fact that this also shows the importance of the availability of more data that concern a field greater than the social economy;

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15. Regrets that the Commission and the Member States have not brought forward legislation to secure an enabling environment in which it is possible for non-profit organisations to contribute to the functioning of the internal market, and to ensure free flow of capital across borders, and that a statute for a European Association has not been established despite several attempts, and numerous calls by civil society and by Parliament;

16. Welcomes the upcoming Social Economy Action Plan and considers that, as only certain non-profit organisations are operating in the social economy, that Action Plan needs to include recommendations on how to overcome cross-border barriers, and needs to be complemented by separate legislative initiatives aimed at supporting non-profit organisations;

17. Considers that, due to their particular character, the proposed legal instruments must not have an impact on the regulation of political parties; furthermore, recalls that the Union respects the status of churches, religious organisations or communities, as well as philosophical or non-confessional organisations under national law; underlines that this does not preclude organisations whose values and aims are informed by a religious, philosophical or non-confessional belief, such as faith-based, charitable non-profit organisations, from benefitting from the scope of those proposed instruments; points out that trade unions in several Member States are given a special beneficial status and that trade unions should therefore be excluded from the proposed instruments; points out that persons wishing to set up an association are free to make use of the provisions under the proposed regulation and take up the form of a European Association; notes that the proposed Directive on minimum standards is to apply to all non-profit organisations in the Union;

Safeguarding civil society and the freedom of association

18. Expresses its concern at the hindrances faced by non-profit organisations across the Union, and at disparities deriving from national laws, regulations or administrative practices or policies; points out that this may negatively affect civil society, unduly restrict fundamental rights, especially the freedom of association, of expression, and of information, and dissuade non-profit organisations from extending their activities across borders;

19. Duly takes into account the possibilities that digitalisation and the internet provide to facilitate the exercise of the right to freedom of association, for example by making registration and the formation of non-profit organisations easier and readily available online;

20. Emphasises that non-profit organisations are instrumental for democracy and policy making at all levels: they promote and work for the public good, they are part of the checks and balances necessary for the rule of law, and they are drivers for civic engagement; welcomes civil society engagement in public interest advocacy, activism, and as part of active social life;

21. Reiterates that non-profit organisations have the freedom of participation in matters of political or public debate through their objectives or activities; condemns attempts to restrict civic space on political grounds, and the denial, refusal or challenging of their status as public benefit organisations, based on perceived or real political activity, where their activities are not meant to benefit any single particular party or substitute party politics; considers such cases to be dangerous for European democracy;

22. Stresses the importance of the independence of non-profit organisations and the need to ensure an enabling environment for non-profit organisations, respecting their plurality and understanding organisations for the public benefit as contributing to both providing services on the ground, but also advocating for the public good and monitoring public policies;

23. Recalls the importance of independent, impartial, professional and responsible journalism as regards providing information on the activities of non-profit organisations both in the private and public media, as well the importance of access to pluralistic information as key pillars of democracy; is concerned by smear campaigns and abusive litigation used

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against actors engaging in public participation, including non-profit organisations, in several Member States by elected officials, public bodies or publicly controlled entities as well as by private individuals and entities; highlights the fact that Parliament adopted a resolution on SLAPPs on 11 November 2021 ⁽⁸⁾;

24. Maintains that a legal framework regulation will only benefit European civil society if non-profit organisations can make use of adequate and easily accessible funding both at national and at European level; points out that public financing, as well as private financing of non-profit organisations, is important since they have less access to income from profit-making activities; underlines, in this context, the existence of the Citizens, Equality, Rights and Values programme, which is aimed, inter alia, at non-profit organisations; points out that, pursuant to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁹⁾, Union grants are to involve co-financing which may be provided in the form of own funds, income generated by the action or work programme, or financial or in-kind contributions from third parties; takes the view that, in particular in the case of non-profit organisations with very limited financial resources, a limit for the own funds requirement should be evaluated and non-monetary contributions counted as such, provided that such treatment would not disrupt competition when accessing funding; notes that often Union funds available for non-profit organisations require co-financing, which in turn means that the beneficiary needs to raise a share of the required funds from other sources; points out that requiring too high a share of own resources would be detrimental to non-profit organisations, as they may not be able to raise such funds, leading to some organisations being excluded; believes, therefore, that a limit to the share of co-financing should be evaluated and that different means which could be monetarised need to be taken into account, such as volunteer time or contributions in kind;

25. Points out that it is important for non-profit organisations to provide relevant information to the public; further draws attention to the fact that transparency in respect of financing is to be considered a public interest where non-profit organisations have a significant influence on public life and public debate;

26. Considers that the introduction of a status for European Associations will provide an opportunity for national and local organisations to engage more closely on European matters, to engage in mutual learning and exchanges across borders, and that it will support them in accessing Union-level funding; calls on the Commission and the Member States to make adequate funds available for civil society actors, increase the accessibility of funds and further simplify the procedures to facilitate the access of civil society actors to funds, including small and local organisations;

27. Considers, furthermore, that the legislation proposed needs to be complemented by measures to support a regular, meaningful and structured dialogue with civil society and representative organisations, in line with Article 11 TEU; calls in this respect on the Commission to assess the possibility of developing a participatory status for public benefit organisations at Union level;

28. Highlights the fact that arbitrary and politically motivated discrimination based on the objectives and the activities of non-profit organisations, as well as on the sources of funding, hinders the freedom of association and therefore is a threat to the freedom of expression;

Recognising associations, non-profit organisations and public benefit across the Union

29. Recognises that different approaches exist in legislation at national level and in the Member States' legal traditions to defining or recognising member-based and non-member-based non-profit organisations, as well as to defining, recognising and granting public benefit status; underlines that, despite such differences, there is a common understanding of the need for European minimum standards and to provide non-profit organisations with the possibility of acquiring legal personality;

⁽⁸⁾ European Parliament resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society (2021/2036(INI)).

⁽⁹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

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30. Calls on the Commission to recognise and promote the public benefit activities of non-profit organisations by harmonising the public benefit status within the Union, stresses that the national laws and administrative practices regulating non-profit organisations, including on their formation, registration, operations, financing, financial and tax treatment or tax relief measures, as well as cross-border activities, should not discriminate based on the place of establishment of the organisation or against any group or individual on any ground;

31. Calls on the Commission to consider adopting a proposal to facilitate the mutual recognition of public benefit tax-exempt organisations, including philanthropic organisations, in every Member State, if recognised as public benefit tax-exempt in one of the Member States for tax purposes;

32. Highlights the fact that Union-level regulation of the statute and minimum standards for non-profit organisations can help create a level playing field, thereby facilitating the completion of the internal market;

33. Urges the Commission to develop a dedicated, comprehensive strategy to strengthen civil society in the Union, including by introducing measures to facilitate the operations of non-profit organisations at all levels;

34. Requests the Commission to submit, on the basis of Article 352 TFEU, a proposal for a Regulation establishing a statute for a European Association, following the recommendations set out in this resolution and in Part I of the Annex hereto;

35. Requests the Commission to submit, on the basis of Article 114 TFEU, a proposal for a Directive on common minimum standards for non-profit organisations in the Union, with a view to creating a level playing field for non-profit organisations by establishing minimum standards, enabling civil society to benefit from freedoms and fundamental rights, as well as to contributing to strengthening European democracy, following the recommendations set out in this resolution and in Part II of the Annex hereto;

36. Requests the Commission to use the results of the comparative analysis carried out pursuant to paragraph 11 to accompany the proposal for a Regulation contained in Part I of the Annex hereto and the proposal for a Directive contained in Part II of the Annex hereto appropriately with a list of national forms of organisations that should be considered covered pursuant to Article 3(2) of the proposal contained in Part I of the Annex and to Article 1 of the proposal contained in Part II of the Annex;

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37. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council.

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ANNEX TO THE RESOLUTION
RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

PART I

Proposal for a
COUNCIL REGULATION
on a statute for a European Association

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Whereas:

- (1) Cross-border projects and other forms of cooperation, involving civil society in particular, contribute in a decisive way to the achievement of the Union's objectives, including the promotion of its values, and to developing many different activities of transnational relevance which benefit the general interest in numerous fields.
- (2) European cooperation across borders between citizens and representative associations is essential for creating an overarching European civil society, which is an important element of European democracy and European integration in line with Articles 11 and 15 of the Treaty on European Union.
- (3) In pursuing their objectives, many associations play a significant role in the economy and in the development of the internal market, by engaging on a regular basis in economic activity.
- (4) Directive .../... of the European Parliament and of the Council (the 'Minimum Standards Directive') is aimed at approximating the laws of the Member States to provide minimum standards and an enabling environment which facilitates non-profit organisations in carrying out their work.
- (5) Associations are the glue which holds our society together. They play a key role in helping, encouraging and empowering individuals to actively participate in the democratic and social life of the Union, particularly those that are facing exclusion and discrimination, and they can play a crucial part in the process of developing Union policies.
- (6) The Union should provide associations, which are a form of organisation generally recognised in all Member States, with an appropriate legal instrument capable of fostering their transnational and cross-border activities, as well as contributing to civil dialogue at Union level.
- (7) The introduction of a form of organisation at Union level would facilitate all associations in the pursuit of their cross-border objectives and activities in the internal market.
- (8) Article 63 of the Treaty on the Functioning of the European Union (TFEU) and Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union (the 'Charter') protect non-profit organisations against discriminatory or unjustified restrictions to access to resources and the free movement of capital within the Union. This also concerns the ability to seek, secure and use resources of both domestic and foreign origin, which is essential to the existence and operation of any legal entity. In line with the judgment of the Court of Justice of the European Union of 18 June 2020 in case C-78/18, *Commission v Hungary* ⁽¹⁾, restrictions should only be imposed for legitimate aims, such as in the interest of national security, public safety or public order, and should be proportionate to the objective of

⁽¹⁾ 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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protecting such interests, and the least intrusive means of achieving the desired objective. This concerns, among other things, restrictions deriving from rules on combating money laundering and terrorist financing, which are applied in accordance with the principles of necessity and proportionality, having regard in particular to risk-assessment obligations under international and Union law. Therefore, Member States cannot apply unreasonable, overly intrusive or disruptive measures, including reporting requirements placing an excessive or costly burden on organisations.

- (9) Natural and legal persons can create European companies based on Council Regulation (EC) No 2157/2001 ⁽²⁾, European Cooperative Societies based on Council Regulation (EC) No 1435/2003 ⁽³⁾, and European parties based on Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council ⁽⁴⁾. However, none of those instruments provides for associations to be able to cooperate across borders.
- (10) Regulation (EC) No 1082/2006 of the European Parliament and of the Council ⁽⁵⁾ provides for the creation of European groupings of territorial cooperation (EGTC). Such groupings are formed mostly by state or local authorities or other entities governed by public law. Thus, non-governmental civil society actors and citizens are not covered.
- (11) The European Economic Interest Grouping (EEIG), as provided for in Regulation (EEC) No 2137/85 ⁽⁶⁾, does allow certain activities to be carried out in common, while nevertheless preserving the independence of its members. However, the EEIG does not meet the specific needs of civil society associations.
- (12) It is therefore necessary to establish at Union level an appropriate harmonised regulatory framework and rules which will permit the creation of European associations with their own legal personality, and govern the cross-border formation and operation of such associations.
- (13) Political parties and trade unions, as well as churches and other religious communities and philosophical or non-confessional organisations should be excluded from the scope of this Regulation due to the lack of Union competence to regulate their status, and due to them having a particular status within national law. For these reasons, they should be treated differently from other associations lacking such status, such as faith-based, charitable non-profit organisations or organisations fighting discrimination including within the labour market.
- (14) This Regulation should be without prejudice to workers' and trade union rights, including existing rights and protections in the context of insolvency and restructuring procedures, mergers, transfers of undertakings, and concerning information and wages. Employers should meet their obligations regardless of the form under which they are operating.
- (15) It is important to ensure that there is coordination at Union level, to avoid fragmentation and support a harmonised approach across the Union for the application of this Regulation. In this regard, this Regulation should provide for the designation of a European Associations Board, within or linked to the Commission and/or relevant institutions, bodies, offices and agencies of the Union.

⁽²⁾ Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (OJ L 294, 10.11.2001, p. 1).

⁽³⁾ Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ L 207, 18.8.2003, p. 1).

⁽⁴⁾ Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (OJ L 317, 4.11.2014, p. 1).

⁽⁵⁾ Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.7.2006, p. 19).

⁽⁶⁾ Council Regulation (EEC) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping (EEIG) (OJ L 199, 31.7.1985, p. 1).

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- (16) The European Associations Board should invite a representative of the Fundamental Rights Agency to its meetings when they touch upon the freedom of association or the freedom of expression, in line with Article 2 of Council Regulation (EC) No 168/2007 ⁽⁷⁾.
- (17) This Regulation should introduce specific periods for administrative procedures, including with regard to registration and the process of granting public benefit status. When assessing the implementation and application of this Regulation, the Commission should in particular look at how such periods are applied in practice.
- (18) For the purpose of verifying the requirements laid down in Article 6, the national associations bodies might ask for the names and addresses of the founding members. The identity of founders and members of non-profit organisations that are natural persons can constitute sensitive information, therefore Member States should ensure that any requirements leading to the processing of such personal data is without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁸⁾ (General Data Protection Regulation), and in particular Article 9 thereof.
- (19) A European Association might wish to distinguish between different categories of members, in order to grant voting rights only to full members, while acknowledging associated members that support the cause, without the right to vote, and/or honorary members exempt from the obligation of paying a membership fee, but with voting rights. The categorisation of members should not lead to unjustified discrimination, in particular on the basis of citizenship.
- (20) As the scope of this Regulation is limited to non-profit associations, the TFEU does not provide any other legal basis than the one laid down in Article 352.
- (21) Since the objectives of this Regulation, namely the establishment of a European Association, cannot be sufficiently achieved by the Member States but can rather, for the reasons set out above, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAS ADOPTED THIS REGULATION:

Chapter I

Subject matter and general provisions

Article 1

Subject Matter

1. This Regulation lays down the conditions and procedures governing the formation, governance, registration and regulation of legal entities in the form of a European Association.
2. A European Association shall be an independent and self-governed cross-border entity established on a permanent basis within the territory of the Union, by voluntary agreement between natural or legal persons, for a common non-profit purpose.
3. A European Association shall be free to determine its objectives as well as the activities necessary to pursue them.
4. A European Association's objectives shall be such as to respect and support the promotion of the objectives and values on which the Union is founded, as laid down in Articles 2 and 3 of the Treaty on European Union.
5. A European Association shall be membership-based and free to determine the composition of its membership. This may include the determination of special requirements for members, based on reasonable and objective criteria and subject to the principle of non-discrimination.

⁽⁷⁾ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

⁽⁸⁾ 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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*Article 2***Definitions**

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

- (a) 'non-profit' means not having as a primary aim the generation of a profit, even though economic activities might be carried out. Where a profit is generated by a non-profit organisation, it is invested in the organisation for the pursuit of its objectives, and not distributed among members, founders or any other private parties. The granting of public benefit status pursuant to Article 21 is not a necessary condition for considering an organisation to have a non-profit nature. However, where public benefit status is granted, the purpose of the organisation shall be regarded as non-profit;
- (b) 'independent' means, with regard to associations, being free from any undue State interference and not being part of a government or administrative structure. In this respect, neither receiving governmental funding nor participating in a consultative body to the government shall preclude an association from being deemed independent, as long as the autonomy of the association's functioning and decision making is not affected by such funding or participation;
- (c) 'self-governed' means, with regard to associations, having an institutional structure allowing the exercise of all internal and external organisational functions, and allowing the making of essential decisions to be carried out independently;
- (d) 'public benefit' means an improvement in the welfare of society or part of it, thus benefiting the general interest of society;
- (e) 'cross-border' means, with regards to associations, the pursuit of the objective of transnational cooperation or cooperation across borders within the Union, or that an association's founding members come from at least two Member States, implying they are citizens or residents of a Member State if they are natural persons, or have their registered office in a Member State if they are legal persons;
- (f) 'member' means a natural or legal person that voluntarily and intentionally applied to join an association to support its objectives and activities, and that was admitted into the association based on that association's statutes. Where an association is formed as the result of a conversion or merger, the willingness of membership may be conclusively assumed.

*Article 3***Rules applicable to European Associations**

1. European Associations shall be governed by this Regulation and by their statutes. For matters not dealt with by this Regulation, a European Association shall be governed by the law of the Member State in which the European Association has its registered office.
2. Member States shall identify the legal entity or the category of legal entities to which a European Association shall be deemed comparable for the purpose of the identification of the applicable law pursuant to paragraph 1, in a manner consistent with the provisions and the objectives of this Regulation.

*Article 4***National associations body**

1. Member States shall designate an independent public authority (the 'national associations body') and shall inform the European Associations Board referred to in Article 5 and the Commission thereof. The national associations body shall be responsible for the registration of European Associations, in accordance with Article 10 and for monitoring the application of this Regulation in full compliance with the fundamental rights and freedoms of European Associations as provided for in the Treaties and under the Charter.
2. Each national associations body shall contribute to the consistent application of this Regulation throughout the Union. For such purpose, the national associations bodies shall cooperate with each other, including within the framework of the European Associations Board in accordance with Articles 5 and 22.

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Article 5

European Associations Board

1. The European Associations Board is hereby designated.
2. The European Associations Board shall be assisted by a secretariat.
3. The European Associations Board shall be composed of a representative of each national associations body and three representatives of the Commission.
4. The European Associations Board shall act independently when performing its tasks and exercising its powers.
5. In order to ensure that this Regulation is applied in a consistent manner, the European Associations Board shall:
 - (a) develop, in cooperation with the Commission and the national associations bodies, common forms or other tools to support the electronic registration of European Associations in accordance with Article 10;
 - (b) set up and manage the digital database of European Associations at Union level as a tool for information and for statistical purposes, as well as for supporting structured civil dialogue on Union matters;
 - (c) process notices of registration, dissolution and other relevant decisions concerning European Associations for the purpose of publication in the *Official Journal of the European Union*, as provided for in this Regulation;
 - (d) assess the adequacy of the identification of the comparable legal entities by the Member States pursuant to Article 3(2);
 - (e) receive, examine and follow up on complaints concerning the application of this Regulation, without prejudice to the tasks of the national associations bodies;
 - (f) decide on appeals, where relevant through its appeals committee in accordance with Articles 10 and 11;
 - (g) examine any question relating to the application of this Regulation and consult with the parties concerned and relevant stakeholders and experts, on its own initiative or at the request of one of its members or of the Commission,
 - (h) issue guidelines and recommendations, and identify best practices for national associations bodies and European Associations in order to ensure that this Regulation is applied in a consistent manner;
 - (i) provide opinions and recommendations to the Commission, on its own initiative, or at the request of one of its members or of the Commission, and after consulting relevant parties, stakeholders and experts, on any issue related to European Associations or to measures resulting from the Minimum Standards Directive;
 - (j) provide opinions and recommendations to the Commission regarding structural and operational funds aimed at financing civil society, the organisation of civil dialogue, as well as protecting and promoting Union rights and values as enshrined in the TEU, the TFEU and the Charter, with a view to sustaining and furthering the development of open, rights-based, democratic, equal and inclusive societies based on the rule of law;
 - (k) promote cooperation, and the effective bilateral and multilateral exchange of information and best practices, with and between national associations bodies;
 - (l) promote common training programmes and facilitate personnel exchanges between national associations bodies.

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6. The European Associations Board shall be accountable to the European Parliament and to the Council, and shall report annually about its activities to the European Parliament, the Council and the Commission.
7. The discussions of the European Associations Board and its members shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁽⁹⁾.
8. The European Associations Board shall adopt its own rules of procedure and organise its own operational arrangements.
9. The European Associations Board may invite representatives of relevant European Agencies and independent experts, in particular from academia and civil society, to its meetings and consult with them on a regular basis.

Chapter II

Formation and registration

Article 6

Formation

1. A European Association shall be formed:
 - (a) by agreement of at least three founding members; the founding members shall come from at least two Member States, implying they are citizens or residents of a Member State if they are natural persons, or have their registered office in a Member State if they are legal persons; or
 - (b) as the result of a conversion into a European Association of an existing entity formed under the law of a Member State, which meets the same conditions as in point (a) and which has its registered office within the Union; or
 - (c) as the result of a merger between at least two existing European Associations; or
 - (d) as the result of a merger between at least one existing European Association and at least one entity belonging to the categories identified pursuant to Article 3(2); or
 - (e) as the result of a merger between at least two entities identified pursuant to Article 3(2), formed under the law of Member States and which have their registered office within the Union, provided that together these entities have at least three members and that those members come from at least two different Member States.
2. A Member State may provide that an entity among those identified pursuant to Article 3(2) and whose registered office is not in the Union may participate in the formation of a European Association, provided that such entity is formed in accordance with the law of a Member State, has a registered office in that Member State and has a demonstrable and continuous economic, social or cultural link with that Member State.
3. The formation of a European Association shall be executed by a written agreement between all of the founding members or by written minutes documenting the constitutive meeting signed by all founding members and duly verified if such verification is required by national law for the formation of associations.
4. The departure of a founding member from a European Association shall not automatically lead to the European Association being terminated or dissolved, provided that it continues to carry out its activities based on the agreement of at least the number of persons referred to in paragraph 1, point (a).
5. The formation of a European Association or any restructuring processes shall not be used to undermine workers' or trade union rights or working conditions. In line with applicable collective agreements and national and Union law, the obligations regarding employees and creditors shall continue to be fulfilled and employees, volunteers, trade unions and workers' representatives shall be duly informed and consulted. Collective agreements and workers' board-level representation rights shall be respected and maintained, where applicable.

⁽⁹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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Article 7

Membership

European Associations shall be free to distinguish between full members and other categories of members. The statutes of a European Association shall determine the rights and obligations of each category of members, in particular as regards their right to vote.

Article 8

Statutes

1. The founding members shall draw up and sign the statutes of the European Association at the time of its formation or at its constitutive meeting.
2. The statutes shall contain at least the following information concerning the European Association:
 - (a) its name, preceded or followed by the abbreviation 'EA';
 - (b) a precise statement of its objectives, its non-profit nature and, where applicable, a description of its public benefit purposes;
 - (c) the address of its registered office;
 - (d) its assets at the time of its formation;
 - (e) the name and the address of the registered offices of its founding members, where these are legal persons;
 - (f) the conditions and procedures for the admission, expulsion and resignation of its members;
 - (g) the rights and obligations of its members, and the different categories of members, if any, and the rights and obligations of the members in each category;
 - (h) the provisions governing the number of members of its Board of Directors, the composition, appointment and dismissal of the Board of Directors, the conditions for the initiation, on the association's behalf, of proceedings against members of the Board of Directors, as well as the provisions governing the functioning of the Board of Directors, its powers and its responsibilities, including the powers of representation in dealings with third parties;
 - (i) the provisions governing the functioning, powers and responsibilities of its General Assembly, as referred to in Article 16, including majority and quorum requirements;
 - (j) the provisions concerning the rights and obligations of members, including voting rights and rights to submit motions;
 - (k) the grounds and procedures for its voluntary dissolution;
 - (l) its explicit commitment to respect the values of the Union as enshrined in Article 2 TEU;
 - (m) whether or not it disposes of founding capital and, if so, the amount of such capital;
 - (n) the frequency with which its General Assembly shall be called; and
 - (o) the date of adoption of the statutes and the procedure for amending them.

Article 9

Registered office

1. The registered office of a European Association shall be located within the territory of the Union, at the place specified in its statutes. The registered office shall be located at the place where the European Association has its central administration or the principal place of activity in the Union.
2. In the event of the formation of a European Association by conversion pursuant to Article 6(1), point (b), its members shall decide whether the European Association's registered office is to remain in the Member State where the original entity was registered, or is to be moved to another Member State.
3. In the event of formation of a European Association by merger pursuant to Article 6(1), points (c), (d) or (e), its members shall decide in which of the Member States in which the merging entities are registered the registered office of the European Association is to be located.

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Article 10

Registration

1. The founding members of a European Association shall, within 30 days of the date of the European Association's formation as provided for in Article 6(3), submit an application for registration to the national associations body.
2. The national associations body shall, after verifying the applicants' compliance with the requirements laid down in this Regulation, take a decision on the registration of the European Association, within 30 days of receiving the application.
3. Member State shall not impose further requirements for registration than those laid down in this Regulation.
4. If the application is accepted by the national associations body, it shall register the European Association in the appropriate national registry and communicate its decision within 15 days to the European Associations Board, which shall proceed to include the European Association in the digital database of European Associations established pursuant to Article 5(5), point (b). Within the same timeframe, the national associations body shall also communicate its decision to the Publications Office of the European Union, which shall then ensure that the information is published without delay in the *Official Journal of the European Union*.
5. If, within 30 days of the submission of the application for registration, the application has been rejected or has not been decided upon, the applicant may, within 15 days of receipt of the rejection decision or upon the expiry of the 30-day period for taking a decision, appeal to the Appeals Committee established under Article 11.

The Appeals Committee shall take a decision on the application for registration within 30 days of the appeal.

If the Appeals Committee approves the application for registration or fails to deliver a decision within 30 days, the national associations body shall proceed with the registration within 15 days of such decision or failure to act.

Any decision to reject an application for registration shall be communicated to the applicants, and shall include duly substantiated grounds for the rejection.

6. Upon inclusion in the appropriate national registry pursuant to paragraph 4, the registration of a European Association shall take effect throughout the Union.
7. Registration shall occur via the common registration forms or other tools referred to in Article 5. The registration procedure shall be electronic and accessible and shall allow applicants to use the official language or one of the official languages of the Member State where the European Association has its registered office. Registration fees shall not be higher than those applicable to the entities referred to in Article 3(2) and shall not exceed the administrative costs or constitute an undue financial burden, subject to the principle of proportionality. The national associations bodies shall make it possible to register by non-electronic means.
8. Upon receipt of an application by a European Association for the granting of public benefit status, the national associations body shall assess the application in relation to the requirements laid down in this Regulation. The national associations body shall not impose any requirements other than those laid down in this Regulation.
9. The national associations body shall, within 15 days of receipt of the application for public benefit status, adopt a binding decision on the application. That period may be extended by 15 days in duly motivated cases, where the assessment of the application requires further examination or the opinion of the European Associations Board is requested. The national associations body shall inform the European Association immediately of the duration of, and the grounds for, any extension of the initial 15-day period.
10. If the application for public benefit status is accepted by the national associations body, it shall register that decision in the appropriate national registry and communicate its decision within 15 days to the European Associations Board, which shall proceed to include the public benefit status of the European Association in the digital database of European Associations established pursuant to Article 5(5), point (b). Within the same timeframe, the national associations body shall also communicate its decision to the Publications Office of the European Union, which shall then ensure that the information is published without delay in the *Official Journal of the European Union*.

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11. Upon inclusion in the appropriate national registry pursuant to paragraph 10, the decision adopted regarding the public benefit status shall take effect throughout the Union.

12. Where the application for public benefit status has been rejected or has not been decided upon within the period referred to in paragraph 9, the applicant may, within 15 days of receipt of the rejection decision, appeal to the Appeals Committee, or, at the expiry of the period for taking a decision, refer the application to the Appeals Committee established under Article 11.

The Appeals Committee shall take a decision within 15 days of the appeal or of referral of the application, or within 30 days in duly motivated cases.

If the Appeals Committee approves the application for public benefit status or fails to deliver a decision within the period provided for in the first subparagraph, the national associations body shall proceed to grant the public benefit status within 15 days of such decision or failure to act.

Any decision to reject an application for registration shall be communicated to the applicants, and shall include duly substantiated grounds for the rejection.

13. The founding members of a European Association may decide to simultaneously submit an application for registration and public benefit status, in which case the decision on both shall be dealt with as one and the longer periods shall be applicable.

Article 11

Appeals Committee

1. By ... [... months after the date of entry into force of this Regulation], the European Associations Board shall set up an Appeals Committee, composed of one representative per Member State, plus one representative of the Commission. The representative of the Commission shall be the chair.
2. The Commission shall provide the secretariat for the European Associations Board.
3. The Appeals Committee shall be convened by its chair and its decisions shall be adopted by absolute majority of its members.

Article 12

Transfer of registered office

1. The registered office of a European Association may be transferred to another Member State in accordance with this Article. Member States shall ensure that no obstacles exist for the transfer of assets and documents belonging to the European Association transferring its registered office. Such transfer shall not result in any changes in the statutes of the European Association other than those provided for in this Article, or in the European Association being wound up, or in the creation of a new legal person, nor shall such transfer affect any rights and obligations existing before the transfer, apart from those inherently linked to the transfer.
2. A transfer proposal shall be drawn up by the Board of Directors of the European Association and shall be published in accordance with the national rules of the Member State in which the registered office is situated.
3. A transfer proposal drawn up under paragraph 2 shall include details of:
 - (a) the intended registered office and proposed name in the destination Member State;
 - (b) the name and address in the Member State of origin;
 - (c) the proposed amended statutes, including the new name of the European Association, where applicable;
 - (d) the timetable proposed for the transfer; and
 - (e) the expected legal and economic consequences of the transfer.
4. No decision to transfer shall be taken for two months after the publication of the proposal. The decisions to transfer shall be governed by the conditions laid down for the amendment of the European Association's statutes.

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5. The creditors and holders of other rights vis-à-vis the European Association that predated the publication of the transfer proposal shall have the right to require the European Association to provide them with appropriate guarantees. The provision of such guarantees shall be governed by the national law of the Member State in which the European Association had its registered office prior to the transfer. Member States may extend the application of this provision to include debts incurred by the European Association with public entities prior to the date of transfer.
6. The competent authority in the Member State in which the European Association has its registered office shall issue a certificate to acknowledge that the acts and formalities required prior to transfer have been properly completed.
7. The new registration shall not be carried out until the certificate provided for in paragraph 8 has been produced. The transfer of the European Association's registered office and the resulting change of its statutes shall take effect on the date on which the transfer is registered pursuant to Article 10.
8. A Member State may, in respect of European Associations having their registered office on its territory, refuse the transfer of the registered office, in the event a formal objection is lodged by a designated competent authority within the period of two months specified in paragraph 6. Such objection may only be lodged if founded on grounds of public security, and shall be communicated to the national associations body of the destination Member State and to the European Associations Board.
9. If the transfer of the registered office is refused pursuant to paragraph 8, the European Association may, within 15 days of receipt of the rejection decision, appeal to the Appeals Committee established under Article 11. The Appeals Committee shall take a decision within 15 days, or within 30 days in duly motivated cases where the assessment of the application requires further examination.
10. If the Appeals Committee approves the transfer or fails to do so within the period provided for in paragraph 11, the national associations body of the competent Member States shall approve the transfer within 15 days of such decision or failure to act.

Any decision to refuse a transfer shall be communicated to the applicants and be accompanied by duly substantiated grounds for the decision.
11. If the transfer of a registered office has become final, the national associations body of the Member State in which the European Association had its registered office prior to the transfer shall communicate that information within 15 days to the national associations body of the Member State to which the European Association intends to transfer its registered office and to the European Associations Board. No later than 15 days after receiving this information, the national associations body of the destination Member State shall include the European Association in the appropriate national registry. The European Associations Board shall ensure that details of the transfer are published in the digital database of European Associations as well as in the *Official Journal of the European Union* no later than 15 days after receiving the communication from the Member State in which the European Association had its registered office prior to the transfer. The transfer of the registered office of the European Association shall take effect and may be relied on against third parties as of the date on which the European Association is included in the national registry of the Member State of its new registered office.
12. A European Association which is the subject of dissolution, winding-up, liquidation, insolvency, suspension of payments or other such procedures may not transfer its registered office.

Article 13

Legal personality

1. A European Association shall acquire legal personality in all Member States upon its registration as a European Association in the appropriate national registry.
2. Following the notice of registration but prior to the inclusion in the appropriate national registry, the European Association may exercise its rights as a legal person if it uses 'European Association in formation' as part of its name, and in accordance with the national rules on precautionary supervision applicable to domestic associations in the Member State where the European Association has its registered office during formation. If, prior to acquiring legal personality, actions have been undertaken in the name of the European Association and the European Association does not assume the obligations arising from those actions, the natural or legal persons undertaking those actions shall be jointly and severally liable for them, unless otherwise provided for by applicable national rules of the Member State where the European Association has its registered office during formation.

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3. As from ... [date of entry into force of this Regulation], only European Associations formed and registered pursuant to this Regulation may include the denomination 'European Association' in their name, in the official language or languages of the Member State in which they are established. They shall be allowed to do so upon inclusion in the appropriate national registry pursuant to Article 10(4).
4. As legal persons, European Associations shall have the capacity to exercise, in their own name, the powers, rights and obligations that are necessary for the pursuit of their objectives, under the same conditions as a legal entity among those identified pursuant to Article 3(2) and formed in conformity with the law of the Member State in which the European Association has its registered office.
5. As a consequence of its acquisition of legal personality, a European Association shall acquire the right and capacity to:
 - (a) conclude contracts and perform other legal acts, including acquiring movable and immovable property;
 - (b) raise funds to support its non-profit activities;
 - (c) receive donations and legacies;
 - (d) employ staff;
 - (e) be a party to legal proceedings; and
 - (f) access financial services.

Article 14

Governance and Bodies

1. A European Association shall be free to determine its internal management structures and governance in its statutes, subject to the provisions of this Regulation. Such structures and governance shall in any case be in accordance with the democratic principles and fundamental values of the Union.
2. A European Association shall be governed by at least two bodies, the Board of Directors and the General Assembly.
3. Other governance bodies may be set up by the Board of Directors or the General Assembly, under the conditions and in accordance with the procedures laid down in this Regulation and in the European Association's statutes.

Article 15

Board of Directors

1. The Board of Directors shall manage the European Association in the interests of the European Association and in pursuit of its objectives, as provided for in the European Association's statutes.
2. The Board of Directors shall be appointed by the General Assembly, in accordance with the statutes. Information on the composition of the Board of Directors shall be made available to the national associations body within 6 months of the date of its election. The national associations body shall inform the European Associations Board thereof. Any changes to the composition shall be made available in the same manner. Such information shall be made publicly available by the European Association.
3. A person shall be ineligible to become a member of the Board of Directors, or have powers conferred on them, or be given responsibilities of management or representation pursuant to paragraph 6 below if they are disqualified from serving on a board, or other similar management or supervisory body of a legal entity by reason of:
 - (a) the Union or national law applicable to that person;
 - (b) the Union or national law applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which the European Association has its registered office; or
 - (c) a judicial or administrative decision adopted or recognised in a Member State.
4. Within the scope of the functions attributed to them by this Regulation and by the statutes of the European Association, all members of the Board of Directors shall have the same rights and obligations.
5. The Board of Directors may delegate management powers or responsibilities to committees composed of one or more of the European Association's members. The statutes or the General Assembly shall adopt conditions for the exercise of such delegation.

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6. The Board of Directors may hold ordinary and extraordinary meetings. Within the framework of its ordinary meetings, the Board of Directors shall meet at intervals laid down by the European Association's statutes, and at least twice a year, to discuss the accounts, the activities and the foreseeable prospects of the European Association's projects.

7. The Board of Directors shall, once a year, draw up a report on the accounts and activities of the European Association, which it shall transmit to the national associations body and to the European Associations Board. Such annual report shall also be made publicly available by the European Association.

8. Without prejudice to Article 22(2) and insofar as it applies to the entities referred to in Article 3(2), the Board of Directors shall, once a year, draw up a financial statement on the European Association's accounts, including an indication of the income generated by economic activities, and funds such as credits and bank loans, and donations or uncompensated receipt of cash or property during the previous calendar year, as well as a budget estimate for the forthcoming financial year. In accordance with national law, Member States may require the Board of Directors to disclose the financial statement to the competent authority and to the members of the association. In such case, members may ask the Board of Directors to provide further information, including on the sources of funding. Members may only do so where, following the examination of the annual financial statement, it is necessary for the purposes of transparency and accountability, and on condition that it is proportional. To that end, the European Association shall be required to keep full and accurate records of all financial transactions, as referred to in Article 23(1).

9. The members of the Board of Directors shall have the power to represent the European Association in dealings with third parties and in legal proceedings, within the limits and under the conditions established in its statutes. Where the authority to represent the European Association in dealings with third parties is conferred on two or more members, those persons shall exercise that authority collectively.

10. Any acts performed by members of the Board of Directors on behalf of the European Association shall bind the European Association vis-à-vis third parties, provided that they do not exceed the powers granted to the Board of Directors by the applicable law, or lawfully conferred on the Board of Directors by the statutes of the European Association.

Article 16

General Assembly

1. The European Association's general meeting, gathering all members, shall be referred to as the General Assembly.

2. The Board of Directors shall convene the General Assembly in accordance with the European Association's statutes.

3. Members shall be informed of a General Assembly no later than 15 days before the date set for the General Assembly.

4. A General Assembly may be convened by the Board of Directors at any time, either on its own initiative or at the request of at least one quarter of the members. The statutes may set a lower threshold.

5. The General Assembly may be held with members physically present, present online, or as a combination of both, without that affecting the validity of the General Assembly, or the validity of the decisions adopted. The Board of Directors shall decide on which of the three forms is used for each General Assembly, unless a majority of the association's members proposes another form.

6. The request for a General Assembly shall state the reasons for convening it and the items to be included on the agenda.

7. Every member shall have the right to information and obtain access to documents, in accordance with the rules set in the statutes, prior to each General Assembly.

8. Every member shall have the right to participate in the General Assembly, to speak and to submit motions.

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9. Members' right to vote and to submit motions in the General Assembly shall be exercised in accordance with the European Association's statutes, in accordance with Article 8(2), point (j).

10. Members may appoint another member to represent them in a General Assembly prior to the assembly, pursuant to a procedure to be established in the European Association's statutes. A member may not represent more than two other members.

11. Decisions by the General Assembly on ordinary matters shall be adopted, unless otherwise provided, by a majority of the votes of the members present or represented. Votes shall be distributed in accordance with the rules laid down in the European Association's statutes.

Article 17

Association chapters and lead members

1. A European Association may have regional chapters. The chapters shall not be considered as possessing a distinct legal personality, but they may organise and manage activities on behalf of the association, subject to the requirements of their statutes.

2. The Board of Directors of a European Association may appoint chapters or members that are legal persons to be lead actors in executing and implementing projects of the European Association. Member States shall allow chapters or members to implement projects under their jurisdiction as lead actors of a European Association.

Article 18

Amendments of the statutes

1. Any amendments to the European Association's statutes shall be discussed at a General Assembly convened for that purpose.

2. Members shall be notified of General Assemblies aimed at discussing and deciding upon proposed amendments of the European Association's statutes at least 30 calendar days before the date set for the assembly. The notification shall include the proposals in question.

3. The General Assembly shall have the power to make amendments to the statutes, if at least half of the European Association's members plus one are present or represented.

4. Amendments to the European Association's statutes shall be adopted if at least two thirds of the General Assembly's present or represented members vote in favour.

5. Amendments to the stated purpose of the European Association shall be adopted if at least three quarters of the General Assembly's present or represented members vote in favour.

6. The text of the adopted statutes shall be made available within 6 months of the date of their adoption to the national associations body, which shall inform the European Associations Board thereof. Such information shall be made publicly available by the European Association and communicated to the European Associations Board for inclusion in the European database referred to in Article 5(5), point (b).

Chapter III

Provisions concerning the treatment of European Associations in Member States

Article 19

Principle of non-discrimination

1. Any discriminatory treatment of European Associations shall be prohibited.

2. European Associations shall receive the same treatment as equivalent national entities identified in accordance with Article 3(2).

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Article 20

Public benefit status

1. European Associations may be granted public benefit status if the following cumulative conditions are met:
 - (a) the organisation's purpose and activities pursue a public benefit objective which serves the welfare of society or of part of it, and is thus beneficial for the public good, except where that purpose and those activities are systematically and directly aimed at benefitting the structures of a specific political party. The following purposes, inter alia, shall be considered to be oriented towards a public benefit objective:
 - (i) arts, culture or historical preservation;
 - (ii) environmental protection and climate change;
 - (iii) the promotion and protection of fundamental rights and Union values, including democracy, the rule of law, and the elimination of any discrimination based on gender, race, ethnicity, religion, disability, sexual orientation or any other grounds;
 - (iv) social justice, social inclusion and poverty prevention or relief;
 - (v) humanitarian assistance and humanitarian aid, including disaster relief;
 - (vi) development aid and development cooperation;
 - (vii) protection of, assistance to and support for vulnerable sections of the population, including children, the elderly, people with disabilities, persons seeking or benefitting from international protection and people in a situation of homelessness;
 - (viii) protection of animals;
 - (ix) science, research and innovation;
 - (x) education and training and youth involvement;
 - (xi) the promotion and protection of health and well-being, including the provision of medical care;
 - (xii) consumer protection; and
 - (xiii) amateur sports and their promotion.
 - (b) any surplus from any economic or other income-earning activity generated by the organisation is used solely to promote the organisation's public benefit objectives;
 - (c) in the event of dissolution of the organisation, statutory safeguards guarantee that all assets will continue to serve public benefit objectives; and
 - (d) members of the organisation's governing structures that are not employed as staff are not eligible for remuneration beyond adequate expense allowances.
2. European Associations may apply to the national associations body of the Member State where they have their registered office for recognition as contributing to the public benefit, in accordance with the requirements set out in paragraph 1.
3. The national associations body shall take a decision on the application for public benefit status following the procedure set out in Article 10(8) and (9).
4. Member States shall treat a European Association that is granted public benefit status in the same manner as legal entities that have been granted a corresponding status under their jurisdiction.

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Article 21

Principle of national treatment

European Associations shall be subject to the provisions of national law applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which it has its registered office.

Article 22

Principle of non-arbitrary treatment

European Associations shall not be subjected to differential treatment by Member States based solely on the political desirability of their purpose, field of activities or sources of financing.

Chapter IV

Financing and reporting

Article 23

Fundraising and free use of assets

1. European Associations shall be able to solicit, receive, dispose of or donate any resources, including financial, in-kind and material, and solicit and receive human resources, from or to any source, be it public bodies, private individuals or private bodies, in any Member State and in third countries.
2. European Associations shall be subject to the provisions of Union and applicable national law concerning taxation, customs, foreign exchange, money laundering and terrorist financing, as well as to the rules regulating the funding of elections and political parties, as applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which they have their registered office.
3. European Associations shall be subject to reporting and public disclosure obligations in accordance with national law, including with regard to the composition of the Board of Directors, provisions of the statutes, financing and financial statements, insofar as such obligations meet the general interest objective of ensuring that European Associations operate transparently and are accountable and provided such obligations are necessary and proportional.

Compliance with the obligations referred to in the first subparagraph shall not result in European Associations being made subject to stricter rules than those applicable to equivalent national entities identified pursuant to Article 3(2) and to for-profit entities. Such reporting and public disclosure obligations shall not lead to any difference of treatment or limitation of the rights and obligations of the European Association regardless of the desirability of its purpose or sources of financing.

Article 24

Accounting and auditing

1. European Associations shall keep full and accurate records of all financial transactions.
2. European Associations shall draw up at least once a year:
 - (a) their annual accounts;
 - (b) their consolidated accounts, if any;
 - (c) a budget estimate for the forthcoming financial year; and
 - (d) an annual activity report.

The Board of Directors shall transmit the annual activity report and the financial statement to the national associations body pursuant to Article 14(7) and (8).

3. The annual activity report shall contain at least:
 - (a) information on the activities of the European Association in the year of reference;
 - (b) information on foreseeable prospects, if available; and
 - (c) a description of how the public benefit purpose was promoted during the previous year, if the corresponding status was granted to the European Association.

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4. The annual accounts of European Associations, and, where applicable, their consolidated accounts, shall be audited pursuant to the provisions applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which the European Association concerned has its registered office. The audit shall be carried out at least once every four years and no more than once every two years.
5. The report resulting from the audit referred to in paragraph 4 shall be disclosed in the manner provided for by the law of the Member State in which the European Association has its registered office.
6. Member State authorities shall not require European Associations to provide access to information on members of theirs who are natural persons, unless necessary for the purpose of a public criminal investigation concerning criminal offences punishable by a maximum custodial sentence of a maximum of at least one year and following a decision by an independent court or tribunal.
7. The national associations body shall provide a bi-annual overview with relevant information about all audits referred to in paragraph 4 to the European Associations Board, which shall provide for the publication of the report in the *Official Journal of the European Union* as well as on its website.
8. Rules on accounting and auditing applicable to European Associations shall not be less favourable than those applicable to undertakings in application of Directive 2006/43/EC⁽¹⁰⁾ or Directive 2013/34/EU of the European Parliament and of the Council⁽¹¹⁾.
9. This Article shall be apply without prejudice to more favourable corresponding national provisions in the Member State of the registered office.

Chapter V

Cooperation with Member States and liability

Article 25

Cooperation with Member States

1. The national associations body of the registering Member State shall consult in a timely manner the national associations bodies of other Member States on any substantial issues regarding the lawfulness and liability of a given European Association, and shall inform the European Associations Board thereof.
2. Unless otherwise provided for by this Regulation, the national associations bodies shall communicate, on an annual basis, an overview of any relevant information regarding decisions concerning European Associations on the territory of their Member State. This shall include a list of cases where criminal investigations were launched against European Associations, including where the disclosure of information on members was requested pursuant to Article 24(6).
3. If the European Associations Board considers that a national associations body has failed to comply with this Regulation, it shall provide the Commission with all relevant information. The Commission shall assess that information and take action as appropriate.
4. Effective remedies shall be available to European Associations to challenge decisions taken by the national associations body concerning them, including the possibility of obtaining judicial review of any such decisions.

Article 26

Liability of European Associations and of the members of its Board of Directors

1. The liability of European Associations shall be governed by the provisions applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which the European Association has its registered office.

⁽¹⁰⁾ Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87).

⁽¹¹⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC Text with EEA relevance (OJ L 182, 29.6.2013, p. 19).

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2. The members of the Board of Directors of a European Association shall be jointly and severally liable for loss or damage sustained by a European Association as a result of a breach of the obligations attaching to their functions. The liability shall, however, not be joint and several for loss or damage sustained by the European Association, where proven to be in breach of specific obligations only attaching to that member's functions.

3. The statutes shall lay down the conditions for the initiation of proceedings, on behalf of the European Association, against members of the Board of Directors.

Chapter VI

Dissolution, insolvency, liquidation

Article 27

Voluntary dissolution

1. A European Association may be dissolved voluntarily:
 - (a) by decision of the Board of Directors pursuant to provisions in the European Association's statutes, with the agreement of the General Assembly; or
 - (b) by decision of the General Assembly; such decision may be withdrawn by the General Assembly before the dissolution or liquidation of the European Association formally takes effect.
2. The European Association shall inform the national associations body of any voluntary dissolution decision taken pursuant to paragraph 1 no later than 15 days after such decision has been adopted.
3. The national associations body shall immediately remove the European Association from the appropriate national register and inform the European Associations Board as well as the Publications Office of the European Union of the dissolution of the European Association pursuant to paragraph 1, no later than 15 days after it has become aware of the dissolution. Immediately after such notification, the European Associations Authority shall publish a notice of dissolution of the European Association Board in the *Official Journal of the European Union* and remove the European Association from the digital database of the Union, and the Publication Office shall publish a notice of dissolution of the European Association in the *Official Journal of the European Union*.
4. The dissolution of the European Association shall take effect throughout the Union from the date of the removal of the association from the appropriate national register.

Article 28

Involuntary dissolution

1. A European Association may only be dissolved by a final decision of a competent court or tribunal of the Member State in which the European Association has or last had its registered office, if:
 - (a) the registered office of the European Association is to be or has been transferred outside the territory of the Union;
 - (b) the conditions for the formation of the European Association as set out in this Regulation are no longer fulfilled; or
 - (c) the activities of the European Association cease to be compatible with the objectives and values of the Union or pose a serious threat to public security.
2. Where a decision on dissolution is taken pursuant to paragraph 1, point (a) or (b), the European Associations Authority shall grant the European Association a reasonable period to regularise its position before the decision takes effect.
3. Applicants shall have access to effective remedies to appeal a decision on dissolution before competent appeal courts or tribunals.
4. The national associations body shall immediately remove the European Association from the appropriate national register and inform the European Associations Board as well as the Publications Office of the European Union of the involuntary dissolution of the European Association, no later than 15 days after the decision has become final. Immediately after such notification, the European Associations Board shall, remove the European Association from the digital database of the Union and the Publication Office shall publish a notice of dissolution of the European Association in the *Official Journal of the European Union*.

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5. The dissolution of the European Association shall take effect throughout the Union from the date of the removal of the association from the appropriate national register.

Article 29

Liquidation and insolvency

1. The winding up of a European Association shall entail its liquidation. Such liquidation shall be governed by the law applicable to the legal entities identified pursuant to Article 3(2) in the Member State in which the European Association has its registered office.

2. A European Association shall retain its capacity, within the meaning of Article 13, until its liquidation is concluded.

Article 30

Review and evaluation

By ... [five years after the date of the entry into force of this Regulation], the Commission shall forward to the Council and to the European Parliament a report on the application of this Regulation and proposals for amendments, where appropriate.

Chapter VII

Article 31

Final provisions

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

PART II

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on common minimum standards for non-profit organisations in the Union (Minimum standards Directive)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Freedom of association is a fundamental right, recognised by the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), by the Charter of Fundamental Rights of the European Union (the 'Charter'), and by Member States' constitutions and it is crucial for the functioning of democracy, as it constitutes an essential condition for the exercise of other fundamental rights by individuals, including the right to freedom of expression.
- (2) Non-profit organisations enjoy protection of certain rights, including fundamental rights, in their own capacity, based on relevant case law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights.
- (3) Non-profit organisations make a key contribution to the achievement of goals that are in the public interest and to achieving the Union's objectives, including by promoting active participation in the economic, democratic and social activities of our societies.
- (4) Today, non-profit organisations, in pursuing their aims, play a full part in our economies and in the development of the internal market, including by engaging in various activities of both a national and transnational relevance and regularly engaging in economic activities.
- (5) Non-profit organisations are, in particular, key drivers of the development of the third sector, which is estimated to account for around 13 % of the workforce across Europe, based on the results of the 2014-2017 project on 'The Contribution of the Third Sector to Europe's Socio-economic Development' coordinated by the Institute for Social Research (ISF) of Oslo ⁽¹⁾.

⁽¹⁾ <https://cordis.europa.eu/project/id/613034/reporting>.

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- (6) Non-profit organisations are a major actor in the development and implementation of Union policies supporting the internal market, as demonstrated by their involvement in a variety of expert groups such as the High-Level Forum for a Better Functioning Food Supply Chain.
- (7) Reports, including from the EU Agency for Fundamental Rights, point to numerous hindrances deriving from national laws, regulations or administrative practices regulating the formation, registration, operations, financing and cross-border activities of non-profit organisations, which affect the ability of legal or natural persons or groups of such persons, regardless of their nationality, to establish, register or operate non-profit organisations across the Union.
- (8) The European Economic and Social Committee has called on the Member States to establish an enabling environment for philanthropy in line with the Union freedoms and fundamental rights, which encourages philanthropic and citizen action, private giving to public benefit causes and the creation of philanthropic organisations^(?). Strengthening the complementarity between the work of public institutions and philanthropic organisations and ensuring that national legislation and Union policy facilitate the donation of private resources for the common good through the free flow of capital coupled with the principle of non-discrimination and equal fiscal treatment of European philanthropic organisations is thus important as regards untapping the potential of cross-border donations and investments for the common good.
- (9) Despite the burgeoning numbers of cross-border associations and non-profit organisations in the Union, there is currently no harmonised pan-European legislative framework allowing them to operate and organise themselves properly at cross-border level.
- (10) Given the importance of non-profit organisations, it is vital that their formation and operations are effectively facilitated and protected in Member States' legislation.
- (11) In recommendation CM/Rec(2007)14 of the Committee of Ministers of the Council of Europe on the legal status of non-governmental organisations in Europe, Member States have already recognised the role of non-profit organisations, and in particular non-governmental organisations, as an essential element of civil society's contribution to the transparency and accountability of democratic government, and laid down the minimum standards to be respected concerning the creation, management and the general activities of such organisations.
- (12) The Joint Guidelines on Freedom of Association (CDL-AD(2014)046) adopted by the European Commission for Democracy Through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) provide guidance to legislators for the transposition of international human rights standards on the right to freedom of association into domestic laws.
- (13) It is necessary at Union level to build on existing standards, in line with the freedom of association and the free flow of capital, for non-profit organisations, aimed at ensuring a uniform level of protection and a level playing field for all non-profit organisations established in the Union, in order to secure an enabling environment in which such organisations can contribute unhindered to the functioning of the internal market.
- (14) This Directive should approximate the laws of the Member States as regards certain aspects of the formation, registration, operations, financing, reporting and cross-border activities of non-profit organisations.
- (15) This Directive should not affect Member States' rules on the taxation of non-profit organisations established, registered or operating in their territory. When transposing its provisions Member States should be mindful not to introduce or apply provisions in the field of tax law which affect the registration, operations, financing and cross-border movements of non-profit organisations in a way that circumvents the letter or spirit of the rules laid down in this Directive.

(?) Opinion of the European Economic and Social Committee, European philanthropy: an untapped potential, SOC/611.

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- (16) This Directive should not affect Member States' criminal law. When transposing its provisions Member States should be mindful of not introducing or applying criminal law provisions which specifically regulate or affect the registration, operations, financing and cross-border movements of non-profit organisations in a way that circumvents the letter or spirit of the rules laid down in this Directive.
- (17) This Directive should apply to non-profit organisations established in the Union that are intended as voluntary associations of natural or legal persons, as well as to organisations that are not based on membership and whose assets are allocated to the pursuit of a specific aim, such as foundations, set up for an indefinite period of time, which pursue a primary aim other than that of generating a profit and which are independent and self-governed. The fact that an organisation is not granted legal personality should not exclude it from the protection provided for in this Directive.
- (18) When determining whether an organisation has a non-profit character in accordance with this Directive, the direct beneficiaries of organisations aimed at providing care services for individuals with specific social needs or health conditions, should not be considered to be private parties.
- (19) Political parties should be excluded from the scope of application of this Directive, insofar as their activities do not only relate to the pursuit of common interests, activities or purposes, but are aimed at collectively achieving and using political power.
- (20) Trade unions and associations of trade unions should be excluded from the scope of application of this Directive. This exclusion should not be used by Member States to justify a limitation of trade union prerogatives and rights recognised in national, Union or international law or human rights instruments, in particular the Council of Europe's European Social Charter and the relevant Conventions and Recommendations of the International Labour Organization and the related case law;
- (21) This Directive should be without prejudice to the competence of Member States regarding the status of religious, philosophical and non-confessional organisations as referred to in Article 17 TFEU. In this regard, organisations with primarily a religious, philosophical and non-confessional aim, such as churches, religious or non-religious communities, should be excluded from the application of this Directive. This however should not be used by Member States to exclude from the scope of application of this Directive other organisations whose values and aims are informed by a religious, philosophical or non-confessional belief, such as faith-based, charitable non-profit organisations.
- (22) There should be a presumption of the existence of a legitimate interest in having access to a complaint mechanism and to an administrative and judicial remedy for persons who are or were directly involved with a non-profit organisation, such as their founders, directors, staff members, but also for all persons who have standing in relation to proceedings concerning the activities of the non-profit organisation. That presumption should also exist for beneficiaries of the activities of the non-profit organisation where such beneficiaries might not be members, but where they receive or have received services, or are or were subject to decisions of the organisation that affected their daily lives, such as patients or residents of facilities or shelters run by non-profit organisations, or recipients of charitable donations like food or clothing.
- (23) National Human Rights Institutions are independent institutions established by law and in compliance with the Paris Principles adopted in 1993 by the General Assembly of the United Nations, and they are mandated to protect and promote human rights at the national level in accordance with international human rights norms and standards.
- (24) The freedom for non-profit organisations to determine objectives and activities derives from international and regional human rights standards. This also implies the freedom for such organisations to determine the scope of their operations, whether local, regional, national or international, and to become members of other organisations, federations and confederations of organisations.

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- (25) Information on the identity of founders and members of non-profit organisations that are natural persons can constitute sensitive information. Member States should therefore ensure that any requirements leading to the processing of such personal data is without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council⁽³⁾ (General Data Protection Regulation), and in particular Article 9 thereof;
- (26) Every person should be free to decide whether or not to join or remain a member of a non-profit organisation, and organisations should be free to determine their rules for membership, subject only to the principle of non-discrimination. Membership in a non-profit organisation should not constitute grounds for the application of penalties or restrictive measures, unless it is a consequence of the enforcement of criminal laws.
- (27) Rules concerning non-profit organisations should be in accordance with the principle of non-discrimination. This includes the obligation for Member States to ensure that any person or group of persons wishing to form an association should not be unduly advantaged or disadvantaged in relation to another person or group of persons.
- (28) The implementation of rules concerning non-profit organisations should be undertaken by regulatory authorities that act in an impartial, independent and timely manner in line with the right to good administration. Decisions and acts affecting the exercise by non-profit organisations of their rights and obligations should be open to independent review, including by a court or tribunal.
- (29) Simplifying and easing bureaucracy and regulatory requirements, respecting the self-governing nature of non-profit organisations, ensuring that those requirements are not unduly burdensome, streamlining rules on formation, registration and de-registration, and modernising related procedures and systems is necessary to ensure a conducive environment for the operations of non-profit organisations across the Union and to enhance transparency and trust in the sector. To that effect, general obligations as regards the simplification of administrative rules as well as specific obligations as regards certain aspects of the regulatory framework should be established in this Directive.
- (30) Non-profit organisations contributing to the public benefit play a particularly important role and should therefore be granted favourable treatment in all Member States under uniform conditions.
- (31) In line with the principle of necessity and proportionality of restrictions on the right to association, prohibition and dissolution of non-profit organisations should always be measures of last resort and should never be the consequence of minor infractions that can be rectified or remedied.
- (32) A set of rules on equal treatment, cross-border conversions and mergers concerning non-profit organisations should be established with the aim of facilitating mobility of non-profit organisations across the Union.
- (33) The freedom of association is a fundamental right, and while Member States' legislation might not recognise associations that are not formally established, that should not affect the right of such associations to exist and operate within their territory.
- (34) Non-profit organisations enjoy the right to exist and be active in accordance with the European Convention on Human Rights and the Charter, even when their registration has been arbitrarily refused by authorities of their Member State of establishment.
- (35) Non-profit organisations should have the freedom to seek, receive and use financial, material and human resources, whether domestic, foreign or international, for the pursuit of their activities. Non-profit organisations across the Union have reported having increasingly difficult access to resources including public funding and there are concerns in an increasing number of Member States as regards the proportionality of strict rules being adopted concerning non-profit organisations' access to foreign funding. In addition, philanthropic organisations have reported difficulties in providing donations or grants in some cases. It is therefore necessary to establish principles

⁽³⁾ 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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and standards concerning non-profit organisations' financing, including as regards access to and use of private resources and public funding, the pursuit of economic activities and the obligation not to unduly restrict cross-border financing in line with the rules on free movement of capital laid down in the Treaties.

- (36) Article 63 TFEU and Articles 7, 8 and 12 of the Charter protect non-profit organisations against discriminatory, unnecessary and unjustified restrictions on access to resources and the free movement of capital within the Union. This also concerns the ability to seek, secure and use resources of both domestic and foreign origin, which is essential to the existence and operation of any legal entity. In line with the judgment of the CJEU of 18 June 2020 in case C-78/18, *European Commission v Hungary* ⁽⁴⁾, restrictions may only be imposed in the interests of public policy or public security, and should be proportionate to the objective of protecting such interests and the least intrusive means of achieving the desired objective. This concerns, inter alia, restrictions deriving from rules on combating money laundering and terrorist financing, which are applied in accordance with the principles of necessity and proportionality, having regard in particular to risk-assessment obligations under international and Union law. Therefore, Member States should not apply unreasonable, overly intrusive or disruptive measures, including reporting requirements placing an excessive or costly burden on organisations. With a view to responding to the public interest in providing transparency, particularly with regard to organisations that have an influence on public life and public debate, non-profit organisations should be subject to reporting and public disclosure obligations as regards their representatives and the members of their governing bodies, the provisions of their statutes and their financing. Such reporting and public disclosure obligations should not lead to any limitation of the rights and obligations of non-profit organisations.
- (37) In its case law, the CJEU recognises the application of the principle of free movement of capital to objectives in the public interest and it has interpreted the fundamental freedoms enshrined under the TEU and the TFEU as requiring that the principle of non-discrimination be applied to donors and public benefit organisations in the Union, including as regards the tax treatment of public benefit entities and their donors ⁽⁵⁾. Therefore, where national law continues to discriminate or apply costly and burdensome procedures to non-national organisations, it conflicts with Union law.
- (38) Non-profit organisations and their members should fully enjoy the right to privacy and confidentiality. While the protection provided by Union and national rules on the processing of personal data applies to non-profit organisations already, minimum guarantees should be established in particular as regards the confidentiality of non-profit organisations' membership and the public disclosure of confidential and sensitive information. Member States should prohibit any forms of surveillance of non-profit organisations outside the criminal law framework.
- (39) Non-profit organisations should be consulted in a timely and meaningful way about the introduction, review and implementation of any legislation, policies and practices that affect their operations, including with regard to transposition and implementation of this Directive's provisions. To that end, a regular and transparent civil dialogue should be established at all governmental levels.
- (40) This Directive is without prejudice to workers' rights, including existing rights in the context of insolvencies and concerning wages. Employers are required to meet their obligations regardless of the form under which they are operating.
- (41) This Directive sets out minimum standards, and it should be possible for Member States to introduce or maintain provisions that are more favourable to non-profit organisations, provided that such provisions do not interfere with the obligations deriving from this Directive. The transposition of this Directive should, under no circumstances, provide grounds for reducing the level of protection already granted to non-profit organisations under national law, in the areas to which it applies.

⁽⁴⁾ Judgment of the Court of Justice of 18 June 2020, *European Commission v Hungary*, C-78/18, ECLI:EU:C:2020:476.

⁽⁵⁾ Stauffer: C-386/04 Centro di Musicologia Walter Stauffer/Finanzamt München für Körperschaften [2006] ECR I-8203; Hein-Persche: C-318/07 Hein Persche/FinanzamtLüdenscheid [2009] ECR I-359 and Missionswerk: C-25/10 Missionswerk WernerHeukelbach eV/Belgien [2011] 2 C.M.L.R. 35.

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- (42) Under Article 26(2) TFEU, the internal market is to comprise an area without internal frontiers in which the free movement of goods and services is ensured. Non-profit organisations increasingly contribute to the development of the internal market, including by engaging in cross-border and transnational activities. Thus, Article 114 TFEU is the appropriate legal basis to adopt the measures necessary for the establishment and functioning of the internal market.
- (43) This Directive respects, promotes and protects the fundamental rights and principles that bind the Union and its Member States pursuant to Article 6 TEU, as recognised in particular by the Charter. This Directive is meant to specifically implement Article 12 of the Charter on the right to freedom of association and Article 11 of the Charter on the right to freedom of expression and information, to be read in light of the corresponding provisions of the European Convention of Human Rights. Accordingly, it is essential that the provisions of this Directive be implemented and applied in accordance with the obligation not to unduly restrict and to facilitate the exercise of the rights to freedom of association and of expression and information, and to ensure full respect of other fundamental rights and principles including, inter alia, the right to protection of personal data, the freedom to conduct a business, the right to non-discrimination, the right to good administration, the right to an effective remedy and the rights of defence.
- (44) Since the objectives of this Directive, namely to provide minimum standards for non-profit organisations established in the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Chapter I

General Provisions

Article 1

Purpose

This Directive is aimed at providing a common set of measures for non-profit organisations established in the Union in order to create an enabling environment in which it is possible for such organisations to contribute to the functioning of the internal market. It seeks to approximate the laws, regulations and administrative provisions of the Member States as regards certain aspects of the objectives and activities, registration, operations, financing, reporting and cross-border activities of non-profit organisations.

Article 2

Scope

1. This Directive applies to non-profit organisations established in the Union.
2. Under this Directive, the term 'non-profit organisation' refers to voluntary and permanent associations of natural or legal persons with a common interest, activity or purpose, as well as to organisations that are not based on membership and whose assets are allocated to the pursuit of a specific aim, such as foundations, which, irrespective of the form in which the associations or organisations are established:
 - (a) pursue a primary aim other than that of generating a profit, meaning that if any profits are earned from the organisation's activities, they cannot be distributed as such among its members, founders or any other private parties, but must be invested for the pursuit of its objectives;
 - (b) are independent, in the sense that the organisation is not part of a government or administrative structure and is free from any undue interference by the state or by commercial interests. Governmental funding shall not preclude an organisation being deemed independent, as long as the autonomy of the organisation's functioning and decision-making is not affected;
 - (c) are self-governed, in the sense that the organisation has an institutional structure which allows it to fully exercise its internal and external organisational functions and to make essential decisions in an autonomous manner and without undue interference by the state or other external actors.

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3. This Directive applies to non-profit organisations meeting the criteria set out in paragraph 2, irrespective of whether or not they are membership-based and of whether or not they are registered or granted legal personality under the law of the Member State in which they are based.
4. Political parties are excluded from the scope of this Directive.
5. Trade unions and associations of trade unions are excluded from the scope of this Directive.
6. Organisations with primarily a religious, philosophical and non-confessional aim are excluded from the scope of this Directive. However, that exclusion does not apply to other organisations without such a specific aim, whose values and aims are informed by a religious, philosophical or non-confessional belief.

Article 3

Relation with other provisions of Union law

1. Member States shall apply the provisions of this Directive in compliance with the rules of the Treaties on the freedom of establishment and the free movement of services and with the relevant Union acts governing the exercise of such rights, including Directive 2006/123/EC of the European Parliament and of the Council ⁽⁶⁾ on services in the internal market.
2. This Directive is without prejudice to Union and national law on the protection of personal data, in particular Regulation (EU) 2016/679 and the corresponding provisions of national law.

Chapter II

General obligations

Article 4

Minimum standards

1. Member States shall ensure that non-profit organisations established in the Union enjoy the minimum guarantees provided for in this Directive.
2. Limitations on the minimum guarantees provided for in this Directive may only be made if they are necessary and proportionate as regards meeting objectives of general interest recognised by Union law or as regards the need to protect the rights and freedoms of others.
3. This Directive shall be without prejudice to the right of Member States to introduce or maintain provisions that are more favourable to non-profit organisations, provided that such provisions do not interfere with the obligations deriving from this Directive.

Article 5

Non-discrimination

1. Member States shall ensure that their laws and administrative practices regulating non-profit organisations, including as regards their formation, registration, operations, financing, financial and tax treatment or tax relief measures and cross-border activities, do not discriminate based on the place of establishment of the non-profit organisation.
2. Member States shall ensure that national laws, regulations or administrative practices regulating non-profit organisations, including as regards their formation, registration, operations, financing and cross-border activities, do not discriminate against any group or individual on any grounds, such as age, birth, colour, gender, sexual orientation, gender identity, health condition, immigration or residency status, language, national, ethnic or social origin, political or other opinion, physical or mental disability, property, race, religion or belief, or other status.

Article 6

Simplification of administrative rules

1. Member States shall simplify, to the extent possible, national laws, regulations or administrative practices regulating the formation, registration, operations, financing, reporting obligations and cross-border activities of non-profit organisations, in order to ensure the freedom of association is protected at all levels and to eliminate any obstacles and

⁽⁶⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

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unjustified discrimination that affect the ability of legal or natural persons or groups of such persons, regardless of their nationality, to establish, register or operate in the Member State's territory a non-profit organisation, including, for example, by enabling access to banking and financial services, as well as guaranteeing safe and secure channels for cross-border donations and asset allocations, both within and outside the Union.

2. Member States shall ensure that non-profit organisations established, registered or operating on their territory have access to electronic identification schemes for the purpose of carrying out administrative procedures, in accordance with relevant provisions of Regulation (EU) No 910/2014 of the European Parliament and of the Council⁽⁷⁾ (eIDAS Regulation).

Article 7

Right to good administration

1. Member States shall take the measures necessary to ensure that the application of national laws, regulations or administrative practices regulating the formation, registration, operations, financing, reporting obligations and cross-border activities of non-profit organisations established, registered or operating in their territory is undertaken by a designated regulatory authority whose powers and functions shall be clearly defined by law and exercised in accordance with the right to good administration, including as regards the right to have one's affairs handled impartially, fairly and within a reasonable time.

2. Member States shall take the measures necessary to ensure that non-profit organisations found to be in violation of national laws, regulations or administrative practices regulating the formation, registration, operations, financing, reporting obligations and cross-border activities of non-profit organisations are provided with adequate notice about the alleged violation and are given ample opportunity to remedy infractions of an administrative nature.

3. Member States shall take the measures necessary to ensure that regulations and practices on oversight and supervision of non-profit organisations are prescribed by law and proportionate to the legitimate aims they pursue. This shall include ensuring that such regulations and practices are not, as a rule, more exacting than those applicable to private businesses, and that their implementation does not interfere with the internal management of non-profit organisations and does not result in an undue administrative or financial burden for the organisations concerned.

4. Member States shall take the measures necessary to ensure that oversight and registration of non-profit organisations is undertaken by designated supervisory authorities whose powers and functions shall be clearly defined by law and exercised with independence in accordance with the right to good administration, including as regards the grounds for possible inspections and audits, the procedures, duration and scope of inspections and audits and the powers of inspecting and auditing officers.

5. Member States shall take the measures necessary to ensure that comprehensive and easily accessible and understandable information is available to the public concerning the national laws, regulations or administrative practices regulating the formation, registration, operations, financing, reporting obligations and cross-border activities of non-profit organisations established, registered or operating in their territory, as well as the competence, procedures and functioning of the competent regulatory and supervisory authorities.

Article 8

Right to an effective remedy

1. Member States shall ensure that all persons with a legitimate interest related to the formation, registration, operations, financing, reporting obligations and cross-border activities of non-profit organisations established, registered or operating in a Member State's territory have access to effective complaint mechanisms before a competent independent authority such as an ombudsperson or the national Human Rights Institution in order to seek assistance to assert their rights, and have access to an effective administrative and judicial remedy in order to seek review of those acts or decisions affecting the exercise of their rights and obligations. Such persons shall include non-profit organisations, their founders, directors, staff members, and beneficiaries of the activities of the non-profit organisations.

⁽⁷⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

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2. Member States shall ensure that any appeal against or challenge to a decision to prohibit or dissolve a non-profit organisation, to suspend its activities or to freeze its assets has, as a rule, a suspensive effect on such decision, unless such suspensive effect results in preventing the enforcement of criminal law provisions.
3. Member States shall take all the measures necessary to ensure that non-profit organisations with legal personality are granted legal standing before national courts, including, where relevant, for submitting third party testimony in judicial proceedings.
4. Member States shall ensure that non-profit organisations that do not have legal personality can be represented by designated individuals before the competent national authorities and courts for the purpose of accessing the remedies referred to in this Article.

Chapter III

Regulatory framework

Article 9

Objectives and activities

1. Member States shall ensure that the freedom for non-profit organisations operating in their territory to determine their objectives and to carry out the activities necessary for the pursuit of such objectives can only be limited for exceptional reasons of public security. They shall remove any obstacles or restrictions affecting the ability of non-profit organisations to pursue such objectives and carry out such activities.
2. Member States shall ensure that non-profit organisations in their territory are free to determine the scope of their operations, be it local, regional, national or international.
3. Member States shall ensure that any formalities governing the formation and operations of a non-profit organisation on their territory, as provided for in national law, regulations or administrative practices, do not constitute an undue financial and administrative burden. This shall include, in the case of non-membership-based organisations, the possibility of legally establishing such organisations by way of gift or bequest.
4. Member States shall ensure that non-profit organisations in their territory can become members of another non-profit organisation, a federation or confederation established or registered in their territory or in the territory of another Member State, and shall ensure that such membership does not result in any disadvantage for the organisation concerned.

Article 10

Membership

1. Member States shall ensure that any natural or legal person may apply for membership, where possible in view of its legal form, of a non-profit organisation established, registered or operating in their territory, in accordance with that organisation's statutes and constitutions, and that they may freely exercise membership rights subject to the organisation's statutes and regulatory limitations.
2. Member States shall ensure that no penalties or restrictive measures are applied as a consequence of the membership of a non-profit organisation established, registered or operating in their territory pursuant to national laws, regulations or administrative practices, except when such consequences are the result of the enforcement of criminal law provisions.
3. Member States shall ensure that non-profit organisations established, registered or operating in their territory are free to decide upon the composition of their membership. This may include the determination of special requirements for members, based on reasonable and objective criteria.

Article 11

Statutes

1. Member States shall ensure that non-profit organisations established, registered or operating in their territory are free to adopt their own statutes, constitutions and rules, including rules determining their internal management structure and appointing their boards and representatives.

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2. Member States shall ensure that national laws, regulations or administrative practices on the statutes of non-profit organisations do not require non-profit organisations to provide in their statutes any information other than:

- (a) the organisation's name and address (registered office);
- (b) the organisation's objectives and activities;
- (c) the organisation's governance rules, the powers of its governing bodies and, where applicable, the designation of persons who are entitled to act in its name;
- (d) the rights and obligations of the organisation's members;
- (e) the date when the statutes were adopted and the name and address of the registered office of the founding members if they are legal persons;
- (f) the procedure applicable for changing the statutes; and
- (g) the procedures applicable for dissolving the organisation or merging it with another non-profit organisation.

3. Non-profit organisations may be required to disclose and make public, in their statutes or by means of annual reporting, further information on their operations, their functioning, the members of their governing bodies, their representatives and their financing, insofar as this meets the objective of general interest, with regard to the objectives and activities of the organisation.

Article 12

Legal personality

1. Member States shall ensure that a non-profit organisation on their territory is free to decide whether to acquire legal personality, notwithstanding the fact that Member States may stipulate which forms of organisation have legal personality.
2. Where a non-profit organisation has acquired legal personality, Member States shall ensure that the organisation's legal personality can be clearly distinguishable from that of their members, founders or other legal persons linked to such organisation.
3. Member States shall take the measures necessary to ensure that registration, where required, or finalisation of the act of establishment is sufficient for non-profit organisations to acquire legal personality.
4. Member States shall ensure that prior authorisation is never a precondition for the acquisition of legal personality by a non-profit organisation and for the exercise of the corresponding legal capacity.
5. Member States shall ensure that groups of natural or legal persons that cooperate and that have not sought to acquire legal personality are not deemed to constitute a non-profit organisation with legal personality for the sole purpose of subjecting them to national laws, regulations or administrative practices and thereby regulating or affecting their operations, financing and cross-border activities, unless there are grounds to maintain that the non-profit organisation is a criminal organisation pursuant to national law.

Article 13

Registration

1. Member States shall ensure that formal registration is not a precondition for or an obstacle to the formation or operations of non-profit organisations established or operating in their territory.
2. Member States shall ensure that the procedures for registration of non-profit organisations on their territory are accessible, user-friendly and transparent.
3. Member States shall ensure that the formalities applicable to the registration of non-profit organisations established in their territory pursuant to national laws, regulations or administrative practices do not constitute an undue administrative burden. This shall include providing for a tacit approval mechanism applicable within 30 days following the application for registration and refraining from introducing re-registration and renewal requirements.

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4. Member States shall ensure that the fees applicable to the registration of non-profit organisations do not exceed the administrative costs thereof, and do not in any case constitute an undue financial burden, subject to the principle of proportionality.
5. Member States shall take the measures necessary to ensure that non-profit organisations established in their territory can be registered by electronic means, while ensuring that registration is also possible using non-electronic means.
6. Member States shall ensure that appearing in person before a court or other competent national authority for the purpose of registration of a non-profit organisation is required only when necessary to determine the identity of an applicant.
7. Member States shall ensure that applicants who reside or have their registered office in another Member State and who are required to appear before a court or other competent national authority for the purpose of registering a non-profit organisation can do so before the competent court or other competent authority in the Member State of their residence and that such appearance will be deemed sufficient for the purpose of registration in the registering Member State.
8. Member States shall maintain a database of registered non-profit organisations that is accessible to the public, including statistical information on the number of accepted and rejected applications, with due consideration for data protection principles and the right to privacy.

Article 14

Public benefit status

1. Member States shall ensure that a non-profit organisation established or registered in a Member State of the Union can apply to be recognised as contributing to the public benefit and can be granted a corresponding status as provided for by national laws, regulations or administrative practices, solely based on its declared or factual purpose, structure and activities related to the territory of the status-granting Member State.
2. Member States shall adopt the national laws, regulations or administrative practices necessary to allow non-profit organisations to be recognised as contributing to the public benefit and be granted a corresponding status if the following cumulative conditions are met:
 - (a) the organisation's purpose and actual activities pursue a public benefit objective which serves the welfare of society or of part of it and is thus beneficial for the public good, except where such pursuit is systematically and directly aimed at benefitting the structures of a specific political party. The following purposes, inter alia, shall be considered as oriented towards the public benefit:
 - (i) arts, culture or historical preservation;
 - (ii) environmental protection and climate change;
 - (iii) the promotion and protection of fundamental rights and Union values, including democracy, the rule of law, the elimination of any discrimination based on gender, race, ethnicity, religion, disability, sexual orientation or any other grounds;
 - (iv) social justice, social inclusion and poverty including prevention of or relief from poverty;
 - (v) humanitarian assistance and humanitarian aid, including disaster relief;
 - (vi) development aid and development cooperation;
 - (vii) protection of, assistance to and support for vulnerable sectors of the population, including children, the elderly, people with disabilities, persons seeking or benefitting from international protection and people in a situation of homelessness;
 - (viii) protection of animals;
 - (ix) science, research and innovation;
 - (x) education and training and youth involvement;
 - (xi) promotion and protection of health and well-being, including the provision of medical care;

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- (xii) consumer protection;
 - (xiii) amateur sports and their promotion.
- (b) the surplus from any economic or other income-earning activity generated by the non-profit organisation is used solely to promote the organisation's public benefit objectives;
 - (c) in the event of dissolution of the non-profit organisation, statutory safeguards guarantee that all of its assets will continue to serve public benefit objectives;
 - (d) members of the organisation's non-staff governing structures are not eligible for remuneration beyond adequate expense allowances.
3. Member States shall ensure that a non-profit organisation recognised as contributing to the public benefit and granted a corresponding status pursuant to national laws, regulations or administrative practices may only have such status revoked where the competent regulatory authority has produced sufficient evidence that the non-profit organisation no longer fulfils the conditions laid down in paragraph 2.

Article 15

Termination, prohibition and dissolution

- 1. Member States shall ensure that the existence of a non-profit organisation may only be terminated by decision of its members or by way of a decision of a court or tribunal.
- 2. Member States shall ensure that involuntary termination, prohibition or dissolution of a non-profit organisation may only occur as the consequence of infringements of national law that cannot be rectified or remedied.
- 3. Member States shall ensure that involuntary termination, prohibition and dissolution of a non-profit organisation may only be the consequence of bankruptcy, prolonged inactivity or serious misconduct contrary to public security as recognised by Union law.
- 4. Member States shall ensure that individual wrongdoings of founders, directors, staff members or members of a non-profit organisation, when not acting on behalf of the organisation do not result, as a rule, in the involuntary termination, prohibition and dissolution of the organisation.
- 5. The protection provided for in this Article shall also apply to the suspension of the activities of a non-profit organisation where such suspension may result in a freezing of the operations of the organisation that is tantamount to dissolution.

Chapter IV

Equal treatment and mobility

Article 16

Equal treatment

- 1. Member States shall ensure that non-profit organisations operating in their jurisdiction which have been established or registered in another Member State are treated in the same manner as non-profit organisations established or registered in their jurisdiction, including as regards access to services, such as banking services, the granting of authorisations and, where relevant, financial and tax treatment subject to applicable national laws, regulations and administrative practices as well as access to funding for activities taking place in the jurisdiction of the Member State or benefiting the public good in the Member State.
- 2. For the purpose of paragraph 1, Member States shall not require non-profit organisations established or registered in another Member State but operating in their jurisdiction to provide any proof other than evidence of establishment or registration as a non-profit organisation in another Member State.

Article 17

Principle of non-arbitrary treatment

Member States shall ensure that national rules governing non-profit organisations established, registered or operating on their territory do not result in unjustified discrimination based solely on the political desirability of an organisation's purpose, on its field of activities or on its sources of financing.

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*Article 18****Cross-border mobility and continuity***

1. Member States shall eliminate any obstacles which affect the exercise by non-profit organisations established or registered in another Member State of their right to freedom of establishment, free movement of services and free flow of capital in their territory. This is without prejudice to Member States' prerogative to require, in order for a non-profit organisation to be granted a formal status, that the organisation has acquired legal personality or is included in a national register, in line with the law of the Member State where it has been established and/or seeks to operate.
2. Member States shall take the measures necessary to ensure that a non-profit organisation registered in another Member State has the right to:
 - (a) move its registered office to their territory without the necessity of founding or incorporation as a new legal person;
 - (b) have access to a simplified registration procedure which recognises the information and documentation already provided by the non-profit organisation to the Member State in which it was previously registered.

*Article 19****Cross-border conversions and mergers***

1. Member States shall ensure that a non-profit organisation established or registered in their jurisdiction can convert into or merge with another non-profit organisation established or registered in another Member State, without such merger or conversion resulting in the involuntary termination, prohibition or dissolution, or suspension of the activities of the organisation.
2. Member States shall ensure that, in the event of a conversion or merger as referred to in paragraph 1, the converting or merging non-profit organisation is free to set up office or operations in the Member State of destination.
3. Member States shall establish the legal form the converted or merged organisation is to take, based on the principle of equivalence.
4. Member States shall ensure that, should the non-profit organisation which results from a conversion or merger referred to in paragraph 1 fail to comply with the conditions and requirements set out in the national laws, regulations or administrative practices of the host Member State, the non-profit organisation is granted a reasonable deadline to take the necessary measures to regularise its position.
5. Member States shall ensure that neither cross-border conversions nor mergers have the effect of undermining workers' or trade union rights, or working conditions. They shall ensure that, in line with applicable collective agreements and Union and national law, employers' obligations regarding employees and creditors continue to be fulfilled and that employees, volunteers, trade unions and workers' representatives are duly informed and consulted. Collective agreements and workers' board-level representation rights shall be respected and maintained, where applicable.

Chapter V***Financing****Article 20****Fundraising and free use of assets***

1. Member States shall remove any obstacles that affect the ability of non-profit organisations established, registered or operating in their territory to solicit, receive, dispose of or donate any resources, including financial, in-kind and material, or solicit or receive human resources, from or to any source including domestic, foreign or international entities, be they public bodies, private individuals or private bodies.

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2. Member States shall ensure that national laws, regulations or administrative practices do not lead to a difference in treatment of non-profit organisations based on their sources or destination of financing.
3. Member States shall ensure that non-profit organisations are entitled to own and freely dispose of property and assets subject to national laws applicable to similar entities under their jurisdiction.
4. Member States shall minimise the administrative burden with regard to asset allocation across borders and enable non-profit organisations to generate profits for reinvestment in charitable projects.

Article 21

Public funding

1. Member States shall ensure that public funding is made available and allocated to non-profit organisations through clear, transparent and non-discriminatory procedures.
2. Paragraph 1 shall also apply to Union funding disbursed by Member States under shared management, subject to the provisions of Regulation (EU) 2021/1060 of the European Parliament and of the Council ⁽⁸⁾.

Article 22

Cross-border funding

1. In accordance with Union rules on the free movement of capital, Member States shall ensure that non-profit organisations established, registered or operating in their territory suffer no disadvantage as a consequence of soliciting or receiving funding from natural or legal persons residing or established in the Union or in the EEA, but outside their territory.
2. In accordance with Union rules on the free movement of capital, Member States shall ensure that natural or legal persons suffer no disadvantage as a consequence of providing funding to non-profit organisations established, registered or operating outside their territory.

Article 23

Economic activities

Member States shall ensure that non-profit organisations established, registered or operating in their territory are free to engage in any lawful economic, business or commercial activities, provided that such activities directly or indirectly support their non-profit objectives, subject to the licensing or regulatory requirements generally applicable to the activities concerned pursuant to national laws, regulations and administrative practices.

Article 24

Reporting and transparency on financing

1. Member States shall ensure that reporting and transparency obligations applicable to non-profit organisations pursuant to national laws, regulations and administrative practices are not unnecessarily burdensome and are proportionate to the size of the organisation and the scope of its activities, taking into consideration the value of its assets and income.
2. For the purpose of paragraph 1, Member States shall take the measures necessary to ensure that reporting and transparency obligations applicable to non-profit organisations, pursuant to national laws, regulations and administrative practices on countering money laundering and terrorist financing, including those implementing Union and international obligations, are based on a targeted and up-to-date risk-based assessment of the sector and of the organisations concerned and do not result in disproportionate requirements or in the undue limitation of non-profit organisations' access to financial services.
3. Pursuant to Article 11(3), non-profit organisations shall report annually on the accounts of the non-profit organisations and shall make those reports public. Those reports shall include information on the funding received during the previous calendar year, information on the origin and value of funding, credits, bank loans and donations or uncompensated receipt of cash or property.

⁽⁸⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional 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 (OJ L 231, 30.6.2021, p. 159).

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4. Member States shall ensure that reporting and transparency obligations applicable to non-profit organisations, pursuant to national laws, regulations and administrative practices, do not lead to a difference in treatment of such organisations or to any limitations on their rights or obligations, based on the sources of the organisations' funding, their objectives or their activities.

Chapter VI

Confidentiality

Article 25

Confidentiality of membership

1. Where a non-profit organisation is membership-based, Member States shall take the necessary measures to ensure that information concerning members can remain confidential.

2. Member States shall ensure that information concerning membership of a non-profit organisation in relation to members who are natural persons may only be accessed by a competent authority where such access is necessary for the purpose of a public criminal investigation concerning criminal offences punishable by a custodial sentence of a maximum of at least one year, and following a decision by an independent court or tribunal.

Article 26

Confidential and sensitive information

1. Member States shall ensure that national laws, regulations or administrative practices do not have the effect of requiring non-profit organisations established, registered or operating in their territory to publicly disclose confidential and sensitive information such as personal data relating to the organisation's staff, volunteers, members, founders or donors.

2. Member States shall ensure that non-profit organisations established, registered or operating on their territory have access to effective remedies in order to prevent, or obtain redress for the unlawful acquisition, use or disclosure of their confidential or sensitive information.

3. Member States shall take the measures necessary to ensure that protection against the unlawful acquisition, use or disclosure of confidential or sensitive information of non-profit organisations, pursuant to this Article, applies in relation to inspections, audits and any other supervisory activities carried out by the competent authorities.

Article 27

Surveillance

Member States shall ensure that non-profit organisations are not subject to unjustified and disproportionate surveillance, in particular of their operations or communications, or of those of the organisation's founders, members of its governing structures, other members, staff, volunteers, donors, or other private parties relating to it, unless where justified for purposes of public security.

Chapter VII

Final provisions

Article 28

More favourable treatment and non-regression clause

1. Member States may introduce or retain provisions which afford more favourable treatment to non-profit organisations established, registered or operating in their territory than that prescribed by this Directive.

2. The implementation of this Directive shall not constitute grounds for a reduction in the level of protection already afforded by national, Union or international law, including as regards fundamental rights, in the areas covered by this Directive.

Article 29

Transposition

1. By ... [1 year after the date of entry into force of this Directive] Member States shall adopt and publish the measures necessary to comply with this Directive. They shall immediately inform the Commission thereof.

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2. Member States shall consult non-profit organisations already established, registered or operating in their territory in a timely, transparent and meaningful manner about the transposition and implementation of the provisions of this Directive.

Article 30

Reporting, evaluation and review

1. Member States shall provide the Commission with all relevant information regarding the implementation and application of this Directive. On the basis of the information provided, the Commission shall present a report to the European Parliament and the Council on the implementation and application of this Directive no later than three years after the deadline for its transposition.

2. The Commission shall, taking into account its report submitted pursuant to paragraph 1, present a report to the European Parliament and to the Council on the impact of national law transposing this Directive, no later than three years after the deadline for its transposition. The report shall evaluate the way in which this Directive has functioned and consider the need for additional measures, including, where appropriate, amendments with a view to further harmonising national law applicable to non-profit organisations.

3. The Commission shall make the reports referred to in paragraphs 1 and 2 above publicly available and easily accessible.

Article 31

Entry into force

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

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P9_TA(2022)0045

Empowering European youth: post-pandemic employment and social recovery**European Parliament resolution of 17 February 2022 on empowering European youth: post-pandemic employment and social recovery (2021/2952(RSP))**

(2022/C 342/18)

The European Parliament,

- having regard to Articles 2, 3 and 5(3) of the Treaty on European Union,
- having regard to Article 166 of the Treaty on the Functioning of the European Union,
- having regard to Articles 14, 15, 32 and 34 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Pillar of Social Rights, in particular principles 1, 3 and 4,
- having regard to the UN Convention on the Rights of Persons with Disabilities, and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, signed and ratified by the EU and all its Member States ⁽¹⁾, and particularly its Article 27 on Work and Employment,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽²⁾,
- having regard to its resolution of 8 October 2020 on the Youth Guarantee ⁽³⁾,
- having regard to its resolution of 10 February 2021 on the impact of COVID-19 on youth and on sport ⁽⁴⁾,
- having regard to its resolution of 20 May 2021 on the right of information of the Parliament regarding the ongoing assessment of the national recovery and resilience plans ⁽⁵⁾,
- having regard to its resolution of 17 December 2020 on a strong social Europe for Just Transitions,
- having regard to its resolution of 10 October 2019 on the 2021-2027 multiannual financial framework and own resources: time to meet citizens' expectations ⁽⁶⁾,
- having regard to its resolution of 10 June 2021 on the views of Parliament on the ongoing assessment by the Commission and the Council of the national recovery and resilience plans ⁽⁷⁾,
- having regard to its resolution of 29 April 2021 on the European Child Guarantee ⁽⁸⁾,
- having regard to its position of 8 June 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 Social Fund Plus (ESF+) ⁽⁹⁾,

⁽¹⁾ OJ L 23, 27.1.2010, p. 35.

⁽²⁾ OJ C 316, 6.8.2021, p. 2.

⁽³⁾ OJ C 395, 29.9.2021, p. 101.

⁽⁴⁾ OJ C 465, 17.11.2021, p. 82.

⁽⁵⁾ OJ C 15, 12.1.2022, p. 184.

⁽⁶⁾ OJ C 202, 28.5.2021, p. 31.

⁽⁷⁾ OJ C 67, 8.2.2022, p. 90.

⁽⁸⁾ OJ C 506, 15.12.2021, p. 94.

⁽⁹⁾ OJ C 67, 8.2.2022, p. 186.

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- 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 ⁽¹⁰⁾,
- having regard to the report of the International Labour Organization of 21 October 2021 entitled ‘Youth Employment in Times of COVID-19’,
- having regard to the European Youth Event 2021 report entitled ‘Youth Ideas Report for the Conference on the Future of Europe’,
- having regard to the opinion of the European Economic and Social Committee on the European Year of Youth (EYY) 2022,
- having regard to the Eurofound report of 9 November 2021 entitled ‘Impact of COVID-19 on young people in the EU’,
- having regard to the European Youth Forum report of 17 June 2021 entitled ‘Beyond Lockdown: the “pandemic scar” on young people’ ⁽¹¹⁾,
- having regard to the resolution of Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field: The European Union Youth Strategy 2019-2027 ⁽¹²⁾, in particular the section on the European Youth Goals,
- having regard to the Commission report of 12 October 2021 on employment and social developments in Europe entitled ‘Towards a strong social Europe in the aftermath of the COVID-19 crisis: Reducing disparities and addressing distributional impacts’,
- having regard to the Council recommendation of 30 October 2020 entitled ‘A Bridge to Jobs — Reinforcing the Youth Guarantee’ ⁽¹³⁾,
- having regard to its resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU ⁽¹⁴⁾,
- having regard to its resolution of 11 February 2021 on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Skills Agenda for sustainable competitiveness, social fairness and resilience ⁽¹⁵⁾,
- having regard to its resolution of 16 September 2021 on fair working conditions, rights and social protection for platform workers — new forms of employment linked to digital development ⁽¹⁶⁾,
- having regard to the Youth Ideas report for the Conference on the Future of Europe from the European Youth Event 2021,
- having regard to the questions to the Council and to the Commission on empowering European youth: post-pandemic employment and social recovery (O-000075 — B9-0002/2022 and O-000077 — B9-0003/2022),
- having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on Employment and Social Affairs,

⁽¹⁰⁾ OJ L 57, 18.2.2021, p. 17.

⁽¹¹⁾ Moxon, D., Bacalso, C. and Șerban, A. M., *Beyond the pandemic: The impact of COVID-19 on young people in Europe*, European Youth Forum, Brussels, 2021.

⁽¹²⁾ OJ C 456, 18.12.2018, p. 1.

⁽¹³⁾ OJ C 372, 4.11.2020, p. 1.

⁽¹⁴⁾ Texts adopted, P9_TA(2021)0430.

⁽¹⁵⁾ OJ C 465, 17.11.2021, p. 110.

⁽¹⁶⁾ Texts adopted, P9_TA(2021)0385.

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- A. whereas the COVID-19 pandemic has had a devastating effect on the employment and social situation of young people in Europe, with opportunities for personal development dwindling or being temporarily halted, employment rates falling, and numbers of young people not in employment, education or training (NEET) consequently rising; whereas the personal income of young people has significantly decreased and the risk of poverty and social exclusion has increased; whereas their chances of future labour market involvement are at risk; whereas immediate action is needed to secure and improve the future and wellbeing of young people; whereas the youth unemployment rate stands at 15,9 %, which is 2,5 times higher than the general unemployment rate;
- B. whereas the poverty rate is predicted to increase as result of the COVID-19 pandemic; whereas countries that were particularly hard hit during the 2007-2008 financial crisis once again saw an above-average rise in youth unemployment; whereas women, young people, older people, persons with disabilities and large families are more endangered by this development; whereas the Commission's economic forecast for autumn 2022 shows promising figures with a decline in unemployment and labour markets expected to recover to pre-pandemic levels in 2022; whereas the crisis continues to affect young people in particular; whereas the number of young workers declined compared to the first quarter of 2021 and whereas in 2022 and 2023, 3,4 million jobs are expected to be created⁽¹⁷⁾, and it will be essential to ensure that young people take part in these new employment opportunities; whereas an increasing number of young people are now relying on living in their parental home to protect them from poverty; whereas 29 % of three-generation households are at risk of poverty and 13 % are severely deprived;
- C. whereas pre-COVID-19 country clusters widely persist, including with regard to NEET rates;
- D. whereas in 2020, NEET rates among women were on average 1,3 times higher than NEET rates among men; whereas the difference in NEET rates between men and women is particularly high in eastern European countries owing to family responsibilities; whereas the probability of becoming NEET continues to decrease as education levels increase; whereas in southern and Mediterranean countries, the proportion of long-term unemployed and discouraged workers is higher in the NEET group;
- E. whereas young people are the basis for sustainable economic and social prosperity for Europe and are a key priority for the EU as affirmed by the European youth strategy and the reinforced Youth Guarantee, and therefore warrant priority measures for their support, protection, guidance, inclusion, and deserve to have opportunities created for them;
- F. whereas job losses as a result of the COVID-19 pandemic were higher in the 15-24 age group than the 25-29 age group, in particular among women; whereas young people were particularly affected by the fact that working hours decreased more than employment as a whole; whereas unemployment numbers reflect only a small proportion of the jobs lost in the COVID-19 crisis, as many young people who lost their job were not eligible for unemployment benefits or other income support;
- G. whereas improving youth civic participation is a goal of the European youth strategy (2019-2027);
- H. whereas rates of non-standard work are very high among young people, with 43,8 % of young people in the EU engaged in temporary work;
- I. whereas in September 2021, President von der Leyen announced a proposal to designate 2022 the EYY to reflect on the perspectives of young people in Europe and to focus on European, national, regional and local policies and legislative proposals that create opportunities for young people across the EU; whereas this proposal should provide a genuine and efficient impetus to improve the working conditions of young people in the EU;

⁽¹⁷⁾ Directorate-General for Economic and Financial Affairs, *European Economic Forecast — Autumn 2021*, European Commission, 2021.

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- J. whereas the mental health of young people has worsened significantly during the pandemic, with problems related to mental health doubling in several Member States compared to pre-crisis levels; whereas 64 % of young people in the 18-34 age group were at risk of depression in spring 2021, partly as a consequence of their lack of employment, financial and educational prospects in the longer run as well as a result of loneliness and social isolation; whereas nine million adolescents in Europe (aged 10 to 19) are living with mental health disorders, with anxiety and depression accounting for more than half of cases; whereas the worsening of mental health can be also attributed to disruptions in access to mental health services and an increased workload, and a labour market crisis that disproportionately affected young people; whereas 19 % of boys aged 15 to 19 in the EU suffer from mental health disorders, followed by more than 16 % of girls the same age; whereas suicide is the second leading cause of death in Europe among young people;
- K. whereas children growing up with a scarcity of resources and in precarious family situations are more likely to experience poverty and social exclusion, with far-reaching impacts on their development and later adulthood, and lack access to adequate skills and have limited employment options, propagating a vicious circle of inter-generational poverty; whereas the Union can play a key role in the overall fight against child poverty and child social exclusion; whereas the goal of the European Child Guarantee is to prevent and combat poverty and social exclusion by guaranteeing free and effective access for children in need to key services such as early childhood education and care, educational and school-based activities, healthcare, healthy nutrition and at least one healthy meal per school day, and adequate housing;
- L. whereas a global survey published in September 2021 led by Bath University and conducted in 10 countries revealed that nearly 60 % of young people said they felt very worried or extremely worried about the climate emergency, with more than 45 % of those questioned stating that their feelings about the climate affected their daily lives and three quarters saying they thought the future was frightening; whereas 83 % agreed that we have failed to care for the planet while 65 % believed that governments are failing young people;
- M. whereas civic participation offers proven benefits to the wellbeing of a person by expanding their social network, providing more opportunities to be economically, socially and physically active and reducing the risk of developing mental health disorders;
- N. whereas, in light of the consequences of the pandemic, a whole generation of young artists and cultural workers will struggle to find their place in our societies; whereas artists and cultural and creative workers tend to have atypical work patterns and often lack proper social security protection, notably in cross-border contexts, which often leads to their exclusion from pension, healthcare and unemployment payments; whereas the lack of collective bargaining for self-employed artists and cultural and creative workers further serves to undermine their position on the labour market and leads to a lack of adequate social protections;
- O. whereas artists and cultural professionals from minority groups including women, young people, representatives of racial, ethnic and geographical minorities, people from vulnerable socioeconomic backgrounds, people with disabilities and LGBTIQ+ people have lesser access to artistic and cultural careers and are hit the hardest by the consequences of the pandemic;
- P. whereas the European Social Fund Plus (ESF+) is the main European fund aiming at improving young people's access to employment, promoting equal access to and completion of quality and inclusive education and training, by means of general and vocational education and training up to tertiary level, including by promoting lifelong learning and facilitating learning mobility, as well as by promoting the social integration of young people at risk of poverty or social exclusion, including the most deprived young people;
- Q. whereas the centrepiece of the NextGenerationEU, the recovery and resilience facility (RRF), constitutes a historic EU instrument to help Member States mitigate the economic and social impact of COVID-19 through reforms and investments in six pillars, one of which is dedicated to reforms and investments in children and young people;

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- R. whereas the labour and social inclusion of young people refers to their equal access to quality, stable and well-paid employment, decent and affordable housing and adequate nutrition, quality healthcare and prevention services, including mental health protection, and minimum standards of digital infrastructure; whereas education and skills development initiatives, volunteering, quality traineeships and lifelong learning programmes are essential to ensure equal opportunities and access to labour markets while allowing young people to start their adult life with confidence;
- S. whereas the previous financial crisis showed that if young people are not provided with quality traineeships and jobs — based on written agreements and decent working conditions, including a living wage, career counselling, guidance and further training — there will yet again be a high risk that they will be forced to accept precarious jobs, leave their country to find work, or repeatedly enrol in education or training, even though they are looking for a full-time permanent job;
- T. whereas investments in young people, in particular social impact investments, are known to have a positive impact on the employment and participation of young people in society and produce measurable social and financial returns on the funds invested, fostering economic development while achieving social goals; whereas existing tools and mechanisms have to be implemented as much as new instruments should be further considered;
- U. whereas policy silos on youth labour and social inclusion can lead to doubled spending if coordination between Member States and relevant stakeholders is fledgling and there are no permanent structures that can coordinate the various actors, maximise effects, ensure no gaps in coverage and drive innovation;
- V. whereas existing initiatives and policies such as the reinforced Youth Guarantee, the European Youth Dialogue, Erasmus+ and the European Solidarity Corps, and new proposals such as Aim, Learn, Master, Achieve (ALMA), must reach young people and tackle youth challenges in 2022, such as youth unemployment; whereas these initiatives and policies should comprise active and passive labour market policies, effective access to social inclusion measures and social, health and housing services for young people; whereas the European Centre for the Development of Vocational Training has concluded that not all apprenticeships and training opportunities are high-quality, and not all apprentices are entitled to employment or social protection rights; whereas in its resolution of 8 October 2020, Parliament voiced concerns about the quality of offers available under the reinforced Youth Guarantee, and stressed that traineeships and job opportunities provided under new and existing programmes and initiatives must be paid and limited in length and number, so that young people are not trapped in never-ending repeated traineeships and exploited as cheap or even free labour without social protection and pension rights; whereas studies show that the current generation of young people find their first real job in their early thirties;
- W. whereas the ongoing development of new horizontal skills among young people, such as digital skills, as well as the development of skills with economic potential, such as green or entrepreneurial skills, is key for a healthy, inclusive and future-oriented European labour market and should create access for every young European to quality employment; whereas the same applies to vocational education, trade skills and life skills; whereas 40 % of employers cannot find people with the right skills to fill their vacancies; whereas the EU needs to overcome all forms of skills mismatch in order to make effective use of its human capital; whereas youth unemployment has become a severe economic and societal problem in many EU countries⁽¹⁸⁾; whereas access to proper digital infrastructure and training on digital skills should be available to all in order to close the gap in digital literacy among young people and ensure equal opportunities for all in the education system and in the labour market; whereas soft skills like critical thinking, team work and intercultural communication are equally important to create a healthy life and work-life balance for young people;

⁽¹⁸⁾ Eichhorst, W., Hinte H. and Rinne, U., 'IZA Policy Paper No. 65: Youth Unemployment in Europe: What to Do about It?' *Intereconomics*, 2013, 48 (4), pp. 230-235.

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- X. whereas young people's engagement in youth work, social movements, youth organisations and social entrepreneurship is key to creating new solutions; whereas the involvement of private actors, companies and the business sector is needed to improve the transition from education into the labour market and to provide continued access to upskilling and reskilling training and lifelong learning for young people;
- Y. whereas discrimination against young people in general remains an issue in the EU, with young women and young people from vulnerable groups often experiencing discrimination on the basis of their gender, ethnic background (for instance Roma people), sexual orientation and identity, disability, or disadvantaged socioeconomic background, while being at a much higher risk of unemployment, in-work poverty and social exclusion;
- Z. whereas young people in Europe and their representatives and organisations, including trade unions, are active in organising the meaningful participation of young people and producing policy recommendations with solutions for improving labour and social inclusion, including through their engagement as part of the Conference on the Future of Europe; whereas they must be considered essential partners in the co-creation, implementation and evaluation of the EYY and beyond;
- AA. whereas employment opportunities for many of the groups mentioned above, particularly young people with disabilities and young people belonging to Roma or travelling communities, are severely restricted by difficulties in accessing the high-quality education they need to be adequately prepared for the modern job market;
- AB. whereas young people are a vital asset for the recovery and development of all EU regions, notably the outermost regions; whereas in Mayotte, half of the population is under the age of 18, while in French Guiana, one inhabitant out of two is under 25;
- AC. whereas in 2016, one third of farm managers in the EU were aged 65 or above and only 11 % of farm managers in the EU were young farmers under the age of 40;
- AD. whereas the agriculture sector and farms in the EU represent the backbone of our economy; whereas in order to ensure food security and contribute to the green transition, it is crucial to attract young people into farming;
- AE. whereas the depopulation of rural areas and the exodus of young people to urban areas show that there is a need to identify solutions and consider short, medium and long-term strategies to keep young people in rural areas;
- AF. whereas too many young persons with disabilities are only offered work in sheltered employment, while in some Member States they are not offered the same workers' or salary rights as people in the open labour market;
- AG. whereas the Youth Ideas report for the Conference on the Future of Europe produced during the 2021 European Youth Event concluded that:
- Young people demand support in order to train and empower mental health experts within schools,
 - Youth unemployment should be a priority for the EU, and unpaid internships need to be stopped for people of all educational backgrounds and social status; youth organisations and employers should work together to reach potential 'early school leavers' and educate them on their options; assistance should also be given to Member States to set up apprenticeships for asylum seekers,
 - No one should be left behind in the digital world and all generations must be educated on using their digital presence with care; digital literacy should be integrated into school curricula,
 - The EU should allocate more funding to enable all young Europeans to participate in non-formal education and to create a platform to connect schoolteachers with service providers that can provide expertise on topics relevant to contemporary life;

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1. Welcomes the fact that President von der Leyen designated 2022 as the EYY; considers that 2022 should provide an additional impetus for the proper and full implementation of the European youth strategy through ambitious actions to address challenges faced by young people, in particular the negative effects of the ongoing COVID-19 pandemic, and through the concrete implementation of other existing tools such as the reinforced Youth Guarantee to combat the unemployment and social effects resulting from COVID-19; calls on the Commission and the Council to ensure that all policies targeting young people are intersectional and take into account the diversity of young people across Europe and the challenges they face; considers that the EYY should contribute to the implementation of principles 1 and 3 of the European Pillar of Social Rights;

2. Highlights that the COVID-19 crisis has already left many people jobless, in particular young people who find themselves more often in precarious employment, are more likely to work under temporary contracts or part-time, and are without savings; welcomes, in this context, the Commission's plans to strengthen the Youth Guarantee, and calls on the Commission and the Member States to make the fight against youth unemployment a priority;

3. Notes with great concern the high level of youth unemployment in a number of Member States and the fragility of young workers' employment contracts, particularly in sectors seriously impacted by COVID-19; calls for a reinforced Youth Guarantee instrument that has the objective of reducing long-term and youth unemployment by at least 50 % by 2030, and also includes criteria for quality job creation in line with Sustainable Development Goal 8 of the UN's 2030 Agenda for Sustainable Development; believes it is time to make the reinforced Youth Guarantee both binding and inclusive for all Member States, including active outreach measures towards long-term NEETs and young people from disadvantaged socioeconomic backgrounds, such as young persons with disabilities, young LGBTIQ+ and young Roma people;

4. Commends the inclusion of mental health as one of the priorities in the youth goals as specified within the EYY, and calls on the Commission to also prioritise mental health in the upcoming EU care strategy; underlines that the link between socioeconomic factors, such as unemployment, housing insecurity, mental health and wellbeing, must be addressed to ensure a holistic and comprehensive approach towards mental health at EU level; highlights that uncertainty about the future, including the impact of climate change, is having a detrimental effect on the mental health of youth; calls on the Member States, therefore, to make mental health an integral part of the EU's socioeconomic recovery from the pandemic and an occupational health priority, in particular in educational and workplace environments; calls for mental health care to be made accessible and affordable for all age groups, in particular for young people and children, and for health inequalities to be addressed through the provision of adequate support to vulnerable groups of young people; calls on the Commission to conduct a thorough study on the different causes of psychological pain among young people in Europe;

5. Stresses the vital role that young people must play in shaping employment and social policies in Europe; welcomes the EU youth dialogue and the youth work and youth organisations that bring the EU closer to young people, provided that youth participation processes are followed by concrete initiatives from decision makers; encourages the promotion of the co-management principle in the development of youth policies, where young people and youth representatives are included in the development process; calls on the Commission to recognise the positive impact of the third sector, including youth organisations, and the non-formal and informal learning opportunities that they provide through opportunities such as volunteering and youth participation, and to formally recognise the knowledge and skills gained by young people through the third sector in order to help young people strengthen their perspectives on the labour market; encourages the recognition of civic engagement as meritorious work experience during the hiring process; calls on the Commission to consider supporting the European Youth Capitals project as a continuation of the EYY; calls on the Commission and the Member States to consider a youth clause assessing the impact of an initiative on young people when putting forward new initiatives across all policy areas;

6. Highlights that it is necessary for Member States to continue investing sufficient ESF+ resources into measures that support youth employment; underlines that Member States must therefore allocate at least 15 % of their ESF+ resources under shared management to targeted actions and structural reforms to support quality youth employment; recalls the need for a binding, more effective and inclusive Youth Guarantee within a clear quality criteria framework that provides remunerated traineeships, apprenticeships, and internships for all NEETs;

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Investing in the young generation

7. Calls on the Commission and Council to make full and optimal use of the funding available under the multiannual financial framework 2021-2027 without prejudice to the programmes already established under the ESF+, following structural problems related to youth unemployment and poverty; recalls that the outermost regions are particularly affected by these issues and therefore need specific support; welcomes, in this respect, the availability of funds under the RRF for measures dedicated to children and young people and expects this to lead to significant opportunities being created for young people in Europe; calls for social partners and youth organisations to be involved in the monitoring and evaluation of the national recovery and resilience plans; calls on the Member States to ensure that the just transition fund and the ESF+ support integrated plans at local level to help upskilling and reskilling, in particular for the most vulnerable groups affected by the transition;

8. Calls on the Member States to ensure complementarity between measures under the RRF and other EU programmes such as the reinforced Youth Guarantee, the European Child Guarantee and national investment and measures to promote skills, education, training and labour market integration in compliance with their own needs and specific national conditions; calls on the Commission to continue monitoring investment and spending on youth priorities within NextGenerationEU, the RRF and the ESF+ and to keep Parliament closely involved; recalls the opportunity provided by the InvestEU social investment and skills window to generate social impact investments; takes note of the increasing attention paid to the concept of social impact bonds and social outcome contracts aimed at young people while also involving the private sector in their design and implementation;

9. Welcomes the increase in support for young farmers in the next Common Agricultural Policy;

10. Welcomes the broadened scope of the reinforced Youth Guarantee to cover the 15-29 age group; recalls that the reinforced Youth Guarantee should ensure real job opportunities rather than poor quality traineeships or never-ending training;

Labour market integration of young people

11. Notes with concern that the Youth Guarantee has so far not fully reached its goals and calls for reinforced measures, including making full use of the opportunities provided by the ESF+, to promote employment through active interventions for labour market integration and the creation of sustainable entry-level positions which ensure that young people have access to social security and fair remuneration; calls on the Commission to request Member States to present updated reinforced Youth Guarantee schemes and to introduce a framework with clear and binding quality standards for offers provided under the initiatives in order to promote positive and sustainable outcomes for young people and their successful transition to the labour market; calls on the Commission and the Member States to encourage companies to play an active role in the reinforced Youth Guarantee; recalls that one of the ESF+ objectives is to promote gender-balanced participation in the labour market through measures that aim to ensure, inter alia, equal working conditions, improved work-life balance and access to childcare, including early childhood education and care; recalls further that the ESF+ should also aim to provide a healthy and well-adapted working environment in order to respond to health risks related to changing forms of work, and to the needs of an ageing workforce;

12. Recalls that partnerships with stakeholders are a key element of the reinforced Youth Guarantee, but that no formal body or mechanism currently exists at EU level for their participation in the monitoring and implementation of the Youth Guarantee schemes; calls on the Commission to monitor the implementation of the reinforced Youth Guarantee schemes through the Employment Committee (EMCO) and to regularly report to EMCO on the implementation and results of Youth Guarantee schemes, while keeping Parliament informed; invites the Commission to set up a working group for the implementation of the reinforced Youth Guarantee, bringing together relevant stakeholders, including civic partners, youth organisations and social partners, in EMCO's work in order to facilitate coordination and the exchange of best practices between the EU and national authorities, together with civic partners and youth organisations, as well as to assess its impact on a regular basis and propose recommendations for improvement;

13. Calls on the Member States to ensure that public employment services (PES) work with local authorities, the education sector, youth organisations and the private sector through the European PES Network to promote quality, stable and well-remunerated employment and boost tailor-made support for training, job searching and counselling for young people, and encourages the Member States to adequately equip PES to provide resources and training on keeping mentally healthy in spite of an uncertain economic climate and throughout the challenges of job searches;

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14. Recommends strengthening the employment focus of mental healthcare systems, particularly by emphasising the positive contribution that quality work can make to mental health recovery;

15. Calls on the Member States to facilitate access for young people to paid, quality and inclusive traineeships and apprenticeships; calls for the reinforcement of monitoring schemes, ensuring that young people receive adequate and quality first working experiences, opportunities for upskilling and new qualifications or credentials; condemns the practice of unpaid internships as a form of exploitation of young workers, and a violation of their rights, and calls on the Commission and the Member States, in collaboration with Parliament, and respecting the principle of subsidiarity, to propose a common legal framework to ensure fair remuneration for traineeships and apprenticeships in order to avoid exploitative practices; condemns the practice of zero-hour contracts and calls on the Member States to provide support to employers providing traineeships and apprenticeships to young persons with disabilities;

16. Calls on the Commission to review existing European instruments such as the Quality Framework for Traineeships and the European Framework for Quality and Effective Apprenticeships and to include quality criteria for the offers made to young people, including the principle of fair remuneration for trainees and interns, access to social protection, sustainable employment and social rights;

Labour mobility and skills for the future

17. Calls on the Commission to ensure that the new ALMA initiative assists young people, in particular young people not in employment, education or training (NEETs), in finding temporary quality work experience in another Member State; insists that the ALMA programme must comply with quality standards that uphold young people's labour rights such as decent remuneration, good working conditions and access to social protection;

18. Underlines that digital skills are essential for young people and all industries in the 21st century and invites the Commission and the Member States to consider developing permanent, certified and free access for young people to online and offline courses for digital skills and literacy in all EU languages in partnership with public entities and private companies; calls for the creation of exchange spaces on e-learning and e-teaching; insists that the EU and the Member States develop more programmes such as eTwinning and the Electronic Platform for Adult Learning in Europe; notes that severe limitations need to be overcome in many Member States in terms of access to hardware, facilities, adequate trainers and appropriate digital infrastructure; recalls, therefore, the need to link access to online courses with the reinforced initiatives to address shortages in accessing internet and digital tools in order to leave no one behind, and insists that the courses should be built in an accessible way to avoid excluding young people with disabilities;

19. Stresses the importance of green skills development and quality employment opportunities in a climate-neutral, energy efficient and circular economy, especially in the regions most impacted by the green transition, such as those which are heavily dependent on the agricultural sector and those involved in combating climate change, the production of energy from renewable sources, reducing carbon emissions, increasing energy efficiency, waste and water management, improving air quality and restoring and preserving biodiversity; calls on employers to ensure the up- and/or reskilling of their workforce, and to enhance the provision of more effective apprenticeships in line with the European Framework for Quality and Effective Apprenticeships;

20. Invites the Commission to propose in 2022 new tools and initiatives aimed at developing youth entrepreneurship and youth social investment in the action plan for social economy;

21. Deplores the insufficient correlation between reforms and investments in education and training with measures that ensure labour market inclusion for young people, particularly NEETs; encourages flexible, inclusive, accessible and open learning paths through individual learning accounts and micro-credentials for young people, youth workers, trainers and professionals, including through skills and competencies gained through non-formal education and informal learning; underlines that strengthening career guidance from an early age, and supporting equal access to information and counselling for students and adult learners, can help young people choose suitable educational and vocational pathways leading to employment opportunities fit for them;

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22. Reiterates its call to the Commission and the Council to further encourage the development of vocational education training (VET) and to better promote trade skills, working to avoid the negative perceptions of non-formal education that are prevalent in several Member States, while increasing the attractiveness of VET through communication and outreach campaigns, through curricula, youth trade skills centres or hubs, special ecosystems for VET in local communities, dual education systems and long-term mobility for apprentices; welcomes, in this regard, the initiative to establish European Centres of Vocational Excellence with the aim of providing high quality vocational skills and supporting entrepreneurial activities; calls on the Commission and the Member States to create a stand-alone VET Area and a European apprentice's statute; reiterates that internships should be part of educational and professional development and therefore have a pedagogical dimension; stresses the importance of improving mechanisms for the cross-border recognition of skills and qualifications, and insists on the promotion of and support for practices such as inter-generational solidarity and mentoring in order to reduce inequalities and ensure support for young people;

23. Encourages the addition of civic participation-related activities to the activities that are considered by workplaces to be beneficial to the personal and professional development of employees, especially young employees;

24. Highlights that minimum wage protection has proven to be an effective means to tackle in-work poverty; stresses that in some Member States, young workers in practice receive a remuneration below the statutory minimum wage due to current variations, thereby perpetuating a situation of structural discrimination on the basis of age; calls on the Member States to ensure equal treatment for young people on the labour market, including with regard to the statutory minimum wage, in the proposal for a directive on adequate minimum wages in the European Union (COM(2020)0682);

25. Highlights that young people are unable to fully access minimum income schemes or are excluded from them completely in many Member States as a result of eligibility criteria based on age; calls on the Commission and the Member States to take measures to facilitate young people's access to these schemes in the forthcoming Council Recommendation on minimum income;

Fighting youth exclusion and avoiding a lost generation

26. Calls on the Commission to develop a recommendation to ensure that traineeships, apprenticeships and job placements count as work experience and consequently grant access to social benefits; calls for a decrease in the minimum period of contributions needed to access social benefits; welcomes the Commission's initiative to set up a High-Level Expert Group to study the future of the welfare state and the main challenges that young people face in benefiting from social protection;

27. Calls on the Commission to look into the feasibility of merging the existing European Youth Portal, Europass and Eures platforms into a single digital space with the aim of providing information and opportunities to every young European concerning training, jobs, internships, vocational education and training offers, financial aid, mobility programmes, advice on setting up a business, mentoring programmes, volunteering schemes, rights associated with European citizenship, access to culture, etc.; suggests that the single platform could centralise applications for various offers and programmes and provide references to all the opportunities that the EU offers to young Europeans according to their personal situation; welcomes the creation of one-stop-shops in a number of Member States and supports such aggregation of offline services, which is crucial for reaching beneficiaries and providing them with guidance and assistance, and supports their creation in all Member States, in various cities, in order to reach the most vulnerable groups of young people;

28. Calls on the Commission to ensure that the new ALMA initiative assists young people, particularly NEETs, in gaining access to social and labour market inclusion within their home countries, by finding quality temporary work and skilling experience that respects the quality standards upholding young people's labour rights in another Member State such as fair remuneration and access to social protection; stresses that accompanying and offering guidance to young people before, during and after participation in the programme is key; highlights that ALMA must foster real mobility and quality skills development programmes, vocational training or employment for all participants, including young persons with disabilities

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or young people coming from disadvantaged backgrounds, and must include an inclusion strategy designed with the input of civil society organisations and the social partners in order to ensure equal access, prevent discrimination and address any barriers that might arise and that ALMA does not become an instrument which creates precarious employment conditions for young people; notes that support should be given to national PES for its implementation through the ESF+ budget line in coordination with private and public partners, while creating synergies with the European Education Area; urges the Commission to ensure the added value of ALMA in addition to the existing opportunities under Erasmus+ and the European Solidarity Corps, and to ensure that virtual learning and cooperation remain combined with physical mobility under the ESF+; calls on the Commission to assess whether ALMA could be included as one of the mobility components of the reinforced Youth Guarantee;

29. Considers the welfare of young people a shared responsibility of public and private actors; calls on the Commission and the Member States to work with European and national employers to implement corporate social responsibility (CSR) recommendations to assist vulnerable young people and to include youth provisions in future CSR-related initiatives;

30. Recalls the fact that young women are at increased risk of workplace discrimination⁽¹⁹⁾, worsened by intersectional inequalities, unemployment, being single-parents and being long-term informal caregivers, which often excludes them from the workforce or can keep them below the poverty line; calls on the Council and the Commission to consider indicative minimum targets for assistance and tailored aid schemes in youth and employment initiatives from 2022 onwards for young women at risk; calls on the Commission to work with the Member States to integrate child guarantee national action plans with labour integration measures at national, regional and local level to support young single parents;

31. Reiterates the importance of access to decent and affordable housing and tailored social services for young people, in particular those belonging to vulnerable groups, including young people with disabilities and young people from large families; asks the Commission to work with the Member States on housing first for youth programmes complemented by employment, social and health support services; stresses the importance of private and public investment in social infrastructure for young people; welcomes the European Platform on Combatting Homelessness launched by the Commission and its ultimate objective of ending homelessness by 2030, and the potential this represents for young people; calls on the Member States and the Commission to take measures and implement programmes for young people who have reached the age of 18 and are at risk of being homeless, particularly for vulnerable groups such as LGBTIQ+ homeless people; calls on the Commission and the Member States to ensure that the reinforced Youth Guarantee contributes to tackling youth homelessness, which is on the increase in many EU countries;

32. Encourages the Commission to tackle the main barriers that hold young people back from entering agriculture, such as access to land, finance, knowledge and innovation;

33. Notes with concern the worsening of conditions for many young people in general and, in particular, vulnerable young people already suffering from long-term unemployment and social exclusion such as young Roma, young people with disabilities, young LGBTIQ+ community members and young migrants, and calls for a coordinated approach in creating and offering them opportunities for social inclusion in the framework of the reinforced Youth Guarantee, the ESF+ and the Recovery and Resilience Facility;

34. Calls on the European institutions and the Member States to ensure a non-discriminatory framing of all policies aimed at young people, taking into account the diversity of young people across Europe and the challenges they face;

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

⁽¹⁹⁾ Baptista, I., Marlier, E., et al., *Social protection and inclusion policy responses to the COVID-19 crisis — An analysis of policies in 35 countries*, European Social Policy Network, Brussels, 2021.

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P9_TA(2022)0048

The EU priorities for the 66th session of the UN Commission on the Status of Women

European Parliament resolution of 17 February 2022 on the EU priorities for the 66th session of the UN Commission on the Status of Women (2022/2536(RSP))

(2022/C 342/19)

The European Parliament,

- having regard to the 66th session of the UN Commission on the Status of Women and its priority theme ‘of achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes’, and to the draft conclusions thereof,
- having regard to the Beijing Declaration and Platform for Action of 15 September 1995 and the outcomes of its review conferences,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to Articles 21 and 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the UN 2030 Agenda for Sustainable Development, the principle of ‘leaving no one behind’ and, in particular, Sustainable Development Goal (SDG) 1 which seeks to end poverty, SDG 3 which seeks to ensure people can live healthy lives, SDG 5 which seeks to achieve gender equality and improve living conditions for women, SDG 8 which seeks to achieve sustainable and economic growth, and SDG 13 which seeks to take urgent action to combat climate change and its impacts,
- 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 24 June 2021 on the 25th anniversary of the International Conference on Population and Development (ICPD25) (Nairobi Summit) ⁽¹⁾,
- having regard to its resolution of 16 January 2018 on women, gender equality and climate justice ⁽²⁾,
- having regard to its resolution of 23 October 2020 on Gender Equality in EU’s foreign and security policy ⁽³⁾,
- having regard to the EU action plan on gender equality and women’s empowerment in external action 2021–2025 (GAP III),
- having regard to the EU gender equality strategy for 2020–2025 of 5 March 2020,
- 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 ⁽⁴⁾,

⁽¹⁾ Texts adopted, P9_TA(2021)0315.

⁽²⁾ OJ C 458, 19.12.2018, p. 34.

⁽³⁾ OJ C 404, 6.10.2021, p. 202.

⁽⁴⁾ Texts adopted, P9_TA(2021)0314.

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- having regard to the conclusions on gender and climate change adopted at the 26th Conference of the Parties (COP26) to the UNFCCC held in Glasgow from 31 October to 6 November 2021,
 - having regard to Article 157(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas equality between men and women is a fundamental principle of the EU enshrined in the Treaty on European Union and the Charter of Fundamental Rights; whereas gender mainstreaming is therefore an important tool in the integration of this principle in all EU policies, measures and actions, including external action;
- B. whereas 189 governments across the world, including the European Union and its Member States, committed to working towards gender equality and empowering all women and girls at the Fourth World Conference on Women in Beijing in 1995;
- C. whereas the 1995 Beijing Platform for Action clearly defined the link between gender, the environment and sustainable development, and asserted that women have a strategic role to play in the development of sustainable and ecologically sound consumption and production patterns, and that they need to participate on an equal basis in decision-making about the environment at all levels;
- D. whereas the SDGs acknowledge the link between achieving gender equality and all the SDGs, including SDG 13 on climate change, providing for the possibility of tackling the root causes of gender inequalities and thus strengthening women's resilience to climate change;
- E. whereas gender inequality, combined with the climate and environmental crises and disasters, is one of the greatest challenges of our time, with a cross-border dimension affecting the entire planet and having disproportionate impacts on women in all their diversity, especially those facing intersectional discrimination, in marginalised situations and in conflict settings;
- F. whereas women in all their diversity are in a more vulnerable situation and face higher risks and burdens from the effects of climate change and environmental and natural disasters for various reasons, ranging from their unequal access to resources, education, job opportunities and land rights, to prevailing social and cultural norms and their diverse intersectional discrimination experiences;
- G. whereas the unprecedented crisis caused by the COVID-19 pandemic and its multifaceted effects on society, including the deepening of pre-existing social and gender inequalities, may negatively impact the implementation of effective gender-responsive climate action;
- H. whereas climate change occurs globally but has a greater destructive impact on the countries and communities least responsible for global warming; whereas those with fewer financial resources needed to adapt will be hit the hardest and suffer the most from the impacts of climate change;
- I. whereas climate change causes an increase in displacement as people are forced to leave their homes temporarily or permanently when the environment becomes unliveable for them; whereas on average since 2010, 21,5 million people have been displaced each year due to climate-related disasters; whereas according to UN figures, women and girls account for 80 % of people displaced by climate change and those most affected by extreme temperatures and natural disasters;
- J. whereas the adverse effects of climate change and their negative repercussions on the socioeconomic situation can lead to severe violations of women's and girls' basic rights, especially for internally displaced people, migrants and asylum seekers, such as increased risks of sexual and gender-based violence, exploitation and human trafficking, forced marriages, organ harvesting and impacts that arise from having limited access to healthcare, including reproductive and mental health services;

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- K. whereas gender equality and women's rights are human rights and a prerequisite for sustainable development, efficient management of climate challenges, environmental peace and stability and achieving a fair and just transition that leaves no one behind; whereas all climate action must include gender and intersectional perspectives and ensure equal participation of women in all their diversity in decision-making bodies at all levels;
- L. whereas women's unequal participation in decision-making processes and labour markets compounds inequalities and often prevents women from fully contributing to and participating in policymaking, planning and implementation related to climate change and environmental and disaster risks;
- M. whereas a gender-responsive just transition has the potential to create decent jobs for women; whereas women still face structural and cultural barriers to participation in all aspects of delivering the energy and climate transition; whereas in terms of employment, the energy sector remains one of the most gender-imbalanced sectors of the economy globally;
- N. whereas women, especially single parents, those experiencing intersectional discrimination and those above retirement age, are disproportionately affected by both climate change and poverty; whereas women in all their diversity are also more likely to experience energy poverty at some point in their lives; whereas the ecological transition should also take into account the social and gender dimensions;
- O. whereas many smallholder farms are owned by women who will be disproportionately affected by climate change and more extreme weather events, leading to food and water shortages and making them more prone to malnutrition;
- P. whereas the Paris Agreement establishes that its Parties should consider their respective obligations with regard to human rights and gender equality, among other issues, when taking action to address climate change as part of the implementation of the agreement;
- Q. whereas women need to play stronger roles in the climate change space as leaders, elected representatives, professionals and technical agents for change; whereas women are still under-represented in climate change decision-making bodies at national level in the EU Member States and at EU level, including the European Parliament, and represent only 32 % of the renewable energy workforce globally^(?);
- R. whereas the gender dimension of climate change is acknowledged in the EU's gender equality strategy for 2020-2025; whereas GAP III includes a priority area on climate change and environment for the first time; whereas EU climate policy can have a significant impact on the protection of human rights and the promotion of gender-responsive climate policies globally;

Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes

1. Addresses the following recommendations to the Council:
 - (a) to reconfirm its unwavering commitment to the Beijing Platform for Action and subsequent review conferences and to the range of actions for gender equality outlined therein;
 - (b) to underline the importance of a positive outcome of the 66th session of the UN Commission on the Status of Women, to be held from 14 to 25 March 2022, including through the adoption of a set of forward-looking and ambitious commitments outlined in the political declaration;

^(?) EPRS briefing, *Beijing Platform for Action: 25-year review and future priorities*, 27 February 2020, available at: [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2020\)646194](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2020)646194)

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- (c) to ensure the full involvement of Parliament and its Committee on Women's Rights and Gender Equality in the decision-making process regarding the EU's position at the 66th session of the UN Commission on the Status of Women and ensure that it has adequate information and access to the EU position document ahead of the negotiations;
- (d) to ensure that the EU shows strong leadership and takes a unified position on the importance of empowering women and achieving gender equality in the context of combating climate change, and to take strong action to univocally denounce any form of backlash against gender equality or measures undermining women's rights, autonomy and emancipation in every field;
- (e) to pledge its strong support for the work of UN Women, which is a central actor in the UN system for advancing women's rights and bringing together all relevant stakeholders in order to generate policy change and coordinate actions; to call on all UN member states, together with the EU, to ensure adequate funding for UN Women;
- (f) to reaffirm the commitments to gender equality and the empowerment of all women and girls made at the relevant UN summits and conferences, including the International Conference on Population and Development and its programme of action and the outcome documents of its reviews;
- (g) to recognise that women in all their diversity, in particular indigenous people and members of other natural resource-dependent communities, are disproportionately affected by climate change, environmental degradation and disasters, such as ecosystem loss, loss of access to key natural resources, malnutrition, and respiratory, water-related and vector-borne diseases;
- (h) to take note of the effects of the COVID-19 pandemic on gender-responsive climate action and to ensure that all climate policies and programmes reflect these impacts and aim to strengthen women's resilience and adaptive capacities;
- (i) to reiterate its aim of supporting and developing the renewed five-year gender action plan agreed at COP25 to promote gender equality in the UNFCCC process, and to lead by example by committing to achieve gender-balanced representation within the delegations to the UNFCCC;
- (j) to vocally stress that women and girls are not only affected by climate change, but are also powerful agents of change in the climate transition; to commit to meaningful and equal participation of women in all their diversity in decision-making bodies at all levels in the field of climate policy and action as well as in post-conflict resolution; to ensure equal involvement for women in the design and implementation of ambitious and localised preparedness, mitigation and adaptation programmes, thereby ensuring effective gender-transformative climate action, disaster risk reduction and the inclusive and sustainable management of natural resources; to promote the broad and meaningful participation of civil society, women's organisations and marginalised groups in decision- and policymaking at all levels; to encourage the participation of young people and young women in particular;
- (k) to take immediate action to address climate change to prevent people being driven out of their homes and communities, and thereby tackling the growing phenomenon of climate-induced displacement;
- (l) to advocate for, support and take concrete measures to protect women at risk due to climate change and environmental disasters, especially against displacement, poverty, human trafficking, gender-based violence and food insecurity, as well as threats to their livelihood, and to ensure that they have access to essential services and adequate and accessible sanitation, and to safeguard their physical and mental health, including sexual and reproductive health and rights;
- (m) to step up its commitment to fight gender-based violence in all its forms, especially in the light of the increased risk for women affected by climate change; to strengthen preventive measures and ensure victim support in order to avoid secondary victimisation; to further commit as part of a regional and international partnership to help guide and fund the fight against gender-based violence;

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- (n) to address and strongly condemn the increase in of conflict-related gender-based violence including sexual violence, especially in areas affected by climate change, through its external relations and in all human rights provisions in international agreements;
- (o) to advocate for the implementation of targeted gender equality measures combined with gender mainstreaming in environmental and climate change policies; to implement systematic gender impact assessments based on the collection of disaggregated data to better understand gender-specific aspects of climate change and natural disasters and ensure gender expertise in relevant climate actions and policies, including in the framework of the European Green Deal; to adopt and implement gender-responsive budgeting, practices and roadmaps to ensure adequate funding is earmarked for the promotion of gender equality;
- (p) to recognise the linkages between gender-responsive climate action and the just transition with a view to promoting inclusive opportunities for all in the green economy; to ensure that any policies connected with the green transition take into account gender-specific needs and do not negatively affect women, girls and people facing intersectional discrimination;
- (q) to commit to organising gender equality-focused training for EU officials, especially for those dealing with development and climate policies;
- (r) to build and strengthen the resilience of women and girls in the context of climate change, environmental degradation and disasters by investing in gender-responsive social services, health and care systems, and to ensure decent work;
- (s) to advocate for increased efforts for greater inclusion of women in the labour market and to improve support for female entrepreneurship in the areas of climate and environmental technology and research; to boost innovation in these crucial areas while encouraging women's financial independence;
- (t) to call for the EU and the Member States to promote access for women in all their diversity to emerging job opportunities in the green transition with a view to ensuring that green jobs are equally beneficial and accessible for all; to facilitate and increase women's access to information and education, including in the areas of science, technology and economics, thus enhancing their knowledge, skills and opportunities for participation in environmental decisions while fighting gender stereotypes;
- (u) to acknowledge the fact that the sectors in which the majority of the workforce is female are carbon-neutral (such as care); to take advantage of this fact and the opportunities it can offer, and to promote these sectors as a means of addressing climate change and the just transition;
- (v) to call on Member States and the EU to fully implement GAP III and deliver on the objectives of the priority area on climate change and the environment;
- (w) to protect the rights of and provide specific support for women environmental human rights defenders and ensure that violations and abuses against them are investigated and that those responsible are held accountable; to ensure that grassroots organisations for women's rights are supported through the provision of adequate funding and the removal of restrictions that impede their ability to operate;
- (x) to emphasise the need to protect and promote the rights of groups experiencing multiple and intersectional forms of discrimination, including women with disabilities, Black women and women of colour, migrant and ethnic-minority women, older women, women in rural and depopulated areas, single mothers and LGBTIQ people; to work to promote the concept of combating multiple discrimination and to integrate intersectional analysis throughout all UN bodies and the EU and its Member States;

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

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P9_TA(2022)0049

The recent human rights developments in the Philippines

European Parliament resolution of 17 February 2022 on the recent human rights developments in the Philippines (2022/2540(RSP))

(2022/C 342/20)

The European Parliament,

- having regard to its previous resolutions on the Philippines, in particular those of 15 September 2016 ⁽¹⁾, 16 March 2017 ⁽²⁾, 19 April 2018 ⁽³⁾ and 17 September 2020 ⁽⁴⁾,
 - having regard to the EU human rights guidelines,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to UN Joint Programme for Human Rights in the Philippines signed by the Government of the Philippines and the UN on 22 July 2021,
 - having regard to the EU-Philippines Joint press release of 5 February 2021 following the first Sub-committee on good governance, rule of law and human rights,
 - having regard to the Rome Statute of the International Criminal Court (ICC),
 - having regard to the Philippines Republic Act No 11479 of 3 July 2020, also known as the Anti-Terrorism Act,
 - having regard to the Statement on the Philippines by Michelle Bachelet, UN High Commissioner for Human Rights at the 48th session of the Human Rights Council of 7 October 2021,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the Philippines and the EU have long-standing diplomatic, economic, cultural and political relations; whereas through ratification of the Partnership and Cooperation Agreement, the European Union and the Philippines have reaffirmed their joint commitment to the principles of good governance, democracy, the rule of law, human rights, the promotion of social and economic development, and to peace and security in the region;
- B. whereas since the election of President Rodrigo Duterte in May 2016 and the start of the ‘war on drugs’ there has been an appalling number of extrajudicial killings and human rights violations in the Philippines;
- C. whereas in June 2020 the UN High Commissioner for Human Rights reported that the killings related to the government’s anti-drug campaign were ‘widespread and systematic’; whereas according to civil society organisations, between 12 000 and 30 000 people have been killed during drug raids, while authorities attribute 6 200 deaths to police action during these raids; whereas President Duterte has explicitly encouraged the police to commit extrajudicial executions and promised them immunity, while police officers involved in such practices have received promotions; whereas President Duterte has vowed to continue his anti-drug campaign until the end of his current presidential term in June 2022;

⁽¹⁾ OJ C 204, 13.6.2018, p. 123.

⁽²⁾ OJ C 263, 25.7.2018, p. 113.

⁽³⁾ OJ C 390, 18.11.2019, p. 104.

⁽⁴⁾ OJ C 385, 22.9.2021, p. 133.

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- D. whereas at least 146 human rights defenders and at least 22 journalists have been killed since June 2016 and to date there have no convictions in any of these cases;
- E. whereas the attacks on the exercise of the right to freedom of association have been systematic; whereas between June 2019 and August 2021, 16 trade unionists were arrested and detained, 12 forced to disaffiliate; whereas 50 extrajudicial killings of trade unionists have been committed under President Duterte's administration; whereas the environment of fear created has severely undermined the ability of workers to exercise their rights protected by International Labour Organization (ILO) Convention No 87; whereas the government has been using the pandemic to justify inaction and has postponed an ILO high-level tripartite mission to the country;
- F. whereas the linking of organisations and individuals to communist groups by the authorities, known as 'red-tagging', continues to result in killings, threats, warrantless arrests, harassment of human rights defenders (HRDs), opponents, union activists, environmental defenders and journalists seeking to expose allegations of extrajudicial killings and other human rights violations; whereas the Anti-Terrorism Act adopted in 2020 has institutionalised 'red-tagging';
- G. whereas on 9 December 2021 the Supreme Court upheld the legality of most of the Anti-Terrorism Act passed by President Duterte's administration, which gives security forces the power to arrest and detain suspects for up to 24 days without a warrant and without bringing charges;
- H. whereas the COVID-19 pandemic has further accelerated the deterioration of the human rights situation in the Philippines, particularly with regard to freedom of expression, media integrity and predictable enforcement, and has had grave repercussions on the capacity of the media and civil society to document such transgressions; whereas the most vulnerable communities in urban areas have been seriously affected by the police and the military's use of violence to enforce quarantine;
- I. whereas the UN High Commissioner for Human Rights, Michelle Bachelet, in her most recent report on the Philippines of 7 October 2021, stressed that continuing and severe human rights violations and abuses across the country are taking place and that basic human rights standards are being ignored;
- J. whereas in October 2020 the UN Human Rights Council underlined the importance of the Government of the Philippines ensuring accountability for human rights abuses and violations, and conducting independent, full and transparent investigations into these and prosecuting all those who have perpetrated serious crimes;
- K. whereas on 15 September 2021 the ICC pre-trial chamber announced that it had authorised the Office of the Prosecutor to open an investigation into crimes against humanity including murders committed in the context of the 'war on drugs' under the administration of President Duterte and also into those allegedly perpetrated in Davao City by the so-called Davao Death Squad from 2011 to 2016;
- L. whereas in March 2018, on initiative of President Duterte, the Philippines withdrew from ICC after the ICC started its preliminary examination of the complaint filed against Mr Duterte in connection with the high number of killings under the anti-drug campaign;
- M. whereas in the light of the upcoming elections May 2022, there are reports of increasing smear, hate and disinformation campaigns and growing 'troll armies' in Philippine cyberspace; whereas social media are the main source of information in the Philippines; whereas such attacks target women and minority groups in particular; whereas over 300 social media accounts have recently been deleted for violating spamming and manipulation rules; whereas the Philippine Parliament, in an attempt to fight online abuse, passed a law requiring social media users to register their legal identities when creating new accounts; whereas there are justified concerns that this law could be abused by the government to attack journalists and civil society; whereas the Philippine authorities have not invited the EU to conduct an election observation mission;

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- N. whereas on 2 March 2021 the Philippine House of Representatives adopted at third reading House Bill No 7814, which according to the Philippines Human Rights Commissioner 'provides for presumptions of guilt for people accused of being traffickers, financiers, protectors, coddlers and/or being involved in illegal drugs' and 'also attempts to reintroduce the death penalty';
- O. whereas the adoption of the Human Rights Defenders Protection bill, passed by the House of Representatives, is still pending in the Senate;
- P. whereas according to the 2021 Gender Country Profile drawn up by the EU Delegation to the Philippines patriarchal norms in politics, culture, and society are also codified and reinforced in Philippine laws and policies, enabled by perpetually male-dominated legislatures and policy-making bodies; whereas current laws such as the Revised Penal Code and the Family Code still include provisions that discriminate against women;
- Q. whereas Nobel Peace Prize laureate Maria Ressa, a journalist and co-founder of the news website Rappler, was arrested in 2019 for cyber-libel and convicted on 15 June 2020; whereas in 2021 the journalists Orlando Dinoy and Reynante Cortes were killed by unidentified gunmen;
- R. whereas Senator Leila De Lima still remains in prison after five years without trial and on fabricated charges; whereas Senator De Lima was detained on discriminatory grounds, as she was targeted for her political opinions, as well as her status as a human rights defender and as a woman, and during these years of pre-trial detention she has been deprived of her electoral rights and the possibility to follow any Senate meeting remotely; whereas Senator De Lima, who has announced her intention to run again for the Senate, will not have the same rights and opportunities to run her electoral campaign as other candidates;
- S. whereas the Philippines is a Generalised Scheme of Preferences Plus (GSP+) beneficiary country; whereas this means that the Philippines must effectively implement 27 international conventions on human rights, labour rights, environmental protection and good governance; whereas in 2020, 26 % of total Philippine exports to the EU (EUR 1,6 billion) enjoyed preferential treatment under this scheme;
1. Strongly condemns the thousands of extrajudicial killings and other serious human rights violations related to the 'war on drugs'; calls for a robust response from the EU;
 2. Reiterates its call on the Government of the Philippines to immediately end all violence and human rights violations targeting suspected drug offenders, including unlawful killings, arbitrary arrests, acts of torture and other abuses, and to disband private and state-backed paramilitary groups involved in the 'war on drugs';
 3. Condemns all threats, harassment, intimidation and violence against those seeking to expose allegations of extrajudicial killings and other human rights abuses in the country; denounces government officials' practice of 'red-tagging' activists, journalists and critics, exposing them to potential harm and, in this regard, calls for the abolition of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in charge of carrying out red-tagging;
 4. Calls on the authorities to end the red-tagging of organisations and individuals, including human rights and environmental defenders, journalists, trade union activists and church and humanitarian workers; asks the government to release all HRDs, political dissidents and journalists who have been unfairly detained, and to drop all politically motivated charges against them immediately;
 5. Calls on the authorities to respect the right to freedom of expression, and to ensure that journalists can do their work without fear; calls for an end to the persecution of Maria Ressa, Frenchie Mae Cumpio and all other independent journalists;
 6. Reiterates its call on the authorities of the Philippines to end the political harassment of Senator Leila De Lima, to order her immediate and unconditional release, and to prosecute in fair trials those found to be responsible for her arbitrary detention and other human rights violations committed against her, such as gender-based attacks and violations of her right to due process; calls for the EU to continue to closely monitor the case against Senator De Lima;

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7. Strongly condemns President Duterte's demeaning, sexist and misogynist statements about women and people who identify as belonging to the LGBTIQ+ community and urges him to refrain from inciting violence against them;
8. Calls on the authorities of the Philippines to immediately carry out impartial, transparent, independent and meaningful investigations into all extrajudicial killings, including the cases of Jory Porquia, Randall 'Randy' Echanis and Zara Alvarez, as well as into the enforced disappearance and death of Elena Tijamo, and into alleged violations of international human rights and humanitarian law, with a view to prosecuting the perpetrators; calls on the authorities of the Philippines to ensure investigations into and prosecutions of all senior police and politicians where there is reasonable suspicion that they have direct and/or command or superior responsibility for crimes under international law and other serious violations and abuses of human rights;
9. Demands that the Philippine authorities immediately consult trade unions on a time-bound roadmap to implement the conclusions of the ILO virtual exchange report on the Philippines, and that they accept an ILO high-level tripartite mission to the Philippines before the 2022 ILO Conference to monitor the implementation of the ILO's 2019 conclusions;
10. Stresses that the individuals responsible for violations of domestic law and international human rights law are to be held accountable, regardless of rank or position, in fair trials before civilian courts;
11. Reaffirms its opposition to the death penalty and recalls that criminal legislation must always be based on the presumption of innocence;
12. Calls on the Philippines to amend or repeal legislation which continues to discriminate against women and to promote and protect women's rights;
13. Underlines that the Pre-Trial Chamber I of the ICC granted the Prosecutor's request to commence an investigation into crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 during the 'war on drugs' campaign;
14. Deeply regrets the decision of the Government of the Philippines to withdraw from the Rome Statute; calls on the government to reverse this decision; encourages the ICC to continue its inquiry into the allegations of crimes against humanity in the context of the killings during the 'war on drugs'; calls on the Government of the Philippines to cooperate fully with the Office of the Prosecutor of the ICC in its investigation into the situation in the Philippines and to urgently improve and better fund domestic instruments ensuring the safety of witnesses and mediators;
15. Calls on the government to amend the Anti-Terrorism Act and its implementing rules and regulations in order to bring them into line with international standards on counter-terrorism;
16. Is of the view that without public and transparent disclosure of all findings and the active involvement of independent human rights and civil society organisations, the capacity of the UN Joint Programme for the Promotion and Protection of Human Rights in the Philippines to monitor the human rights situation in the country is undermined and may not lead to the necessary remedies;
17. Urges the Philippines to fully implement the Indigenous Peoples' Rights Act and comply with its obligations under international law to protect the human rights of indigenous peoples, including during armed conflict; is appalled by the practice of the trafficking, military recruitment and involvement of children in conflicts by paramilitary groups in the country, and urges all parties involved to stop such practices;
18. Fears that during the upcoming election and campaign period, political rights in the on- and offline world will be further violated and restricted; calls on all candidates to refrain from using disinformation campaigns and troll armies, and to commit to fair and fact-based campaigning, thus preventing further divisions in Philippine society and politics; calls on the Philippine authorities to closely cooperate with social media companies to prevent manipulation, spamming and all other attempts to debase public discourse;

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19. Calls on the Philippine authorities to step up their efforts to ensure fair and free elections and a non-toxic environment for on- and offline campaigning; regrets, in this context, that the Philippine authorities have not invited the EU to conduct an election observation mission; calls on the Government of the Philippines to ensure a safe, free and fair electoral campaign and to take measures to ensure access for all to electoral resources; calls on the EU Delegation and EU Member States' representations to support sending an international electoral mission and give their full support to independent local election observers, to regularly meet with them and to closely follow up on any incidents reported during the election campaign, including by addressing these concerns directly with the Philippine authorities;
 20. Deplores the deteriorating human rights situation in the Philippines under President Duterte and hopes to see free and fair elections leading to a new democratic government which upholds human rights, investigates and prosecutes past human rights violations and rejoins the Rome Statute;
 21. Calls on the Commission to set clear, public, time-bound benchmarks for the Philippines to comply with its human rights obligations under the GSP+ scheme and strongly reiterates its call on the Commission to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences if there is no substantial improvement and willingness to cooperate on the part of the Philippine authorities;
 22. Reiterates its call on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in the Philippines and to regularly report to the European Parliament;
 23. Calls on the Member States to refrain from all exports of arms, surveillance technology and other equipment that can be used for internal repression by the Philippine authorities;
 24. Calls on the EU Delegation and Member States' representations in the country to prioritise support to civil society and to use all available instruments to increase their support for human rights and environmental defenders' work;
 25. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments of the Member States, the President, the Government and Congress of the Philippines, the governments of the Member States of the Association of Southeast Asian Nations (ASEAN), the United Nations High Commissioner for Human Rights, the Secretary-General of the United Nations, and the Secretary-General of the Association of Southeast Asian Nations.
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P9_TA(2022)0050

The death penalty in Iran

European Parliament resolution of 17 February 2022 on the death penalty in Iran (2022/2541(RSP))

(2022/C 342/21)

The European Parliament,

- having regard to its previous resolutions on Iran,
 - having regard to the 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 (EU Magnitsky Act),
 - having regard to the statement of 30 January 2022 by the Spokesperson of the European External Action Service on the sentencing of Narges Mohammadi,
 - having regard to the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 1988,
 - having regard to the statements by the Office of the UN High Commissioner for Human Rights of 18 March 2021 requesting the immediate release of Dr Ahmadreza Djalali and of 25 November 2020 calling on Iran to halt his execution,
 - having regard to the opinion of the Working Group on Arbitrary Detention of the UN Human Rights Council adopted at its session of 20-24 November 2017 concerning Ahmadreza Djalali (Islamic Republic of Iran),
 - 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 UN Convention on the Rights of the Child of 1989,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas abolition of the death penalty worldwide is one of the main objectives of the EU's human rights policy;
- B. whereas according to the UN, between 1 January and 1 December 2021 at least 275 people were executed in Iran, including at least two child offenders and 10 women; whereas Iran has the world's highest number of executions per capita; whereas the Iranian authorities have issued death sentences for protest-related charges and carried out executions against those who faced charges in connection to widespread protests, but have failed to conduct any transparent investigation into the serious allegations of the use of excessive and lethal force by security officers against protestors; whereas prisoners in Iran are often subjected to torture, leading to concerns that death penalty punishments are being handed to prisoners based on false confessions for crimes they did not commit;
- C. whereas Iran imposes and carries out the death penalty against minors in contravention to its obligations under the UN Convention on the Rights of the Child; whereas between 2009 and September 2020 at least 67 executions of juvenile offenders were reported; whereas 85 juvenile offenders were on death row in Iran in January 2022;
- D. whereas the death penalty is disproportionately applied to ethnic and religious minorities, notably the Baluch, Kurds, Arabs and Baha'is; whereas the penal code criminalises homosexuality and the death penalty is used to target LGBTIQ persons; whereas women are subject to capital punishment as a result of the discriminatory nature of several laws that directly concern them;

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- E. whereas according to Reporters Without Borders, following the execution of Rouhollah Zam on 12 December 2020, Iran has executed more journalists than any other country; whereas Iran is still one of the world's most repressive countries for journalists and the harassment of journalists and media outlets is relentless;
- F. whereas the Swedish-Iranian national Dr Ahmadreza Djalali, a scholar at Vrije Universiteit Brussel and the University of Eastern Piedmont, was sentenced to death on spurious espionage charges in October 2017 following a grossly unfair trial based on a confession extracted under torture; whereas he is being held periodically in solitary confinement in Evin Prison;
- G. whereas numerous cases of inhumane and degrading conditions have been reported, particularly in Evin Prison, as well as a lack of adequate access to medical care during detention, in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners;
- H. whereas other EU nationals are being arbitrarily detained in Iran; whereas Iran does not recognise dual nationality, thereby limiting the access that foreign embassies have to their dual nationals held in the country;
- I. whereas Mohammad Javad, a boxing champion, was sentenced to death in January 2022 after being charged with 'spreading corruption on Earth'; whereas Navid Afkari, a wrestler who stated that he had been tortured into making a false confession, was executed in September 2020; whereas their sentences are directly related to their peaceful exercise of their rights to freedom of expression and assembly;
- J. whereas the convictions of Mohammad Javad and Navid Afkari are part of an intensified crackdown on athletes in Iran;
- K. whereas Narges Mohammadi, a Per Anger Prize laureate at the forefront of the campaign against the death penalty in Iran, was recently sentenced to a further eight years in prison and 70 lashes;
- L. whereas Nasrin Sotoudeh, a renowned human rights lawyer who, among other endeavours, campaigned for a gradual end to the death penalty and worked extensively with young prisoners sentenced to death for crimes they committed when they were under 18, was sentenced to 33 years and six months in prison in March 2019; whereas Nasrin Sotoudeh was awarded the 2012 Sakharov Prize for Freedom of Thought by the European Parliament in recognition of her outstanding work in the defence of human rights;
- M. whereas the large-scale enforced disappearances and summary executions of political dissidents which took place in 1988 have to date not been the subject of any investigation and no one has been held accountable for them;
- N. whereas the EU has adopted restrictive measures towards Iran since 2011 in response to violations of human rights, including asset freezes and visa bans for individuals and entities responsible for grave human rights violations, and a ban on exports to Iran of equipment that could be used for internal repression or to monitor telecommunications; whereas these measures are updated regularly and have been extended until 13 April 2022;
- O. whereas since Ebrahim Raisi took office as president in August 2021, there has been a significant rise in the number of executions, including of women;
- P. whereas, according to reports, every year 400 to 500 women are brutally murdered in Iran in so-called 'honour killings'; whereas under the Iranian Penal Code 'honour killings' are permitted under certain circumstances without penalty; whereas women and men often face no justice in crimes committed against them in the name of 'honour'; whereas on 5 February 2022, Mona Heydari was beheaded by her husband who then paraded the streets with her severed head in the south-western city of Ahvaz; whereas in May 2020, Romina Ashrafi, aged 13, was beheaded by her own father with a sickle while she was asleep;

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Q. whereas the US State Department outlined that Iran remains the world's largest state sponsor of terrorism in recent years, providing political, financial, operational and logistical support to a variety of groups listed in both the EU terror list and US list of foreign terrorist organisations;

1. Reiterates its strong opposition to the death penalty in all circumstances; calls on the Government of Iran to introduce an immediate moratorium on the use of the death penalty as a step towards abolishing and to commute all death sentences;

2. Calls on the authorities of the Islamic Republic of Iran to urgently amend Article 91 of the Islamic Penal Code of Iran to explicitly prohibit the use of the death penalty for crimes committed by persons below 18 years of age, in all circumstances and without any discretion for judges to impose the death penalty or life imprisonment without the possibility of release;

3. Expresses its deepest condolences to the families, friends and colleagues of all innocent victims;

4. Underlines the need to ensure a safe and enabling environment where it is possible to defend and promote human rights without fear of reprisal, punishment or intimidation; strongly supports the aspirations of the Iranian people who want to live in a free, stable, inclusive and democratic country that respects its national and international commitments on human rights and fundamental freedoms;

5. Urges the Iranian authorities to immediately drop all charges against Dr Ahmadreza Djalali, and to release and compensate him and stop threatening his family in Iran and Sweden;

6. Reiterates its call on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the EU Member States to do their utmost to prevent Dr Ahmadreza Djalali's execution;

7. Urges the Iranian authorities to cooperate without further ado with the embassies of the Member States in Tehran in establishing a comprehensive list of EU-Iranian dual nationals currently being detained in Iranian prisons;

8. Calls on all Member States to jointly make public statements and undertake diplomatic initiatives to monitor unfair trials and visit prisons where human rights defenders and other prisoners of conscience are being detained, including EU nationals in Iran, in line with the EU guidelines on human rights defenders; calls for all charges against all arbitrarily detained EU nationals to be promptly dropped;

9. Calls on the Iranian authorities to release all political prisoners, including human rights defenders, in particular the prominent human rights defender Narges Mohammadi, the political journalist Mehdi Mahmoudian, who was recently sentenced to an additional seven months in prison in connection to his work against the death penalty, and the Sakharov Prize laureate Nasrin Sotoudeh;

10. Deplores the systematic use of torture in Iranian prisons and calls for the immediate cessation of all forms of torture and ill-treatment of all detainees; condemns the practice of denying access to phone calls and family visits for detainees; expresses grave concerns over detainees' inability to access legal representation during interrogations;

11. Strongly condemns the steadily deteriorating human rights situation in Iran, especially for persons belonging to ethnic and religious minorities, based on systemic political, economic, social and cultural discrimination; deplores the alarming escalation in the use of the death penalty against protesters, dissidents, human rights defenders and members of minority groups;

12. Calls on the Iranian authorities to address all forms of discrimination against persons belonging to ethnic and religious minorities, including the Baluch, Kurds, Arabs, Baha'is, Christians and LGBTIQ persons, and to immediately and unconditionally release all those imprisoned for exercising their right to freedom of religion or belief or sexual orientation;

13. Condemns, in the strongest possible terms, the application of the death penalty for same-sex relations, which are still illegal in Iran;

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14. Calls on the Iranian authorities to immediately repeal the 'Youthful Population and Protection of the Family' law and to ensure access to public sexual and reproductive health services, including safe, legal, free and high-quality abortion services in all circumstances; recalls that denying women abortions constitutes a form of gender-based violence and may amount to torture or cruel, inhuman and degrading treatment; strongly condemns the threats by the Iranian authorities to impose the death penalty for abortion and calls on the Iranian authorities, in particular, to repeal this provision without delay; calls on the EU and the Member States to cooperate with the UN in closely monitoring the new 'Youthful Population and Protection of the Family' law, its impact on maternal deaths, and any developments concerning the application of the death penalty for abortion;
 15. Highlights that citizens of Iran, through citizen-led initiatives, are consistently calling for the abolition of the death penalty and for an end to its use against human rights defenders and its disproportionate use against minorities; supports Iranian civil society and its peaceful efforts in pursuit of human rights;
 16. 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;
 17. Urges the EU to raise human rights violations in its bilateral relations with Iran; calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to ensure that the European External Action Service continues to raise human rights matters in the context of the EU-Iran High Level Dialogue; reaffirms that respect for human rights is a core component in the development of EU-Iran relations;
 18. Welcomes the Council's adoption of the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) as an important instrument for the EU to sanction violators of human rights; calls for targeted measures to be taken, using either the current EU human rights sanctions regime against Iran or the EU Global Human Rights Sanctions Regime (EU Magnitsky Act), against Iranian officials who have committed serious human rights violations, including executions and arbitrary detentions of dual and foreign nationals in Iran, and including judges who have sentenced journalists, human rights defenders, political dissidents and activists to death;
 19. Considers that further targeted sanctions will be necessary if the Iranian authorities do not free Dr Ahmadreza Djalali, as the EU and its Member States are requesting;
 20. Underlines the destabilising role of the Iranian regime across the wider region and denounces the fact that the Iranian regime is responsible for the deaths of numerous civilians in Syria, Yemen and Iraq;
 21. 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 the Iranian Majles.
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P9_TA(2022)0051

Political crisis in Burkina Faso

European Parliament resolution of 17 February 2022 on the political crisis in Burkina Faso (2022/2542(RSP))

(2022/C 342/22)

The European Parliament,

- having regard to its previous resolutions, and in particular those of 19 December 2019 on violations of human rights including religious freedoms in Burkina Faso ⁽¹⁾ and of 16 September 2020 on EU-African security cooperation in the Sahel region, West Africa and the Horn of Africa ⁽²⁾,
- having regard to the declaration by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 26 January 2022 on the latest developments in Burkina Faso,
- having regard to the statement by the spokesperson for the UN Secretary-General of 24 January 2022 on Burkina Faso,
- having regard to the UN Security Council statement of 9 February 2022 on the situation in Burkina Faso,
- having regard to the final communiqué resulting from the extraordinary summit of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) on the political situation in Burkina Faso of 28 January 2022,
- having regard to the ECOWAS protocol on democracy and good governance,
- having regard to the final communiqué adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1 062nd meeting of 31 January 2022 on the situation in Burkina Faso,
- having regard to the joint communication from 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 resolution of 11 March 2021 of the Joint Parliamentary Assembly of the African, Caribbean and Pacific Group of States (ACP) and the EU on democracy and the respect for constitutions in EU and ACP countries,
- having regard to the joint declaration of the members of the European Council with the member states of the Group of Five for the Sahel (G5 Sahel) of 28 April 2020,
- having regard to the UN Sustainable Development Goals (SDGs), and in particular SDG 16 on the promotion of just, peaceful and inclusive societies for sustainable development,
- having regard to the Universal Declaration of Human Rights,
- having regard to the Constitution of the Republic of Burkina Faso,
- having regard to the Cotonou Agreement,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,

⁽¹⁾ OJ C 255, 29.6.2021, p. 45.

⁽²⁾ OJ C 385, 22.9.2021, p. 24.

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- having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 24 January 2022 the military of Burkina Faso, led by Lieutenant-Colonel Paul-Henri Sandaogo Damiba and the self-proclaimed Patriotic Movement for Safeguard and Restoration (MPSR), toppled the elected government headed by President Roch Marc Christian Kaboré; whereas the Burkinabe Constitutional Court later declared Lieutenant-Colonel Damiba the new de facto head of state;
- B. whereas shortly before the coup, President Kaboré won a second term in democratic elections held in 2020; whereas he was coerced into announcing his departure as president and resigning; whereas since the coup, he has been detained by the armed forces, with limited contact with outsiders; whereas the People's Movement for Progress (MPP), the party of President Kaboré, gave assurances on 26 January 2022 that Kaboré was in a presidential villa under house arrest and had a doctor at his disposal;
- C. whereas upon taking power, the military junta announced the suspension of the constitution and the dissolution of the government and national assembly; whereas the constitution was reinstated on 31 January 2022; whereas Lieutenant-Colonel Damiba announced in a televised statement that Burkina Faso would uphold its international commitments;
- D. whereas the seizure of power by the military was greeted with great circumspection and relative indulgence by civil society in Burkina Faso;
- E. whereas the AU, ECOWAS and the Permanent Council of La Francophonie suspended Burkina Faso following the military coup; whereas ECOWAS and the UN sent an interministerial delegation asking for a short transition and President Kaboré's release; whereas on 3 February 2022 ECOWAS decided not to impose new sanctions on Burkina Faso, but asked the country's new authorities to present a 'reasonable timetable for the return to constitutional order';
- F. whereas on 8 February 2022 a technical committee with non-military actors was established to outline the parameters of the transition; whereas the committee has two weeks to propose a draft charter for the transition; whereas the work of the technical committee must revolve around the restoration of territorial integrity, the consolidation of peace through the gradual return of internally displaced persons, good governance and a return to constitutional order;
- G. whereas the MPSR claimed the coup was in response to the deteriorating security situation in the country; whereas the Government of Burkina Faso began a process of security sector reform in 2017 with the creation of a national council for defence and security, with the aim of modernising the security sector and fighting corruption therein; whereas discontent and criticism from civilians, the opposition and the military had been growing over President Kaboré's inability to tackle corruption and effectively implement solutions to the enormous security, social and economic challenges in the country caused by the spread of violent attacks by terrorist groups;
- H. whereas the security situation in the Sahel is a direct consequence of the destabilisation of the region and the proliferation of arms following the intervention in Libya in 2011;
- I. whereas between 2016 and 2021 the national budget for defence and security grew from EUR 240 million to EUR 650 million — an increase of more than 170 %; whereas this spending failed to improve the living conditions or operational capacity of soldiers, partly owing to rampant financial mismanagement;

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- J. whereas in the past six years, thousands of people have lost their lives to jihadist and insurgent attacks; whereas, in two years, over 1 000 schools have been closed and many people have fled their homes to escape the violence; whereas in June 2021, 174 people died in the villages of Solhan and Tadaryat in the deadliest attack since 2015; whereas on 4 November 2021, a jihadist attack on the gendarmerie garrison in Inata in northern Burkina Faso killed 53 of the 120 soldiers who were waiting for logistical supplies and support, including food rations; whereas Human Rights Watch reported summary executions of hundreds of suspects by security forces and pro-government militias, and whereas virtually none of these attacks have been investigated and nobody has been prosecuted;
- K. whereas the increasing insecurity drove huge numbers of people to the streets in protest in November 2021; whereas the government shut down the internet, increasing the discontent of the population and drawing criticism from human rights organisations and citizen movements in the country;
- L. whereas on 22 January 2022, as citizens protested against deteriorating security in the country, violent demonstrations broke out in Ouagadougou and Bobo-Dioulasso, Burkina Faso's two largest cities; whereas the seizure of power by the military came two days after riot police clashed with anti-government protesters in the capital, Ouagadougou;
- M. whereas the escalating violence has resulted in the situation in Burkina Faso becoming one of the fastest-growing displacement and protection crises in the world, with at least 1,6 million people having been displaced; whereas more than 19 000 Burkinabe have fled to Côte d'Ivoire, Mali, Niger and Benin; whereas the number of internally displaced people rose to over 1,5 million last year, which amounts to a 50 % increase; whereas the Sahel region is experiencing an unprecedented rural exodus, since people who have been forcibly displaced are moving to urban areas where they encounter new risks; whereas among internally displaced people, threats to women and young people are particularly severe, including sexual and labour exploitation, gender-based violence, forced recruitment and trafficking; whereas Burkinabe women, who have half as many opportunities to access education as men, are the most affected by extreme poverty in the country;
- N. whereas the climate emergency is having a visible and deeply damaging effect on the Sahel region, leading to drought, crop failure, displacement, land and resource conflict, food insecurity and poverty; whereas a lack of access to education, employment opportunities and income is driving recruitment to extremist organisations and jihadist movements and thus fuelling regional instability;
- O. whereas the recent coup and deteriorating situation in Mali in particular have had an impact on the situation in Burkina Faso; whereas the recent coup is also West Africa's fourth coup in less than two years; whereas the increasing number of coups reflects a major crisis in West Africa's political systems;
- P. whereas the G5 Sahel, a collaborative defence effort by Burkina Faso, Chad, Mali, Mauritania and Niger, notably supported by the EU and the AU, coordinates action in regional development and security in order to fight terrorism and bring stability to the region, but has been unable to convince local populations of its effectiveness;
- Q. whereas a group of Russian military contractors has written to Burkina Faso's coup leaders offering to train the country's army in its fight against jihadists;
1. Condemns and expresses its concern about the coup perpetrated by the armed forces against the democratically elected Government of Burkina Faso; stresses that an urgent return to constitutional order is imperative, including an immediate return to civilian government;
 2. Calls for the immediate and unconditional release of President Kaboré and all other government officials;

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3. Welcomes the announcement of the establishment of the technical committee to outline the next steps of the transition process; notes the public declarations of Lieutenant-Colonel Damiba, in which he pledged a return to normal constitutional life as soon as possible and that the country would continue to respect international commitments; calls on the military leadership to fulfil Burkina Faso's international commitments, including full respect for human rights and combating terrorist organisations in close partnership with the international community;
4. Reiterates its support for ECOWAS and the AU in their efforts to mediate this crisis; calls on the international community, including the European External Action Service (EEAS) and the Commission, to continue to maintain a dialogue with the Burkinabe authorities to ensure a timely and democratic transition to a civilian led-government; calls on the authorities of Burkina Faso and on the technical committee to identify clear timelines and processes in order to conduct inclusive and transparent elections as soon as possible;
5. Underlines that a true and honest national dialogue, involving all sectors of civil society, is needed in order to outline a clear future vision for Burkinabe democracy;
6. Urges all parties in Burkina Faso to uphold the freedom of the press to ensure that domestic and international media organisations can freely carry out their work, including documenting the situation of internally displaced people and security force operations;
7. Encourages the National Coordination for a Successful Transition (CNRT) to monitor the authorities and demand that they ensure the protection of human rights defenders and civil society organisations in the exercise of their mandate, including denouncing human rights violations, police violence and the excessive use of force; calls for the EU and its Member States to increase their protection and support for human rights defenders in Burkina Faso, and where appropriate, facilitate the issuing of emergency visas, and to provide temporary shelter in the EU Member States;
8. Recalls that failure to address impunity for past atrocities by security services and militias hampers peace efforts in Burkina Faso; calls on the authorities of Burkina Faso to protect the rights of suspects arrested in counter-terrorism operations and to ensure that perpetrators of human rights abuses are held accountable; notes that a self-appointed government without a democratic mandate undermines efforts to strengthen the rule of law and accountability;
9. Reiterates that the protection and safety of civilians is one of the key tasks of any government and underlines that additional measures should be taken in Burkina Faso to improve the protection of civilians;
10. Urges the Commission, the EEAS and the Member States to continue prioritising support to judicial and security sector reform in Burkina Faso to ensure that sufficient resources and technical assistance are provided for a root-and-branch reform of the security sector, transparent and constructive cooperation between a civilian government and the military, and renewed efforts to tackle corruption;
11. Calls for the EU and its Member States to increase financial support and humanitarian aid in order to meet the urgent needs of the people of Burkina Faso, and in particular those of displaced persons and refugees in neighbouring countries;
12. Calls on the authorities of Burkina Faso to revise the immunity clause in the statute of the special forces, a new military unit created in May 2021, which states that members of the special forces cannot be brought before the courts for any actions taken during their operations and thus violates the rights of victims to justice and reparation;
13. Calls on the EU Member States to live up to their international obligations to apply a thorough check and tracing system in their exports of weapons to non-EU countries, as stipulated in the Arms Trade Treaty, so as to avoid their misuse and the fuelling of human rights violations;
14. Expresses its concern about the overall state of democracy in the region and calls on all actors, both domestic and international, to reflect on the lessons learnt from the different coups and how to better support and encourage democratic processes in the region;

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15. Continues to firmly believe that the involvement of the Wagner Group in West Africa runs counter to the objective of bringing peace, security and stability to Burkina Faso and ensuring the protection of its people; calls for the activities of the Wagner Group and other private military companies in Africa to be thoroughly discussed at the upcoming EU-Africa Summit;

16. Underlines that terrorism and instability across the Sahel region are challenging and undermining democratic consolidation and the rule of law; recalls that tackling the underlying causes of extremism and military efforts to restore government control across the region are essential to reinforcing the popular legitimacy of democratically elected governments;

17. Expresses particular concern over the impact of security threats on the effectiveness of humanitarian assistance and development cooperation; urges the Member States and the international community to increase their humanitarian assistance to Burkina Faso, in particular through the provision of food, water and medical services; calls on the authorities to support and facilitate the work of humanitarian organisations in Burkina Faso in order to guarantee unhindered humanitarian access and enable them to address the needs of displaced persons;

18. 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 authorities of the Republic of Burkina Faso, the Secretariat of the G5 Sahel, the Co-Chairs of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament, the Economic Community of West African States, and the African Union and its institutions.

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P9_TA(2022)0042

Corruption and human rights

European Parliament recommendation of 17 February 2022 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning corruption and human rights (2021/2066(INI))

(2022/C 342/23)

The European Parliament,

- having regard to the United Nations Convention against Corruption (UNCAC), which entered into force on 14 December 2005,
- having regard to the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders,
- having regard to the Charter of the United Nations,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to the 2009 Recommendation of the Council for Further Combating Bribery, the 1996 Recommendation on the Tax Deductibility of Bribes to Foreign Public Officials and other related instruments,
- having regard to the OECD report of 2010 entitled 'Post-Public Employment: Good practices for preventing Conflict of Interest',
- having regard to the 1997 Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union⁽¹⁾,
- having regard to the EU Action Plan on Human Rights and Democracy 2020-2024, adopted by the Council of the European Union on 18 November 2020,
- having regard to the EU Guidelines on Human Rights Defenders, adopted at the 2914th General Affairs Council meeting of 8 December 2008,
- having regard to the Sustainable Development Goals (SDGs) set out in the UN resolution of 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', including SDG 16 which covers efforts to combat corruption,

⁽¹⁾ OJ C 195, 25.6.1997, p. 2.

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- having regard to the European Investment Bank (EIB) report of 8 November 2013 entitled ‘Policy on preventing and deterring prohibited conduct in European Investment Bank activities’ (EIB Anti-Fraud Policy),
- having regard to the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,
- having regard to the 2011 edition of the OECD Guidelines for Multinational Enterprises and the standards it has developed to fight against corruption,
- having regard to the Council conclusions of 20 June 2016 on business and human rights,
- having regard to the Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses ⁽²⁾,
- having regard to its resolution of 8 July 2021 on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) ⁽³⁾,
- having regard to the United Kingdom’s Global Anti-Corruption Sanctions Regulations 2021 and its General principles to compensate overseas victims (including affected States) in bribery, corruption and economic crime cases,
- having regard to the French Parliament’s adoption of new binding provisions for the restitution of confiscated stolen assets to the people in the countries of origin,
- having regard to its resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability ⁽⁴⁾,
- having regard to its resolution of 17 December 2020 on sustainable corporate governance ⁽⁵⁾,
- having regard to its resolution of 19 May 2021 on the effects of climate change on human rights and the role of environmental defenders on this matter ⁽⁶⁾,
- having regard to its resolution of 25 November 2020 on the foreign policy consequences of COVID-19 outbreak ⁽⁷⁾,
- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries ⁽⁸⁾,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ⁽⁹⁾,
- having regard to its resolution of 8 July 2015 on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries ⁽¹⁰⁾,
- having regard to its resolution of 8 October 2013 on corruption in the public and private sectors: the impact on human rights in third countries ⁽¹¹⁾,

⁽²⁾ OJ L 410 I, 7.12.2020, p. 1.

⁽³⁾ Texts adopted, P9_TA(2021)0349.

⁽⁴⁾ OJ C 474, 24.11.2021, p. 11.

⁽⁵⁾ OJ C 445, 29.10.2021, p. 94.

⁽⁶⁾ OJ C 15, 12.1.2022, p. 111.

⁽⁷⁾ OJ C 425, 20.10.2021, p. 63.

⁽⁸⁾ OJ C 337, 20.9.2018, p. 82.

⁽⁹⁾ OJ C 215, 19.6.2018, p. 125.

⁽¹⁰⁾ OJ C 265, 11.8.2017, p. 59.

⁽¹¹⁾ OJ C 181, 19.5.2016, p. 2.

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- having regard to Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing⁽¹²⁾, and the European Commission's package of legislative proposals to strengthen the EU's anti-money laundering and countering terrorism financing (AML/CTF) rules, published on 20 July 2021,
- having regard to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) on crimes with a cross-border dimension, including corruption, in which the EU may establish common rules by means of directives,
- having regard to Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union⁽¹³⁾,
- having regard to Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA⁽¹⁴⁾,
- having regard to the Council of Europe Criminal and Civil Law Conventions on Corruption, and to other legal instruments and political recommendations on this issue adopted by Council of Europe bodies, including on the common rules against corruption in the funding of political parties and electoral campaigns, and to resolutions (98) 7 and (99) 5, adopted by the Council of Europe's Committee of Ministers on 5 May 1998 and 1 May 1999 respectively, establishing the Group of States against Corruption (GRECO),
- having regard to the Council of Europe's Committee of Ministers Resolution (97) 24 of 6 November 1997 on the Twenty Guiding Principles for the Fight against Corruption,
- having regard to the GRECO statement of 15 April 2020 on Corruption Risks and Useful Legal References in the context of COVID-19,
- having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations⁽¹⁵⁾,
- having regard to the political declaration entitled 'Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation', adopted by the UN General Assembly on 2 June 2021 during its special session against corruption, and the EU contribution to the outcome document of the Special Session of the UN General Assembly on corruption of 17 December 2019,
- having regard to the report of 17 June 2020 of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises entitled 'Connecting the business and human rights and the anti-corruption agendas',
- having regard to the UN General Assembly resolution on national institutions for the promotion and protection of human rights, adopted on 17 December 2015, and the Human Rights Council resolution on national institutions for the promotion and protection of human rights, adopted on 29 September 2016,
- having regard to the report of 21 April 2020 of the Office of the UN High Commissioner for Human Rights (OHCHR) on the challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector,

⁽¹²⁾ OJ L 156, 19.6.2018, p. 43.

⁽¹³⁾ OJ L 127, 29.4.2014, p. 39.

⁽¹⁴⁾ OJ L 186, 11.7.2019, p. 122.

⁽¹⁵⁾ OJ L 317, 4.11.2014, p. 1.

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- having regard to the report of 15 April 2016 of the UN High Commissioner for Human Rights on best practices to counter the negative impact of corruption on the enjoyment of all human rights, and the final report of 5 January 2015 of the United Nations Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights,
 - having regard to the Draft OHCHR Guidelines on a Human Rights Framework for Asset Recovery,
 - having regard to the UN Global Compact initiative to base strategies and measures on universal principles of human rights, employment, the environment and fighting corruption,
 - having regard to Recommendations of the Financial Action Task Force,
 - having regard to Transparency International's annual Corruption Perceptions Index,
 - having regard to Rule 118 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0012/2022),
- A. whereas corruption facilitates, perpetuates and institutionalises human rights violations and hinders the observance and implementation of human rights; whereas corruption is a crime listed under Article 83(1) TFEU necessitating a common definition and approach due to its particularly serious nature and cross-border dimension;
- B. whereas corruption disproportionately affects the most vulnerable and marginalised individuals and groups in society, violating the right to non-discrimination and barring them, in particular women, from equal access to political participation, basic and public services, justice, natural resources, jobs, education, health and housing; whereas corruption exacerbates poverty and inequality by misappropriating wealth and public goods while harming preservation of the natural environment and environmental sustainability;
- C. whereas corruption is a complex and global phenomenon that exists in all countries in the world despite their economic and political systems; whereas fighting corruption requires international cooperation and is an integral part of the international commitments to fulfil human rights, protect the planet and ensure that all people enjoy peace and prosperity by 2030, in the framework of the UN SDGs, particularly SDG 16, which focuses on the promotion of just, peaceful and inclusive societies, and inter alia, commits the international community to strengthening the recovery and return of stolen assets;
- D. whereas corruption typically involves the misuse of power, a lack of accountability, the obstruction of justice, the use of improper influence, the institutionalisation of discrimination, clientelism, state capture, nepotism, the perpetuation of kleptocracies and the distortion of market mechanisms among other things, while being often linked to organised crime, and facilitated by inadequate transparency and access to information; whereas rising authoritarianism and the emergence of undemocratic regimes provide fertile ground for corruption, the combating of which calls for international cooperation with like-minded democracies; whereas corruption makes countries vulnerable to malign foreign influence and further damages democratic institutions;
- E. whereas countries, communities, companies or individuals can become victims of corruption, particularly those involved in efforts to investigate, report, prosecute and try corruption, who are at heightened risk and in need of effective protection; whereas corruption reporting is a leading cause for the murder of journalists, and according to the Committee to Protect Journalists, in 2021 five journalists investigating corruption had been killed by October; whereas the protection of whistleblowers from retaliatory action and the provision of effective legal protection and safe reporting procedures to them in the public and private sectors are integral to combating corruption; whereas all anti-corruption measures need to comply with human rights standards;

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- F. whereas corruption undermines governance and the quality of public services, damages the efficiency and effectiveness of democratic institutions, the governance of corporations, checks and balances and democratic principles, weakens the rule of law, corrodes public trust and impedes sustainable development, leading to the impunity of perpetrators, the illicit enrichment of those in power and power-grabbing to escape prosecution; whereas the lack of an independent judiciary system undermines the respect for the rule of law; whereas corruption is a major catalyst and factor of conflict, particularly in developing countries, and destabilises peacebuilding efforts, causing massive human rights violations and in some cases loss of life; whereas illicit financial flows from developing countries are facilitated and encouraged by secrecy jurisdictions and tax havens, as well as financial and legal actors, many of them based in Europe; whereas the investigation and prosecution of such crimes remains limited;
- G. whereas corrupt practices in politics, such as electoral fraud, the illicit funding of political campaigns and political parties and cronyism undermine civil and political rights to take part in public affairs, vote and be elected to public office and erode confidence in political parties, elected representatives, democratic processes and governments, thus undermining democratic legitimacy and public trust in politics; whereas in the absence of effective regulation, political campaign financing and party funding are particularly exposed to risks of corruption and are used all over the world, particularly by private actors and foreign states, to exert influence and interfere in elections, referendum campaigns and social debates; whereas some foreign states and non-state actors are using corruption as a foreign policy tool to hamper progress towards functioning democracies and are increasingly implementing strategies of elite capture and co-opting of civil servants both in the EU and in the world, with a view to advancing their interests in legislative and political processes;
- H. whereas in some countries the ongoing COVID-19 crisis has exacerbated corruption-related human rights abuses, as countries with higher levels of corruption face higher numbers of COVID-related deaths, and the most vulnerable communities are disproportionately affected; whereas corruption limits the enjoyment of human rights, fundamental freedoms and a fair standard of living since it cripples states' capacity to provide and fairly distribute public health services or vaccines; whereas pharmaceutical products and medical devices are particularly vulnerable to corruption; whereas many governments have misused COVID-19-related emergency powers to concentrate their powers, step up crackdowns on journalists, whistleblowers and civil society organisations (CSOs) working on exposing corruption;
- I. whereas the external credibility of the EU also depends on effective anti-corruption action within its Member States and at EU level; whereas several EU Member States rank highly on the 2020 Financial Secrecy Index of Tax Justice Networks, which ranks jurisdictions according to their level of secrecy and the scale of offshore activities; whereas shortcomings were documented in the Member States in reviews conducted by the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes and the Financial Action Task Force; whereas EU Member States should increase transparency of media ownership;
- J. whereas investor citizenship and residence schemes in place in some Member States are misused for the purposes of money laundering or hiding funds obtained from corrupt activities; whereas many Member States have rules to prevent undue influence and corruption by lawmakers and public officials, including for former public ones, who play a fundamental role in the prevention, detection, and monitoring of corrupt activities, but these rules are only partially enforced, while EU-level harmonised rules are insufficient and need reinforcement;
- K. whereas the UN General Assembly, in its political declaration of 2 June 2021, recognised its responsibility and the need to take urgent action against corruption and committed to redoubling preventative efforts and pursuing a multilateral approach against corruption, especially in the light of the COVID-19 pandemic;
- L. whereas the EU supports third countries in their fight against corruption not only through technical assistance, diplomatic action and financial support, as well as through multilateral forums, but also through EU legislation and standard-setting, guidelines and frameworks on external action;

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- M. whereas the Council has made commitments to tackling corruption in the EU Human Rights Action Plan for 2020-2024 by means of comprehensive assistance through supporting public administration reform, effective anti-corruption strategies and legal frameworks, including whistleblowers and witness protection, specialised bodies, parliaments, independent media and CSOs, as well as through supporting the ratification and implementation of UNCAC; whereas the external credibility of the EU also depends on effective anti-corruption action within its Member States;
- N. whereas the private sector and business enterprises, in particular multinationals and banking entities, can play a key role in combating corruption globally and reducing its human rights impacts; whereas banking entities can significantly contribute to detecting money laundering, terrorist financing and other illicit activities related to corruption, thus highlighting the importance of establishing fruitful cooperative relationships between state institutions and the private sector;
- O. whereas mandatory corporate due diligence legislations are indispensable means to prevent, address and effectively remedy human rights and environmental violations globally throughout the entire supply chain, and should not affect small and medium-sized enterprises (SMEs) negatively; whereas the provisions of the UNCAC should form part of the due diligence obligations envisaged in the forthcoming Commission proposal on the matter;
- P. whereas the EU's country-based sanctions regimes already allow for targeted measures against persons and entities responsible for undermining democracy and the rule of law, including serious financial misconduct concerning public funds insofar as the acts are covered by the UNCAC; whereas the adoption of the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) is an essential addition to the EU's toolbox; whereas Parliament has repeatedly requested the extension of its scope to explicitly include acts of corruption, with a view to effectively combating all human rights violations, regardless of the nature of the crime, and for the creation of a complementary regime in case acts of corruption are not included in the revision of the current regime; whereas the United States, Canada and the United Kingdom have also adopted similar anti-corruption sanctions regimes;
1. Recommends that the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

Towards an EU global anti-corruption strategy

- (a) acknowledge the linkage between corruption and human rights and that corruption is an enormous obstacle to the enjoyment of all human rights; adopt, therefore, a human rights-based approach in the fight against corruption, with victims of corruption placed at its core, and place the fight against corruption at the front and centre of all EU efforts and policies promoting human rights, democracy and the rule of law around the world; address corruption as a global phenomenon requiring effective anti-corruption institutions, prevention mechanisms and an international regulatory framework, as well as asset recovery and criminal prosecution within the EU; initiate work on an internationally-recognised definition of corruption, using the UNCAC as a guideline; recognise that fighting corruption requires concerted global action and greater collaboration between anti-corruption and human rights specialists; promote cooperation between the EU, its Member States and third countries, especially at the level of judicial and law enforcement cooperation, and exchange of information, with a view to exchanging good practices and effective tools in the fight against corruption;
- (b) recognise that transparency is the cornerstone of all anti-corruption strategies; in light of this, call for the lifting of excessive professional secrecy rules in the relevant sectors, especially the financial sector, and promote automatic exchange of information on tax fraud and tax avoidance, as well as public country-by-country reporting by multinationals and public registers of beneficial owners of companies; adopt a zero tolerance policy towards tax havens, because they allow for illicit financial flows to be easily disguised;
- (c) recognise the current tendency towards, as well as the intrinsic link between, the retreat of democracies and the rise of kleptocracies around the world, which is also due to the role of oligarchs in some countries; take a leading role in multilateral forums to forge a coalition of democracies to push back against the global threat of kleptocracy and authoritarianism;

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- (d) formulate a comprehensive, coherent and efficient EU global anti-corruption strategy by taking stock of existing anti-corruption instruments and good practices in the EU's toolbox, identifying gaps, increasing funding and expanding support to anti-corruption CSOs, as already requested by Parliament in its resolution of 13 September 2017 on corruption and human rights in third countries; assign priority to prevention in the fight against corruption by putting in place preventive measures, policies and practices, including awareness-raising campaigns and training in the public and private sectors;
- (e) establish a dedicated Council working party for preparatory works on anti-corruption matters (similar to or modelled on COHOM, the Working Party on Human Rights) in order to inform the discussions in the Council;
- (f) enhance the Parliament's role in the scrutiny of anti-corruption efforts; note the resolve of Parliament to prepare a regular update report on corruption and human rights every legislative term; prepare annual assessments of the progress achieved on the recommendations in these reports;
- (g) insist on the full implementation and enforcement of existing national and international anti-corruption instruments such as the UNCAC, the OECD Convention on Combating the Bribery of Foreign Public Officials, Council of Europe anti-corruption standards and recommendations, the UN Guiding Principles on Business and Human Rights and the Council of Europe's Criminal and Civil Law Conventions on Corruption; encourage all states that have not yet done so to swiftly ratify these anti-corruption instruments; promptly carry out an inclusive and comprehensive process to review the EU's implementation of the UNCAC, as well as the prompt introduction of a follow-up process for UNCAC reviews;

Internal-external coherence

- (h) strengthen the credibility of EU external anti-corruption action by more effectively combating corruption, as well as tax evasion, illicit trade, banking secrecy and money laundering within the EU; recognise the own role and responsibility of a critical number of individuals and entities based in the EU as the initiators, enablers and beneficiaries of corruption in third countries; acknowledge that as states signatories to UNCAC, all EU Member States have committed to making bribery of national and foreign public officials a criminal offence; recognise that systemic corruption and a failure to effectively prosecute foreign bribery in some EU Member States undermines anti-corruption efforts in third countries, and take action to eliminate these failures; recognise that a lack of harmonised and determined action, delays and a gap in implementing the anti-corruption regulations within the EU emboldens corrupt actors outside the EU; ensure accountability for the perpetrators of grand corruption schemes and adopt common standards on transparency, control and investment oversight for reducing corruption and money laundering risks posed by so-called golden visa programmes;
- (i) request the Commission to strengthen the EU anti-corruption framework and put forward an EU anti-corruption directive on the basis of Article 83 TFEU, which establishes common EU rules for criminal sanctions for corruption;
- (j) recognise that the EU is a destination for misappropriated funds and assets, majority of which are not confiscated and returned, that the legal framework for stolen asset recovery remains highly fragmented and that the return of misappropriated assets is a moral imperative in terms of justice and accountability, as well as the credibility of the EU's democracy support policy; advance efforts in all EU Member States to freeze and confiscate stolen assets and proceeds of corruption in their jurisdictions, in line with the UNCAC, and to return them in a transparent and accountable manner to the country of origin and to the victims, including by significantly improving transparency, access to information on foreign assets held in EU territory and meaningfully involving the CSOs; promptly follow up on UN General Assembly's 2021 commitments on asset recovery, including those on non-conviction-based confiscation, confiscation and return of proceeds of corruption in connection with non-trial resolutions, and collection and publication of data on asset recovery; design a proper sequencing of actions (sanctions, civil and criminal asset forfeiture, criminal prosecution, asset return mechanisms) that ultimately lead to a repurposing of stolen assets to benefit victims of corruption; establish effective cooperation between Member States on this issue; draft a communication outlining possible initiatives at EU and international levels to ensure swift and efficient recovery

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of illicitly acquired assets following democratic transition processes and to ensure that there are no safe havens for these assets; establish common EU rules for the return of stolen assets, requiring that once a claimant establishes an initial case, the responding entity or individual should in respect of serious offences as defined by national law show that it had met its legal and financial obligations, such as on the licit origin of funding or other assets; prosecute those responsible, facilitate adequate access for victims to remedies and support the capacity of parliaments to exercise effective budget oversight;

- (k) thoroughly monitor foreign interference and establish and ensure strict enforcement of European funding rules for political parties and foundations, NGOs and the media, especially when funding originates from non-democratic countries and non-state actors, with a view to preventing elite capture, malign influence and interference in EU and partner country democratic processes and public affairs; promote transparency of media ownership as an essential component of democracy; promote dedicated programmes on political party financing and campaign spending as part of the EU's external democracy support to their countries; adopt strict standards on post-public employment of elected office holders and senior public officials, avoid revolving door cases and ensure harmonised rules and their enforcement at EU level through a robust oversight system;

Human rights and anti-corruption: enriching and operationalising the EU's toolbox

- (l) strengthen the mainstreaming of a human rights-based anti-corruption approach into EU external action instruments, including in the Neighbourhood, Development and International Cooperation Instrument (NDICI), the Instrument for Pre-Accession Assistance (IPA) and EU trust funds; prioritise binding anti-corruption commitments with targets and timetables; give precedence to domestic revenue-raising in partner countries by supporting the fight against tax evasion and strengthening good governance; strengthen rigorous monitoring and enforcement in order to avoid EU funds being used by governments for illicit activities; include civil society in the monitoring of the use of EU funds and enhance Parliament's role in this area; improve communication between specialised EU agencies and partners on the ground; invest in digital and data-driven methods for fighting corruption, in particular in the technological investigative capacities of law enforcement agencies; promote enhanced cooperation between the European Anti-Fraud Office (OLAF) and the European Prosecutor's Office; ensure a consistent, comprehensive and accessible database of the ultimate beneficiaries of EU funds across the full procurement cycle;
- (m) enhance programmes under EU external action instruments to support anti-corruption capacity-building, based on the principles of transparency, accountability, non-discrimination and meaningful stakeholder participation, and in line with the relevant regulations on these instruments; increase the efficiency of EU spending by including clear programme targets and timelines; enhance the transparency and accountability of its official development assistance in order to comply with the standards set out in internationally agreed development effectiveness principles; develop a holistic risk management system to prevent EU funds from contributing to corruption by for example linking budget support to anti-corruption objectives and by paying special attention to monitoring implementation; carry out rigorous monitoring of EU-funded projects in third countries and ensure that they are not used as instruments to finance illicit activities; establish audits to check that these funds are being used in line with the objectives set in the regulations for each instrument; suspend budget support in countries where corruption is widespread and where authorities manifestly fail to take genuine action, while ensuring that the assistance reaches the civil population through other channels; in EU financing, pay particular attention to the sound management of third countries' public assets, in line with the EU Financial Regulation, and support the OECD's efforts to improve corporate governance of state-owned enterprises; explore the possibility of creating an EU anti-corruption task force with adequate powers, expertise and resources to conduct investigations and evaluations in third countries and to provide technical and operational assistance, including tailor-made reform plans, to states receiving EU funds that lack sufficient capacity to address corruption and want to strengthen their cooperation with the EU; encourage EU Delegations and Member State embassies to report regularly on corruption and provide technical training for the EU Delegation staff so that they are able to tackle problems in this area and propose solutions for specific national contexts;

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- (n) ensure that the highest ethical and transparency standards are applied in EU funding, including the financing of projects and loans by the EIB, that CSOs and independent actors are fully involved in the monitoring of these funds and that grievance mechanisms are available, accessible and ensure accountability for the possible misuse of funds; ensure that all EU bodies and agencies guarantee free, swift and easy access to information, including on the allocation, the final recipient of funding and the final use of funds;
- (o) prioritise the fight against corruption in pre-accession negotiations and criteria; focus on capacity building, such as specialised anti-corruption bodies;
- (p) include in all EU-third country trade and investment agreements a strong and mandatory human rights conditionality framework with transparency provisions and binding and enforceable human rights and anti-corruption clauses; as a last resort, impose sanctions or suspend agreements in the event of serious acts of corruption and of grave violations of human rights; ensure that the trade negotiations are inclusive and transparent, with meaningful public oversight and awareness of strategies and priorities;
- (q) strengthen the focus on anti-corruption in human rights dialogues and public diplomacy, promoting an open dialogue between states and civil society about problems and potential solutions and by actively including human rights defenders (HRDs) and CSOs involved in anti-corruption activities;
- (r) monitor the corruption risks involved in authoritarian third countries' large-scale construction and investment projects, undertaken globally but also in Member States, including in the energy and extractive industries, infrastructure, defence and health sectors; pay particular attention to transparency in these projects, which often raises concerns about non-transparent financing or fiscal risks; proceed with the swift implementation of the EU's Globally Connected Europe programme approved by the Council on 12 July 2021, which has the potential to contribute to tackling this problem by promoting the EU's values and interests in economic, development and security policy;

Support to civil society, journalists and human rights defenders

- (s) recognise the crucial role of independent CSOs, HRDs, anti-corruption activists, whistleblowers and investigative journalists in the fight against corruption through changing societal norms, fighting impunity, gathering data, and achieving better implementation and enforcement of anti-corruption measures; work towards creating a safe and enabling environment for those preventing and fighting corruption, including whistleblowers and journalists, as well as for witnesses; provide support for victims of corruption — individuals as well as communities — so that they can be identified and informed, participate in judicial proceedings and claim and receive compensation for damages caused; advance efforts to achieve the swift transposition and implementation of the EU Whistleblower Directive by the Member States; work with third countries on whistleblower protection, including through commitments to ensure high standards of their protection in all EU trade and investment agreements in line with international human rights standards; support efforts to bring perpetrators to justice;
- (t) design programmes to provide more financial support to CSOs, independent media, whistleblowers, investigative journalists and HRDs working on preventing and exposing corruption, advancing transparency and accountability, including support against strategic lawsuits against public participation (SLAPP suits); improve smaller CSOs' access to EU funding; insist on the establishment of an ambitious and effective EU anti-SLAPP directive, also in relation to possible judicial harassment by authorities, corporations or other outside the EU;
- (u) strengthen the protection of witnesses, whistleblowers, investigative journalists and anti-corruption HRDs and their relatives, as appropriate, including through issuing emergency visas and providing temporary shelter in EU Member States, as well as by allocating dedicated resources for EU delegations and Member State representations; call for a thorough investigation into and justice for the violence against and killings of investigative journalists, HRDs, and other anti-corruption activists;

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Transparency and accountability of public bodies

- (v) promote strong access to information laws, and the provision of meaningful, comprehensive, timely, searchable, digitised government data without levying charges, improved transparency of public procurement and lobbying, with independent oversight bodies; encourage states to procure services from undertakings which have complied with human rights due diligence obligations including anti-corruption provisions;
- (w) carry out programmes to support parliamentary capacity to exercise budgetary control and other oversight activities;
- (x) support and strengthen independent, impartial, well-resourced, well-trained and effective judiciaries and prosecution and law enforcement bodies for the successful investigation, prosecution and adjudication of corruption offences; support the creation and professionalisation of specialised state anti-corruption bodies in third countries;
- (y) continue supporting free and fair electoral processes and promote accountability to voters, with special attention to electoral fraud and vote-buying; promote transparency and impartiality rules to counter illicit political financing; ensure a more systematic follow-up on the recommendations of international observer missions;

The fight against corruption in multilateral forums

- (z) assume a leadership role in forging a coalition of democracies to fight the global rise of kleptocracies; insist on including anti-corruption on the agenda of upcoming international summits, such as the G7, and call for a full implementation of the anti-corruption agenda agreed in the Summit for Democracy proposed by the United States; continue to proactively contribute to the work of international and regional forums to fight corruption and promote human rights;
- (aa) welcome the landmark political declaration on corruption adopted by the UN General Assembly and use this opportunity to follow up on its recommendations and strengthen cooperation with UN bodies such as the OHCHR and the UN Office on Drugs and Crime (UNODC); insist on the importance of systematic civil society participation in UN-level discussions and monitoring mechanisms on corruption;
- (ab) encourage deepening and fulfilment of international commitments to put anti-corruption at the heart of the SDGs as an avenue for fighting global poverty and for the fulfilment of economic, social and cultural rights, with special attention to the right to education and political participation; recognise that corruption acts as a barrier to many aspects of education, resulting in the waste of talents and negative effects on the economy; highlight that education and information are fundamental tools for fighting corruption; therefore make fighting corruption in education a priority and encourage the EU to develop and implement specific programmes devoted to raising awareness about corruption, its costs to society and the means to fight it;
- (ac) insist on the appointment of a UN Special Rapporteur on financial crime, corruption and human rights with a comprehensive mandate, including an objectives-oriented plan and a periodic evaluation of the anti-corruption measures taken by states; take the lead in mobilising support among Human Rights Council member states, and become joint sponsors of a resolution that will bring about the proposed mandate; detail, in this, the requirements to be met by candidates for the post in order to ensure the proper performance of their mandate, and specifying the process of transparency and authorship to which the successful candidate will be subject before taking office;
- (ad) initiate the procedure for the EU to become full member of GRECO, in which the EU has held observer status since 2019; insist on EU Member States to publicise and meet GRECO recommendations;
- (ae) advance discussions about an international infrastructure to address the impunity of powerful individuals involved in large-scale corruption cases, including international investigative mechanisms, prosecutors and courts; explore comprehensive approaches that could reform international justice institutions, such as extending the jurisdiction of the International Criminal Court, the use of universal jurisdiction to prosecute acts of grand corruption or the possible establishment of an International Anti-Corruption Court; acknowledge the importance of transparency and providing for accountability of international organisations and senior officials;

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- (af) promote European standards, including on anti-money laundering, beneficial ownership transparency and protection of whistleblowers, in other multinational forums, and support the adoption of these standards by third countries; support the reform of beneficial ownership laws, that should ensure that registries are up-to-date and accessible, both within the EU and worldwide, in order to allow proper transparency of relevant legal entities, including trusts and shell companies, with a view to allowing victims of corruption as well as law enforcement and tax authorities to identify effective owners of such entities;
- (ag) promote the inclusion of non-governmental stakeholders, including academia and CSOs, as observers in subsidiary bodies of the Conference of States Parties of the UNCAC and other multilateral anti-corruption mechanisms;

Business, corruption and human rights

- (ah) urgently set up an EU mandatory human rights and environmental due diligence (HRDD) legislation imposed to all entities and business relationships on a company's entire value chain that requires undertakings, including those providing financial products and services, to ensure the identification, assessment, mitigation, prevention, ceasing, accounting for and notification of any adverse impacts of their businesses and supply chains on human rights, the environment and good governance; and which includes the highest standards, strong anti-corruption provisions, obligatory grievance mechanisms and liability regimes enabling victims to hold companies into account and seek for remedy; ensure that due diligence obligations apply to the bribery of foreign public officials, occurring directly or through intermediaries; stresses in this regard that the future due diligence legislation should minimise bureaucratic burdens on companies, notably SMEs;
- (ai) advance efforts to prevent corruption, enhance accounting and auditing standards in the private sector in line with the UNCAC and effectively enforce penalties on corporations for acts of corruption; recommend that all large and listed companies report on their activities and the implementation of their anti-corruption and anti-bribery; enact provisions and draw up guidance for companies to provide for safe and confidential reporting on breaches of anti-corruption rules and to protect those who come forward with such information; encourage third countries to allocate adequate resources for national contact points and to establish other non-judicial grievance mechanisms to provide remedies to individuals and communities affected by corrupt business practices;
- (aj) develop an action plan to strengthen HRDD in sectors such as finance, accounting or real estate, which often provide the enabling structure for global corruption by providing avenues for the proceeds of corruption to find their way into the legitimate economy;
- (ak) reconfirm the importance of the UN Guiding Principles on Business and Human Rights by ensuring that all Member States that have not yet adopted national action plans do so as soon as possible, and promote the adoption of action plans and corporate due diligence legislation by third countries; engage constructively and actively in the negotiations on the UN Binding Treaty on Business and Human Rights;

Sanctioning corruption through the EU Magnitsky Act

- (al) swiftly come forward with a legislative proposal to effectively target and impose sanctions on the economic and financial enablers of human rights abusers detaining assets and properties in the EU, in line with Parliament's repeated requests to amend the current EU Global Human Rights Sanctions Regime by extending its scope to include acts of corruption or alternatively come forward with a legislative proposal to adopt a new thematic sanction regime against serious acts of corruption, and introduce qualified majority voting for the adoption of sanctions under the scope of this sanctions regime; ensure a proactive role for Parliament in this; cooperate closely with the United Kingdom, which has adopted a new sanctions regime on corruption, and with other like-minded democracies; note the risk of corrupt actors moving their assets to the EU as more and more countries adopt stricter frameworks; demand therefore that sanctions are adopted swiftly and duly implemented by the Member States, particularly regarding entry bans, the identification and freezing of assets, in order to prevent the EU from becoming a money laundering centre, and take action against those Member States who do not fulfil their obligations;

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Effects of COVID-19

- (am) ensure anti-corruption measures are mainstreamed into the global COVID-19 response in order to provide and fairly distribute public health services and access to vaccines, including by strengthening of public institutions and ensuring the full transparency of the measures and the use of funding;
- (an) ensure that the EU's pandemic-related financial support to third countries is tied to a robust commitment to anti-corruption efforts;
- (ao) provide targeted support for journalists and CSOs working on exposing corruption, who have been victims of an intensified crackdown through the abuse of pandemic emergency laws;

Corruption, climate change and human rights

- (ap) recognise the linkages between environmental degradation and destruction as an impediment to the enjoyment of human rights, and the underlying networks of corruption, bribery or organised crime; mainstream anti-corruption into the EU's global climate and environmental action, advancing transparency and good governance of natural resources and the fight against land grabbing, and focusing on the sectors most at risk, such as extractive industries;
- (aq) note that environmental HRDs, land defenders and their lawyers, particularly women and indigenous HRDs face the greatest risk of discrimination, intimidation, violence and murder, and thus take decisive action to protect them, including by issuing emergency visas and providing temporary shelter in EU Member States;

Gendered impacts of corruption

- (ar) note that corruption exacerbates gender inequality and affects the extent to which women's rights are upheld and protected; promote gender mainstreaming and diversity in anti-corruption action, as recommended by the UNODC and evaluate the gender aspects of corruption and its differentiated impact; address the impact of corruption on women's rights and ensure that women are aware of their rights so as to reduce their vulnerability to corruption; take into account linkages between trafficking in human beings and corruption;
- (as) take into account the fact that corruption also affects and exacerbates inequality for other vulnerable groups such as children, people with disabilities, the elderly, people in a situation of economic vulnerability or people belonging to minorities;
- (at) recognise sextortion as a form of corruption; design programmes to help the victims of sexual extortion, a particularly extreme, gender-specific form of corruption involving the human body as the currency of corruption; collect data to measure the prevalence of sextortion, adopt legal frameworks and instruments to adequately address and sanction sextortion cases, and promote these steps in multilateral fora;

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

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II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P9_TA(2022)0016

Request for the waiver of the immunity of Elena Yoncheva**European Parliament decision of 15 February 2022 on the request for waiver of the immunity of Elena Yoncheva (2019/2155(IMM))**

(2022/C 342/24)

The European Parliament,

- having regard to the request for waiver of the immunity of Elena Yoncheva, dated 18 October 2019 and forwarded by the Prosecutor General of the Republic of Bulgaria for the purpose of pursuing criminal proceedings against Ms Yoncheva in the Republic of Bulgaria for an offence under the Criminal Code, and announced in plenary on 25 November 2019,
 - having heard Elena Yoncheva in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union and to Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union (CJEU) of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013, 19 December 2019 and 17 September 2020 ⁽¹⁾,
 - having regard to Articles 69 and 70 of the Constitution of the Republic of Bulgaria and to Article 138 of the Rules of Organisation and Procedure of the National Assembly of the Republic of Bulgaria,
 - having regard to its resolution of 8 October 2020 on the rule of law and fundamental rights in Bulgaria ⁽²⁾,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0014/2022),
- A. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ⁽³⁾;

⁽¹⁾ Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115; judgment of the Court of Justice of 17 September 2020, *Troszczynski*, C-12/19.

⁽²⁾ Texts adopted, P9_TA(2020)0264.

⁽³⁾ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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- B. whereas the Prosecutor General of the Republic of Bulgaria has requested the waiver of the immunity of Elena Yoncheva in connection with an investigation into an offence under Article 253(5) in conjunction with Article 253(1) of the Criminal Code (money laundering);
- C. whereas, on 31 August 2018, pre-trial proceedings were initiated in this matter and entered in the register of the Investigating Department of the Specialised Prosecutor's Office, on the basis of Article 212(1) of the Code of Criminal Procedure; whereas an investigation has been launched; whereas, by decision of 11 January 2019, Elena Yoncheva was charged with an offence under Article 253(5) of the Criminal Code;
- D. whereas the acts of which she is accused were allegedly committed between 2010 and 2018, in the form of financial transactions carried out using funds allegedly misappropriated from a corporate bank; whereas, at the time, Elena Yoncheva was working as a journalist and then as a Member of Bulgaria's national parliament;
- E. whereas Elena Yoncheva was elected to the European Parliament at the elections of 26 May 2019; whereas, on 30 September 2019, by decision of the supervising prosecutor at the Specialised Prosecutor's Office, the criminal proceedings against Elena Yoncheva were suspended pending a decision by the European Parliament on the waiver of her immunity;
- F. whereas the Prosecutor General of the Republic of Bulgaria forwarded a request for waiver of immunity on 18 October 2019;
- G. whereas the alleged offence does not concern opinions expressed or votes cast by Elena Yoncheva in the performance of her duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- H. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
- I. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- J. whereas, in this case, Elena Yoncheva claims to be the victim of *fumus persecutionis*, i.e. there is concrete evidence ⁽⁴⁾ that the intention underlying the legal proceedings in question is to undermine her political activity, including her activity as a Member of the European Parliament;
- K. whereas it follows from CJEU case-law that Parliament has a 'broad discretion when deciding whether to grant or to refuse a request for waiver of immunity (...), owing to the political nature of such a decision' ⁽⁵⁾;
- L. whereas Elena Yoncheva is a member of the LIBE Committee, where she regularly speaks out against the political authorities in her country; whereas she was also a member of the parliamentary delegation which went to Bulgaria on 23-24 September 2021 to monitor the situation regarding the rule of law in that country;
- M. whereas the pre-trial proceedings against her were only initiated on 31 August 2018, i.e. at a time when her political commitment was well known, yet the alleged infringement began in 2010, and whereas no convincing justification has been given for such a delay in taking action;
- N. whereas the judicial proceedings in question were initiated after the case was brought to public attention by two members of parliament who are political opponents of Elena Yoncheva;
- O. whereas, as an investigative journalist and then as a member of the national parliament, Elena Yoncheva denounced the failure to investigate high-level corruption in her country, and whereas she continues to denounce that failure as a Member of the European Parliament;

⁽⁴⁾ Judgment of the Court of Justice of 17 September 2020, Troszczynski, C-12/19, point 26.

⁽⁵⁾ Judgment of the General Court of 17 January 2013, Gollnisch, T-346/11 and T-347/11, ECLI:EU:T:2013:23, paragraph 59, and the case-law cited.

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- P. whereas the Union of Bulgarian Journalists stated publicly in January 2019 that the prosecution of Elena Yoncheva was connected with her investigations and was an attempt to attack the freedom of expression of a political opponent;
- Q. whereas on 28 September 2021, the European Court of Human Rights declared admissible the case brought by Elena Yoncheva against Bulgaria in relation to this prosecution on the basis of Article 6(2) (presumption of innocence) and Articles 13 (right to an effective remedy) and 18 (no justification for the application of restrictions on rights) of the European Convention on the Protection of Human Rights;
- R. whereas the case file submitted to the European Court of Human Rights shows that a telephone conversation about the opening of criminal proceedings against Elena Yoncheva was published by several Bulgarian online media outlets on 12 June 2020 and, according to an expert's report annexed to that file, one of the voices heard is that of the Bulgarian Prime Minister;
- S. whereas the concordance and exceptional gravity of this concrete evidence raises a serious doubt that the intention may have been to undermine Elena Yoncheva's political activity, including her activity as a Member of the European Parliament, while the fact that the prosecution took place prior to the election is insufficient in this case to dispel such doubt;
- T. whereas it appears, therefore, that this case can be presumed to be one of *fumus persecutionis*;
1. Decides not to waive the immunity of Elena Yoncheva;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Bulgarian authorities and to Elena Yoncheva.
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P9_TA(2022)0017

Request for the defence of immunity of Mario Borghezio

European Parliament decision of 15 February 2022 on the request for defence of the privileges and immunities of Mario Borghezio (2021/2159(IMM))

(2022/C 342/25)

The European Parliament,

- having regard to the request by Mario Borghezio of 13 November 2018, announced in plenary on 25 March 2019, reiterated on 27 May 2021 by Mario Borghezio and forwarded to the Committee on Legal Affairs on 7 July 2021, for the defence of his privileges and immunities in connection with criminal proceedings No 4975/16 RGNR before the Public Prosecutor's Office in Imperia, Italy,
 - having heard Mario Borghezio in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 ⁽¹⁾,
 - having regard to Rule 5(2) and Rules 7 and 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0015/2022),
- A. whereas Mario Borghezio, Member of the European Parliament until 2 July 2019, has requested the defence of his parliamentary immunity in connection with criminal proceedings before the Public Prosecutor's Office in Imperia;
- B. whereas Mario Borghezio is alleged to have had an altercation with an employee of a railway company who refused to allow him to travel on a train because he did not have a valid ticket;
- C. whereas Mario Borghezio, in his hearing before the Committee on Legal Affairs, said nothing that could lead to the conclusion that the altercation in question concerned the expression of a political opinion by the former Member;
- D. whereas, therefore, the alleged offence does not concern opinions expressed or votes cast in the performance of the duties of a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- E. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union is applicable only to Members of the European Parliament; whereas Mario Borghezio was a Member of the European Parliament until 2 July 2019; whereas ceasing to be a Member of the European Parliament consequently entails the loss of the related immunity, the duration of which is limited, under Article 9 of Protocol No 7, to that mandate ⁽²⁾;
- F. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ⁽³⁾;
1. Decides not to defend the privileges and immunities of Mario Borghezio;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent Italian authorities and to Mario Borghezio.

⁽¹⁾ Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

⁽²⁾ Judgment T-284/17, paragraph 28.

⁽³⁾ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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P9_TA(2022)0018

Request for the waiver of the immunity of Jörg Meuthen**European Parliament decision of 15 February 2022 on the request for waiver of the immunity of Jörg Meuthen (2021/2160(IMM))**

(2022/C 342/26)

The European Parliament,

- having regard to the request of the Public Prosecutor of Berlin for waiver of the immunity of Jörg Meuthen, forwarded by letter dated 16 June 2021 from the German Federal Ministry of Justice and Consumer Protection, in connection with a preliminary investigation into suspected criminal offences, and communicated in plenary on 5 July 2021,
 - having heard Jörg Meuthen in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union and to Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019⁽¹⁾,
 - having regard to Article 46(2), (3) and (4) of the Basic Law of the Federal Republic of Germany and Article 192b of the *Richtlinien für das Strafverfahren und das Bußgeldverfahren*,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0016/2022),
- A. whereas the Berlin Public Prosecutor has requested the waiver of the immunity of Jörg Meuthen, MEP elected for Germany, with a view to initiating criminal proceedings pursuant to Article 152(2) of the German Code of Criminal Procedure (*Strafprozessordnung*) for embezzlement, within the meaning of Article 266 of the Criminal Code, and for suspicion of having committed a criminal offence, within the meaning of Article 31d(1)(1) of the Political Parties Act (*Parteiengesetz*);
- B. whereas, in his capacity as federal spokesperson for the 'Alternative für Deutschland' (AfD) party for the years 2016, 2017 and 2018, Jörg Meuthen:
- allegedly provided incorrect information when presenting the AfD's activity report for 2016, relating to services totalling EUR 89 800 which he is said to have received from a Swiss company in the form of advertisements, posters, leaflets, posters and graphs for his election campaign as a candidate of the AfD in the regional elections of Baden-Württemberg of 13 March 2016, and which he is accused of not having clearly indicated in the AfD's activity report for 2016, sent to the President of the German Bundestag on 21 December 2017,
 - allegedly provided false or incomplete information on individual payments received in support of the election campaigns for the regional elections in North Rhine-Westphalia on 14 May 2017, and for the elections to the German Bundestag on 24 September 2017, when submitting the activity report for 2017,
 - allegedly submitted an incorrect activity report to the President of the Bundestag for the financial year 2018, in connection with the elections to the 18th Bavarian Regional Parliament, which took place on 14 October 2018;

⁽¹⁾ Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

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- C. whereas Jörg Meuthen was elected as a Member of the European Parliament with effect from 8 November 2017;
- D. whereas the alleged offences do not concern opinions expressed or votes cast in the performance of the duties of a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- E. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
- F. whereas Article 46(2), (3) and (4) of the Basic Law of the Federal Republic of Germany provides:
- (2) A Member may not be called to account or arrested for a punishable offense without permission of the Bundestag, unless he is apprehended while committing the offense or in the course of the following day.
 - (3) The permission of the Bundestag shall also be required for any other restriction of a Member's freedom of the person or for the initiation of proceedings against a Member under Article 18.
 - (4) Any criminal proceedings or any proceedings under Article 18 against a Member and any detention or other restriction of the freedom of his person shall be suspended at the demand of the Bundestag.;
- G. whereas Article 192b of the *Richtlinien für das Strafverfahren und das Bußgeldverfahren* governs waivers of the immunity of Members of the European Parliament, and whereas, in particular, paragraph 1 thereof provides as follows:
- (1) German Members of the European Parliament shall benefit from the immunity enjoyed by members of the German Bundestag. (...);
- H. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a 'defendant' ⁽²⁾;
- I. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- J. whereas in this case, Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member's political activity and thus the European Parliament;
1. Decides to waive the immunity of Jörg Meuthen;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the German authorities and to Jörg Meuthen.

⁽²⁾ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, EU:T:2019:266.

Tuesday 15 February 2022

P9_TA(2022)0019

Request for the waiver of the immunity of Álvaro Amaro**European Parliament decision of 15 February 2022 on the request for waiver of the immunity of Álvaro Amaro (2021/2082(IMM))**

(2022/C 342/27)

The European Parliament,

- having regard to the request for waiver of the immunity of Álvaro Amaro, submitted by the trial court judge at the Guarda District Court on 26 April 2021 in connection with criminal proceedings, and announced in plenary on 7 June 2021,
 - having heard Álvaro Amaro in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 ⁽¹⁾,
 - having regard to Article 157(2) and (3) of the Constitution of the Portuguese Republic and Article 11 of Law No 7/93 of 1 March 1993 governing the Statute for Members of the Assembly of the Portuguese Republic,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0017/2022),
- A. whereas the trial court judge at the Guarda District Court has submitted a request for waiver of the parliamentary immunity of Álvaro Amaro with a view to initiating criminal proceedings against him in connection with an offence of misappropriation of public funds as a holder of political office, allegedly committed between mid-2007 and mid-2013, pursuant to and punishable under Article 26 of the Portuguese Criminal Code, and Articles 3(i) and 11 of Portuguese Law No 34/87 of 16 July 1987;
- B. whereas Álvaro Amaro was elected mayor of Gouveia on 9 October 2005 (for a term ending in 2009), and was re-elected on 11 October 2009 (for a term ending in 2013); whereas in his capacity as mayor, he allegedly acted, jointly and in concert with other persons, in breach of the rules on budgetary control and public procurement and the principles of non-discrimination, transparency and the proper management of public funds, thereby allegedly breaching the duties inherent in his role in public office, with the alleged intention of securing benefits for himself and for the other defendants; whereas, furthermore, he allegedly violated the rules and principles of administrative law, and in particular those of public procurement, with the aim of securing illegal financial benefits;
- C. whereas Álvaro Amaro was elected to the European Parliament during the European Parliament elections held in May 2019;
- D. whereas the alleged offence does not concern opinions expressed or votes cast by Álvaro Amaro in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

⁽¹⁾ Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C 200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C 163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

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- E. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their national parliament;
- F. whereas Article 157(2)(3) of the Portuguese Constitution states:
- ‘2. Members of the Assembly of the Republic may not appear as makers of declarations or accused persons without the Assembly’s authorisation. In the latter case, the Assembly shall obligatorily decide in favour of authorisation when there are strong indications of the commission of a wilful crime punishable by imprisonment for a maximum term of more than three years.
3. No Member of the Assembly of the Republic may be detained, arrested or imprisoned without the Assembly’s authorisation, save for a wilful crime punishable by the type of prison term referred to by the previous paragraph and in *flagrante delicto*.’;
- G. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his or her immunity ⁽²⁾; whereas at his hearing Álvaro Amaro stated that he had no objection to the waiver of his parliamentary immunity;
- H. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- I. whereas the offences of which Álvaro Amaro is accused took place prior to his election to the European Parliament;
- J. whereas, in this case, Parliament found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceedings in question may be to damage a Member’s political activity and thus the European Parliament;
- K. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ⁽³⁾;
1. Decides to waive the immunity of Álvaro Amaro;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Portugal and to Álvaro Amaro.

⁽²⁾ Judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440, point 28.

⁽³⁾ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2022)0020

Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean: accession of the European Union *****European Parliament legislative resolution of 15 February 2022 on the draft Council decision concerning the accession of the European Union to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (12617/2021 — C9-0420/2021 — 2021/0184(NLE))****(Consent)**

(2022/C 342/28)

The European Parliament,

- having regard to the draft Council decision (12617/2021),
 - having regard to Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (12617/2021 ADD 1),
 - having regard to the request for consent submitted by the Council in accordance with Article 43 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C9-0420/2021),
 - 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 Fisheries (A9-0008/2022),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the government of the Republic of Korea, as the depository for the Convention.

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P9_TA(2022)0021

Numerical strength of interparliamentary delegations

European Parliament decision of 15 February 2022 on the numerical strength of interparliamentary delegations (2022/2547(RSO))

(2022/C 342/29)

The European Parliament,

- having regard to the proposal from the Conference of Presidents,
- having regard to its decision of 17 April 2019 on the number of interparliamentary delegations, delegations to joint parliamentary committees and delegations to parliamentary cooperation committees and to multilateral parliamentary assemblies ⁽¹⁾,
- having regard to its decision of 17 July 2019 on numerical strength of interparliamentary delegations ⁽²⁾,
- having regard to its decision of 5 October 2021 on setting up a delegation to the EU-UK Parliamentary Partnership Assembly, and defining its numerical strength ⁽³⁾,
- having regard to Rules 223 and 224 of its Rules of Procedure,

1. Decides to set as follows the numerical strength of the following interparliamentary delegations:

(a) Europe, Western Balkans and Turkey,

- Delegations to the:
 - EU-North Macedonia Joint Parliamentary Committee: 13 Members,
 - EU-Turkey Joint Parliamentary Committee: 25 Members,
 - EU-UK Parliamentary Partnership Assembly: 35 Members,
 - Delegation for Northern cooperation and for relations with Switzerland and Norway and to the EU-Iceland Joint Parliamentary Committee and the European Economic Area (EEA) Joint Parliamentary Committee: 18 Members,
 - Delegation to the EU-Serbia Stabilisation and Association Parliamentary Committee: 15 Members,
 - Delegation to the EU-Albania Stabilisation and Association Parliamentary Committee: 14 Members,
 - Delegation to the EU-Montenegro Stabilisation and Association Parliamentary Committee: 14 Members,
 - Delegation for relations with Bosnia and Herzegovina and Kosovo: 13 Members;

(b) Russia and the Eastern Partnership states,

- Delegation to the EU-Russia Parliamentary Cooperation Committee: 31 Members,
- Delegation to the EU-Ukraine Parliamentary Association Committee: 16 Members,
- Delegation to the EU-Moldova Parliamentary Association Committee: 14 Members,
- Delegation for relations with Belarus: 12 Members,
- Delegation to the EU-Armenia Parliamentary Partnership Committee, the EU-Azerbaijan Parliamentary Cooperation Committee and the EU-Georgia Parliamentary Association Committee: 18 Members;

⁽¹⁾ OJ C 158, 30.4.2021, p. 536.

⁽²⁾ OJ C 165, 4.5.2021, p. 23.

⁽³⁾ Texts adopted, P9_TA(2021)0398.

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- (c) Maghreb, Mashreq, Israel and Palestine,
- Delegations for relations with:
 - Israel: 18 Members,
 - Palestine: 18 Members,
 - the Maghreb countries and the Arab Maghreb Union, including the EU-Morocco, EU-Tunisia and EU-Algeria Joint Parliamentary Committees: 18 Members,
 - the Mashreq countries: 19 Members;
- (d) The Arab Peninsula, Iraq and Iran,
- Delegations for relations with:
 - the Arab Peninsula: 16 Members,
 - Iraq: 8 Members,
 - Iran: 11 Members;
- (e) The Americas,
- Delegations for relations with:
 - the United States: 64 Members,
 - Canada: 18 Members,
 - the Federative Republic of Brazil: 14 Members,
 - the countries of Central America: 15 Members,
 - the countries of the Andean Community: 13 Members,
 - Mercosur: 19 Members,
 - Delegation to the EU-Mexico Joint Parliamentary Committee: 14 Members,
 - Delegation to the EU-Chile Joint Parliamentary Committee: 15 Members,
 - Delegation to the Cariforum-EU Parliamentary Committee: 15 Members;
- (f) Asia/Pacific,
- Delegations for relations with:
 - Japan: 24 Members,
 - the People's Republic of China: 38 Members,
 - India: 24 Members,
 - Afghanistan: 8 Members,
 - the countries of South Asia: 15 Members,
 - the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN): 27 Members,
 - the Korean Peninsula: 13 Members,
 - Australia and New Zealand: 12 Members,
 - Delegation to the EU-Kazakhstan, EU-Kyrgyzstan, EU-Uzbekistan and EU-Tajikistan Parliamentary Cooperation Committees, and for relations with Turkmenistan and Mongolia: 19 Members;
- (g) Africa,
- Delegations for relations with:
 - South Africa: 16 Members,
 - the Pan-African Parliament: 12 Members;

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- (h) Multilateral assemblies,
- Delegation to the ACP-EU Joint Parliamentary Assembly: 78 Members,
 - Delegation to the Parliamentary Assembly of the Union for the Mediterranean: 49 Members,
 - Delegation to the Euro-Latin American Parliamentary Assembly: 75 Members,
 - Delegation to the Euronest Parliamentary Assembly: 60 Members,
 - Delegation for relations with the NATO Parliamentary Assembly: 10 Members;
2. Decides, with reference to the decision of the Conference of Presidents of 11 July 2019 relating to the composition of delegation bureaux, that the delegation bureaux may consist of up to two vice-chairs;
3. Instructs its President to forward this decision to the Council and the Commission, for information.
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Tuesday 15 February 2022

P9_TA(2022)0026

Objection to a delegated act: European Maritime, Fisheries and Aquaculture Fund: time periods for the inadmissibility of applications for support**European Parliament resolution of 15 February 2022 on the Commission delegated regulation of 5 November 2021 supplementing Regulation (EU) 2021/1139 of the European Parliament and of the Council on the European Maritime, Fisheries and Aquaculture Fund as regards the periods of time and the dates for the inadmissibility of applications for support (C(2021)7701 — 2021/2961(DEA))**

(2022/C 342/30)

The European Parliament,

- having regard to the Commission delegated regulation (C(2021)7701),
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 ⁽¹⁾, and in particular Articles 11(4) and 62(6) thereof,
 - having regard to Rule 111(3) of its Rules of Procedure,
 - having regard to the motion for a resolution by the Committee on Fisheries,
- A. whereas Article 11(4) of Regulation (EU) 2021/1139 (EMFAF) empowers the Commission to adopt delegated acts identifying the threshold for triggering the inadmissibility, which should be proportionate to the nature, gravity, duration and repetition of the serious infringements, offences or fraud committed and should be of at least one year's duration;
- B. whereas Commission Delegated Regulation (EU) 2015/288 of 17 December 2014 ⁽²⁾ supplementing the Regulation (EU) No 508/2014 of the European Parliament and of the Council ⁽³⁾ (EMFF), with regard to the period of time and the dates for the inadmissibility of applications provides for a period of 12 months of inadmissibility in case of nine points of infraction, and in the case of infringements deemed 'minor' the inadmissibility is triggered only when nine points are reached;
- C. whereas the Commission delegated regulation (C(2021)7701) supplementing EMFAF worsens these conditions as the inadmissibility is triggered at the second infringement with only seven points and is calculated in two months/point which seems not proportionate and not in line with EMFAF;
- D. whereas the Commission should propose an alternative and more proportionate solution regarding the duration of the inadmissibility period based on points;
- E. whereas a more proportionate solution could be to provide for the first two infringements only one month of inadmissibility instead of two for each point in the case of certain infringements, thus better capturing the rationale of the basic regulation in terms of proportionality;
1. Objects to the Commission delegated regulation;
 2. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;
 3. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.

⁽¹⁾ OJ L 247, 13.7.2021, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2015/288 of 17 December 2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the period of time and the dates for the inadmissibility of applications (OJ L 51, 24.2.2015, p. 1).

⁽³⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

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P9_TA(2022)0027

Catch documentation programme for bluefin tuna ***I

Amendments adopted by the European Parliament on 16 February 2022 on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna (*Thunnus thynnus*) and repealing Regulation (EU) No 640/2010 (COM(2020)0670 — C9-0336/2020 — 2020/0302(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2022/C 342/31)

Amendment 1

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Certain provisions of the ICCAT Recommendations are being amended frequently by ICCAT CPCs and are likely to be amended further in the future. Therefore, in order to swiftly incorporate future amendments to the ICCAT Recommendations into Union law, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **the following aspects**: mandatory use of eBCD and BCD, rules of Grouped BCD, validations of the BCD and eBCD, derogation deadline for tagging information in relation to minimum size under the Regulation (EU) 20.../... ⁽¹⁾; recording and validation of catch and subsequent trades in the eBCD system, information concerning validation and points of contact, information concerning BCD documents or printed eBCD, reporting dates provided, as well as **references to Annexes to ICCAT Recommendations**.

⁽¹⁾ Regulation (EU) 20.../... of the European Parliament and of the Council of20.. establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627.

Amendment

(6) Certain provisions of the ICCAT Recommendations are being amended frequently by ICCAT CPCs and are likely to be amended further in the future. Therefore, in order to swiftly incorporate future amendments to the ICCAT Recommendations into Union law, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **amending this Regulation concerning** mandatory use of eBCD and BCD, rules of Grouped BCD, validations of the BCD and eBCD, derogation deadline for tagging information in relation to minimum size under the Regulation (EU) 20.../... ⁽¹⁾; recording and validation of catch and subsequent trades in the eBCD system, information concerning validation and points of contact, information concerning BCD documents or printed eBCD, reporting dates provided, as well as **supplementing this Regulation with the annexes to the ICCAT Recommendations listed in the Annex to this Regulation, and with subsequent amendments to those annexes**.

⁽¹⁾ Regulation (EU) 20.../... of the European Parliament and of the Council of20.. establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0172/2021).

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Amendment 2**Proposal for a regulation****Article 2 — paragraph 1 — point 1***Text proposed by the Commission*

1. 'BCD' means Bluefin tuna catch document as provided for in the format **Annex 2 of ICCAT Recommendation [18-13]**;

Amendment

1. 'BCD' means Bluefin tuna catch document as provided for in the format **referred to in point 1 of the Annex to this Regulation**;

Amendment 3**Proposal for a regulation****Article 4 — paragraph 6***Text proposed by the Commission*

6. A validated BCD shall include, as appropriate, the information **set out in Annex 1 of ICCAT Recommendation [18-13]**. Instructions for the issuing, numbering, completion and validation of the catch document are **set out in Annex 3 of ICCAT Recommendation [18-13]**.

Amendment

6. A validated BCD shall include, as appropriate, the information **referred to in the Annex, point 2, to this Regulation**. Instructions for the issuing, numbering, completion and validation of the catch document are **referred to in the Annex, point 3, to this Regulation**.

Amendment 4**Proposal for a regulation****Article 8 — paragraph 3***Text proposed by the Commission*

3. The validated BFTRC shall include the information **set out in Annexes 4 and 5 to ICCAT Recommendation [18-13]**.

Amendment

3. The validated BFTRC shall include the information **referred to in the Annex, points 4 and 5, to this Regulation**.

Amendment 5**Proposal for a regulation****Article 11 — paragraph 1 — point c***Text proposed by the Commission*

- (c) as a back-up in the limited event that technical difficulties with the system arise that preclude a Member State from using the eBCD system, following the procedures **as set forth in Annex 3 of ICCAT Recommendation [18-12]**. Delays by Member States in taking necessary actions, such as providing the data necessary to ensure the registration of users in the eBCD system or other avoidable situations, do not constitute an acceptable technical difficulty;

Amendment

- (c) as a back-up in the limited event that technical difficulties with the system arise that preclude a Member State from using the eBCD system, following the procedures **referred to in the Annex, point 6, to this Regulation**. Delays by Member States in taking necessary actions, such as providing the data necessary to ensure the registration of users in the eBCD system or other avoidable situations, do not constitute an acceptable technical difficulty;

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Amendment 6

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission

1. By 15 August of each year, Member States shall provide the Commission with a report comprising the information **described in Annex 6 of ICCAT Recommendation [18-13]**, covering the period from 1 January to 31 December of the preceding year.

Amendment

1. By 15 August of each year, Member States shall provide the Commission with a report comprising the information **referred to in the Annex, point 7, to this Regulation**, covering the period from 1 January to 31 December of the preceding year.

Amendment 7

Proposal for a regulation

Article 13 — paragraph 2

Text proposed by the Commission

2. Reports generated from the eBCD system shall be used to fulfil the annual reporting requirements. Member States shall provide in their annual report elements **described in Annex 6 to ICCAT Recommendation [18-13]** that cannot be produced from the eBCD system.

Amendment

2. Reports generated from the eBCD system shall be used to fulfil the annual reporting requirements. Member States shall provide in their annual report elements **referred to in the Annex, point 7, to this Regulation** that cannot be produced from the eBCD system.

Amendment 8

Proposal for a regulation

Article 14 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall adopt, by ... [6 months after the date of entry into force of this Regulation], a delegated act in accordance with Article 15 supplementing this Regulation with the provisions of the Annexes to the ICCAT recommendations listed in the Annex to this Regulation. The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend that delegated act subsequently.

Amendment 9

Proposal for a regulation

Article 14 — paragraph 1 — point i

Text proposed by the Commission

Amendment

(i) references to Annexes of ICCAT Recommendations as provided for in Article 2(1), Article 4(6); Article 8(3); Article 11(1)(c) and Article 13(1) and (2).

deleted

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Amendment 10
Proposal for a regulation
Annex (new)

Text proposed by the Commission

Amendment

Annex

- (1) *The format of the BCD set out in Annex 2 to ICCAT Recommendation 18-13, as referred to in Article 2, point 1;*
 - (2) *the information set out in Annex 1 to ICCAT Recommendation 18-13, as referred to in the first sentence of Article 4(6);*
 - (3) *the instructions set out in Annex 3 to ICCAT Recommendation 18-13, as referred to in the second sentence of Article 4(6);*
 - (4) *the information set out in Annex 4 to ICCAT Recommendation 18-13, as referred to in Article 8(3);*
 - (5) *the information set out in Annex 5 to ICCAT Recommendation 18-13, as referred to in Article 8(3);*
 - (6) *the procedures set out in Annex 3 to ICCAT Recommendation 18-12, as referred to in Article 11(1), point (c);*
 - (7) *the information set out in Annex 6 to ICCAT Recommendation 18-13, as referred to in Article 13(1) and (2).*
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P9_TA(2022)0028

Mobilisation of the European Globalisation Adjustment Fund — application EGF/2021/005 FR/Airbus — France

European Parliament resolution of 16 February 2022 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers following an application from France — EGF/2021/005 FR/Airbus (COM(2021)0698 — C9-0011/2022 — 2021/0363(BUD))

(2022/C 342/32)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2021)0698 — C9-0011/2022),
 - having regard to Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 ⁽¹⁾ ('EGF Regulation'),
 - having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021-2027 ⁽²⁾, and in particular Article 8 thereof,
 - having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management as well as on new own resources, including a roadmap towards the introduction of new own resources ⁽³⁾, ('IIA of 16 December 2020'), and in particular point 9 thereof,
 - having regard to the opinion of the Committee on Employment and Social Affairs,
 - having regard to the letter of the Committee on Regional Development,
 - having regard to the report of the Committee on Budgets (A9-0013/2022),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of globalisation and of technological and environmental changes, such as changes in world trade patterns, trade disputes, significant changes in the trade relations of the Union or the composition of the internal market and financial or economic crises, as well as the transition to a low-carbon economy, or as a consequence of digitisation or automation;
- B. whereas the Union has extended the scope of the European Globalisation Adjustment Fund for Displaced Workers (EGF) to provide financial support in case of any major restructuring event, and thus covering economic effects of the coronavirus crisis;
- C. whereas the on-going decarbonisation of the transport sector is expected to have various impacts on the aviation sector, and the Union plays an important role in providing the necessary solidarity through financial contributions from the EGF which aims to reintegrate beneficiaries rapidly into decent and sustainable employment within or outwith their initial sector of activity, while being compatible with a greener and more digital European economy in line with the European Green Deal;
- D. whereas France submitted application EGF/2021/005 FR/Airbus for a financial contribution from the EGF, following 508 displacements in the economic sector classified under the NACE Revision 2 division 30 (Manufacture of transport equipment) in the NUTS 2 regions of Midi-Pyrénées (FRJ2) and Pays de la Loire (FRG0) in France, within a reference period for the application from 1 November 2020 to 1 March 2021;

⁽¹⁾ OJ L 153, 3.5.2021, p. 48.

⁽²⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽³⁾ OJ L 433 I, 22.12.2020, p. 28.

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- E. whereas the application relates to 508 displaced workers whose activity has ceased in the Economic and Social Unit (ESU) ⁽⁴⁾ Airbus Commercial of Airbus (Airbus SE);
- F. whereas the application is based on the intervention criteria of Article 4(2), point (a), of the EGF Regulation, which requires the cessation of activity of at least 200 displaced workers over a reference period of four months in an enterprise in a Member State;
- G. whereas in the framework of the COVID-19 pandemic, the general travel restrictions led to a general collapse of commercial aviation, in particular in the passenger flights sector, and according to Airbus the full recovery of the sector is not expected to happen before 2025 ⁽⁵⁾;
- H. whereas Airbus, whose commercial aviation division represents 77 % of the overall turnover ⁽⁶⁾, had to reduce by one third its production levels as of April 2020 ⁽⁷⁾ and thus implement a restructuring plan leading to the dismissal of 4 248 posts in France ⁽⁸⁾;
- I. whereas the French public authorities' support for long-term part time activity, duly negotiated with the workers concerned, and the boosting of a programme by the Conseil pour la recherche aéronautique civile, enabled the number of dismissals to be reduced significantly (by 2 002 posts); whereas for the other 2 246 jobs at stake, almost all workers were subject to internal mobility measures or agreed to voluntary termination packages;
- J. whereas the Commission declared that the health crisis resulted in an economic crisis, set out a recovery plan for the economy following the resolutions of the European Parliament and the impetus of the French-German Initiative for the European Recovery from the Coronavirus Crisis of 18 May 2020 ⁽⁹⁾, and underlined the role of the EGF as an emergency tool ⁽¹⁰⁾;
- K. whereas the EGF shall not exceed a maximum annual amount of EUR 186 million (in 2018 prices), as laid down in Article 8 of Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 ⁽¹¹⁾;
1. Agrees with the Commission that the conditions set out in Article 4(2), point (a), of the EGF Regulation are met and that France is entitled to a financial contribution of EUR 3 745 264 under that Regulation, which represents 85 % of the total cost of EUR 4 406 194, comprising only expenditure for personalised services;
 2. Notes that the French authorities submitted the application on 26 July 2021, and that the Commission finalised its assessment on 19 November 2021 and notified it to Parliament on 5 January 2022;
 3. Welcomes the measures undertaken by French national and local public authorities, such as the provisions of the new emergency legislation ⁽¹²⁾, the support plan for the aeronautics industry, the long-term part-time activity programme ⁽¹³⁾, and the top-up of the Ader 4 plan which significantly reduced the number of redundancies;

⁽⁴⁾ An economic and social unit — ESU (unite économique et sociale — UES) is a legal construct under French law that allows the grouping of enterprises that have the same management, operate in the same sector, and whose employees share the same interests, but are legally distinct enterprises, with the aim of promoting the creation of a common employee representation. The job displacements occurred in the ESU Airbus Commercial, which groups the two French subsidiaries Airbus SAS and Airbus Operations SAS of Airbus SE.

⁽⁵⁾ Non-published document: Airbus 'Livre 2', an internal analysis of the COVID-19 crisis and its impact on the Airbus activity sector in France.

⁽⁶⁾ https://lentreprise.lexpress.fr/actualites/1/actualites/le-geant-europeen-airbus-en-chiffres_2129633.html

⁽⁷⁾ <https://www.airbus.com/newsroom/press-releases/en/2020/04/airbus-reports-first-quarter-q1-2020-results.html>

⁽⁸⁾ According to Airbus' restructuring plan: 'Accord collectif relatif au plan d'adaptation des sociétés composant l'UES Airbus Commercial dans le contexte de la crise économique Covid-19 et ses conséquences sur l'emploi'.

⁽⁹⁾ <https://www.elysee.fr/en/emmanuel-macron/2020/05/18/french-german-initiative-for-the-european-recovery-from-the-coronavirus-crisis>

⁽¹⁰⁾ COM(2020)0442 final.

⁽¹¹⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽¹²⁾ Loi d'urgence n°2020-734 of 17 June 2020.

⁽¹³⁾ Activité Partielle de Longue Durée (APLD): <https://www.service-public.fr/professionnels-entreprises/vosdroits/F35381>

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4. Notes that the application relates in total to 508 displaced workers whose activity has ceased; further notes that France expects that 297 out of the total eligible beneficiaries will participate in the measures (targeted beneficiaries);
5. Recalls that the social impact of the redundancies is expected to be significant for both regions, and that in the first quarter of 2021, the percentage of unemployed persons already stood at 9,4 % in Occitanie and 6,9 % in Pays de la Loire ⁽¹⁴⁾;
6. Points out that in Occitanie the dismissals are expected to have a significant impact on the labour market, as the region is heavily dependent on aeronautics as the most important sector and Airbus is the largest private employer in the region;
7. Notes that Occitanie has established itself as an important ecosystem for start-ups, with potential opportunities therefore for beneficiaries wanting to start their own business; points out that a large share of the persons effected in the region has a high level of education;
8. Points out that, while in Pays de la Loire the impact of the aviation crisis on the local economy and the labour market is expected to be less detrimental, due to the high diversification of the regional economy, opportunities are expected to arise in the maritime sector and in renewable energy, which in turn requires adequate reskilling;
9. Points out that 13,5 % of the targeted beneficiaries are above 54, and 74,7 % of them are between 30 and 54 years old;
10. Notes that Airbus started providing personalised services to the targeted beneficiaries on 1 November 2020 and that the period of eligibility for a financial contribution from the EGF will therefore be from 1 November 2020 until 24 months after the date of the entry into force of the financing decision;
11. Recalls that personalised services to be provided to the workers and self-employed persons consist of the following actions: start-up grants, business creation training, allowances for expenditure related to business creation training, as well as salary top-ups;
12. Considers that those personalised services should last for a relevant period of time according to the nature of the project;
13. Welcomes that the co-ordinated package of personalised services was the result of a good collective bargaining agreement between Airbus and workers' representatives in consultation with staff and union representatives; welcomes that the financial assistance has been swiftly provided to the beneficiaries, even though additional investment for the setting up of a new business is needed in some cases;
14. Highlights that 98,7 % of the financial support is linked to the creation of start-ups and businesses, which will encourage professional reintegration and reconversion, improve the competitiveness of the regions concerned and contribute to the economic recovery;
15. Stresses that the French authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments;
16. Reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, or any other allowances or rights that beneficiaries can receive, in order to ensure full additionality of the allocation; requests that beneficiaries of the personalised services which are to be covered by the EGF be publicly and personally informed of the Union co-financing;
17. Notes that all the procedural requirements were met; underlines the need for transparency at every step of the procedure and calls for social partners' involvement in the package of service's implementation and evaluation;
18. Approves the decision annexed to this resolution;
19. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
20. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission;

⁽¹⁴⁾ Data collected by the French National Institute of Statistics and Economic Studies.

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers following an application from France — EGF/2021/005 FR/Airbus

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2022/359.)

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P9_TA(2022)0035

**Rail: prolongation of temporary measures concerning the levying of charges — COVID-19
***I**

European Parliament legislative resolution of 16 February 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2020/1429 as regards the duration of the reference period for the application of temporary measures concerning the levying of charges for the use of railway infrastructure (COM(2021)0832 — C9-0001/2022 — 2021/0437(COD))

(Ordinary legislative procedure: first reading)

(2022/C 342/33)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0832),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0001/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 January 2022 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 26 January 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 163 of its Rules of Procedure,
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2021)0437

Position of the European Parliament adopted at first reading on 16 February 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council amending Regulation (EU) 2020/1429 as regards the duration of the reference period for the application of temporary measures concerning the levying of charges for the use of railway infrastructure

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2022/312.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 16 February 2022

P9_TA(2022)0036

Macro-financial assistance to Ukraine *I****European Parliament legislative resolution of 16 February 2022 on the proposal for a decision of the European Parliament and of the Council on providing macro-financial assistance to Ukraine (COM(2022)0037 — C9-0028/2022 — 2022/0026(COD))****(Ordinary legislative procedure: first reading)**

(2022/C 342/34)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0037),
 - having regard to Article 294(2) and Article 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0028/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 11 February 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 163 of its Rules of Procedure,
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0026**Position of the European Parliament adopted at first reading on 16 February 2022 with a view to the adoption of Decision (EU) 2022/... of the European Parliament and of the Council providing macro-financial assistance to Ukraine**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2022/313.)

Thursday 17 February 2022

P9_TA(2022)0046

Protection of workers from the risks relating to exposure to carcinogens, mutagens and reprotoxins at work *I**

European Parliament legislative resolution of 17 February 2022 on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (COM(2020)0571– C9-0301/2020 — 2020/0262(COD))

(Ordinary legislative procedure: first reading)

(2022/C 342/35)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0571),
 - having regard to Article 294(2) and in particular Article 153(2)(b), in conjunction with Article 153 (1)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0301/2020),
 - 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 16 February 2021 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 22 December 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 Legal Affairs;
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0114/2021)
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by Parliament and the Council annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
 3. Takes note of the Commission statement annexed to this resolution;
 4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments;

P9_TC1-COD(2020)0262

Position of the European Parliament adopted at first reading on 17 February 2022 with a view to the adoption of Directive (EU) 2022/... of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2022/431.)

⁽¹⁾ OJ C 56, 16.2.2021, p. 63.

Thursday 17 February 2022

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement of the European Parliament and the Council related to the scope of Directive 2004/37/EC

[to be published in the L series immediately after the legislative act]

The European Parliament and the Council share the common understanding that hazardous medicinal products which contain substances which meet the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxin (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008 fall under the scope of Directive 2004/37/EC. All requirements of Directive 2004/37/EC apply to hazardous medicinal products accordingly.

Commission Statement — Action plan and legislative proposals

The obligations imposed on the Commission in Article 18a, third paragraph, regarding the presentation of an action plan and the presentation of a legislative proposal cannot go against the institutional prerogatives of the Commission and its right of initiative deriving directly from the Treaties.

Article 18a, third paragraph, refers to Article 16 of Directive 2004/37/EC, which lays down an obligation to set limit values on the basis of the available information, including scientific and technical data, in respect of all those substances for which this is possible. In implementing this provision, the Commission is also invited to present the action plan referred to in Article 18a, third paragraph. For reasons of transparency, this action plan will consist of a listing of the next 25 new or revised substances to be scientifically evaluated. The evaluations of the listed substances will form part of the established procedure including consultation of social partners, the opinion of the ACSH and impact assessment preparing any necessary legislative proposals in due time.

Thursday 17 February 2022

P9_TA(2022)0047

Charging of vehicles for the use of certain infrastructures ***II

European Parliament legislative resolution of 17 February 2022 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (10542/1/2021 — C9-0423/2021 — 2017/0114(COD))

(Ordinary legislative procedure: second reading)

(2022/C 342/36)

The European Parliament,

- having regard to the Council position at first reading (10542/1/2021 — C9-0423/2021),
 - having regard to the opinion of the European Economic and Social Committee of 18 October 2017 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 1 February 2018 ⁽²⁾,
 - having regard to the opinion of the Commission (COM(2021)0693),
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2017)0275),
 - 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 (A9-0006/2022),
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 81, 2.3.2018, p. 188.

⁽²⁾ OJ C 176, 23.5.2018, p. 66.

⁽³⁾ Texts adopted on 25.10.2018, P8_TA(2018)0423.

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