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Information and Notices

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EUROPEAN PARLIAMENT

2022–2023 SESSION

Sittings of 17 to 20 October 2022

The texts adopted of 18 October 2022 concerning the discharge for the financial year 2020 have been published in OJ L 45, 14.2.2023.

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European Parliament

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- * 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.)

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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.

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2022–2023 SESSION

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TEXTS ADOPTED

Tuesday 18 October 2022

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2022)0363

Active substances, including 8-hydroxyquinoline, chlorotoluron and difenoconazole

European Parliament resolution of 18 October 2022 on Commission Implementing Regulation (EU) 2022/1480 of 7 September 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bensulfuron, bifenox, chlormequat, chlorotoluron, clofentezine, clomazone, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, esfenvalerate, etofenprox, fenoxaprop-P, fenpropidin, fenpyrazamine, fludioxonil, flufenacet, flumetralin, fosthiazate, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, prohexadione, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate, sulphur, tebufenpyrad, tetraconazole, tri-allate, triflusaluron and tritosulfuron (2022/2785(RSP))

(2023/C 149/01)

The European Parliament,

- having regard to Commission Implementing Regulation (EU) 2022/1480 of 7 September 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bensulfuron, bifenox, chlormequat, chlorotoluron, clofentezine, clomazone, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, esfenvalerate, etofenprox, fenoxaprop-P, fenpropidin, fenpyrazamine, fludioxonil, flufenacet, flumetralin, fosthiazate, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, prohexadione, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate, sulphur, tebufenpyrad, tetraconazole, tri-allate, triflusaluron and tritosulfuron ⁽¹⁾,
- having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽²⁾, and in particular Article 17, first paragraph, and Article 21 thereof,
- having regard to Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution ⁽³⁾,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽⁴⁾,

⁽¹⁾ OJ L 233, 8.9.2022, p. 43.

⁽²⁾ OJ L 309, 24.11.2009, p. 1.

⁽³⁾ OJ L 67, 12.3.2015, p. 18.

⁽⁴⁾ OJ L 55, 28.2.2011, p. 13.

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- having regard to its resolution of 13 September 2018 on the implementation of the Plant Protection Products Regulation (EC) No 1107/2009 ⁽⁵⁾,
 - having regard to its resolutions of 10 October 2019, of 26 November 2020 and of 6 October 2021 objecting to the previous extensions of the approval period of the active substances chlorotoluron and difenoconazole ⁽⁶⁾,
 - having regard to Rule 112(2) and (3) of its Rules of Procedure,
 - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas the active substance 8-hydroxyquinoline was approved in accordance with Regulation (EC) No 1107/2009 by Commission Implementing Regulation (EU) No 993/2011 ⁽⁷⁾;

- B. whereas the active substance chlorotoluron was included in Annex I to Council Directive 91/414/EEC ⁽⁸⁾ on 1 March 2006 by Commission Directive 2005/53/EC ⁽⁹⁾ and has been deemed to be approved under Regulation (EC) No 1107/2009 and a procedure to renew the approval of chlorotoluron under Commission Implementing Regulation (EU) No 844/2012 ⁽¹⁰⁾ has been ongoing since 2013;

⁽⁵⁾ OJ C 433, 23.12.2019, p. 183.

⁽⁶⁾ European Parliament resolution of 10 October 2019 on the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifentox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflurosulfuron and tritosulfuron (OJ C 202, 28.5.2021, p. 7);

European Parliament resolution of 26 November 2020 on Commission Implementing Regulation (EU) 2020/1511 of 16 October 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifentox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflurosulfuron and tritosulfuron (OJ C 425, 20.10.2021, p. 87);

European Parliament resolution of 6 October 2021 on Commission Implementing Regulation (EU) 2021/1449 of 3 September 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bifentox, chlormequat, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, etofenprox, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oil, penconazole, picloram, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-terfuryl, sulphur, tetraconazole, tri-allate, triflurosulfuron and tritosulfuron (OJ C 132, 24.3.2022, p. 65).

⁽⁷⁾ Commission Implementing Regulation (EU) No 993/2011 of 6 October 2011 approving the active substance 8-hydroxyquinoline, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 263, 7.10.2011, p. 1).

⁽⁸⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁹⁾ Commission Directive 2005/53/EC of 16 September 2005 amending Council Directive 91/414/EEC to include chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl as active substances (OJ L 241, 17.9.2005, p. 51).

⁽¹⁰⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

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- C. whereas the active substance difenoconazole was included in Annex I to Directive 91/414/EEC on 1 January 2009 by Commission Directive 2008/69/EC ⁽¹¹⁾ and has been deemed to be approved under Regulation (EC) No 1107/2009;
- D. whereas the approval period for 8-hydroxyquinoline has already been extended by one year by Commission Implementing Regulation (EU) 2021/1449 ⁽¹²⁾ and now again by Implementing Regulation (EU) 2022/1480 which extends the approval period until 31 December 2023;
- E. whereas the approval period for chlorotoluron has already been extended by one year by Commission Implementing Regulation (EU) No 533/2013 ⁽¹³⁾, and subsequently by one year every year since 2017 by Commission Implementing Regulations (EU) 2017/1511 ⁽¹⁴⁾, (EU) 2018/1262 ⁽¹⁵⁾, (EU) 2019/1589 ⁽¹⁶⁾, (EU) 2020/1511 ⁽¹⁷⁾, (EU) 2021/1449, and now again by Implementing Regulation (EU) 2022/1480 which extends the approval period until 31 October 2023, and which will make it the seventh extension of the original approval period;
- F. whereas the approval period for difenoconazole has already been extended three times by one year by Implementing Regulations (EU) 2019/1589, (EU) 2020/1511 and (EU) 2021/1449, and now again by Implementing Regulation (EU) 2022/1480 which extends the approval period until 31 December 2023;
- G. whereas the Commission has failed to explain the reasons for the extensions other than saying: 'Due to the fact that the assessment of those active substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal';

⁽¹¹⁾ Commission Directive 2008/69/EC of 1 July 2008 amending Council Directive 91/414/EEC to include clofentezine, dicamba, difenoconazole, diflubenzuron, imazaquin, lenacil, oxadiazon, picloram and pyriproxyfen as active substances (OJ L 172, 2.7.2008, p. 9).

⁽¹²⁾ Commission Implementing Regulation (EU) 2021/1449 of 3 September 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bifenoxy, chlormequat, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, etofenprox, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sulphur, tetraconazole, tri-allate, triflusaluron and tritosulfuron (OJ L 313, 6.9.2021, p. 20).

⁽¹³⁾ Commission Implementing Regulation (EU) No 533/2013 of 10 June 2013 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methyl-cyclopropene, chlorothalonil, chlorotoluron, cypermethrin, daminozide, forchlorfenuron, indoxacarb, thiophanate-methyl and tribenuron (OJ L 159, 11.6.2013, p. 9).

⁽¹⁴⁾ Commission Implementing Regulation (EU) 2017/1511 of 30 August 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methylcyclopropene, beta-cyfluthrin, chlorothalonil, chlorotoluron, cypermethrin, daminozide, deltamethrin, dimethenamid-p, flufenacet, flurtamone, forchlorfenuron, fosthiazate, indoxacarb, iprodione, MCPA, MCPB, silthiofam, thiophanate-methyl and tribenuron (OJ L 224, 31.8.2017, p. 115).

⁽¹⁵⁾ Commission Implementing Regulation (EU) 2018/1262 of 20 September 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methylcyclopropene, beta-cyfluthrin, chlorothalonil, chlorotoluron, clomazone, cypermethrin, daminozide, deltamethrin, dimethenamid-p, diuron, fludioxonil, flufenacet, flurtamone, fosthiazate, indoxacarb, MCPA, MCPB, prosulfocarb, thiophanate-methyl and tribenuron (OJ L 238, 21.9.2018, p. 62).

⁽¹⁶⁾ Commission Implementing Regulation (EU) 2019/1589 of 26 September 2019 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifenoxy, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflusaluron and tritosulfuron (OJ L 248, 27.9.2019, p. 24).

⁽¹⁷⁾ Commission Implementing Regulation (EU) 2020/1511 of 16 October 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifenoxy, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflusaluron and tritosulfuron (OJ L 344, 19.10.2020, p. 18).

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8-hydroxyquinoline

- H. whereas in 2015 the Committee for Risk Assessment of the European Chemicals Agency (ECHA) issued an opinion that 8-hydroxyquinoline should be classified as reproductive toxicity category 1B ⁽¹⁸⁾;
- I. whereas in 2016 the European Food Safety Authority (EFSA) in its peer-review of the pesticide risk assessment of 8-hydroxyquinoline identified several data gaps and two critical areas of concern: on the one hand, 8-hydroxyquinoline is to be classified as reproductive toxicity category 1B; on the other, the substance would not meet either of the interim provisions of these approval criteria (Point 3.6.5 concerning human health for the consideration of endocrine-disrupting properties) as together with the classification, adverse effects were observed on endocrine organs in the available studies ⁽¹⁹⁾;
- J. whereas in 2017 8-hydroxyquinoline was placed on the 'list of candidates for substitution' by Commission Implementing Regulation (EU) 2017/2065 ⁽²⁰⁾ because it is considered to have endocrine-disrupting properties that may cause adverse effects in humans, and because it is classified, in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²¹⁾, as being toxic for reproduction category 1B;

Chlorotoluron

- K. whereas, according to Regulation (EC) No 1272/2008, chlorotoluron has a harmonised classification of very toxic to aquatic life, very toxic to aquatic life with long lasting effects, suspected of causing cancer (Carc. 2), and suspected of damaging the unborn child (Repr. 2);
- L. whereas chlorotoluron has been associated with endocrine-disrupting properties in scientific publications ⁽²²⁾;
- M. whereas in 2015 chlorotoluron was placed on the 'list of candidates for substitution' by Implementing Regulation (EU) 2015/408 because it is considered to have endocrine-disrupting properties that may cause adverse effects in humans, and because it meets the criteria for it to be considered a persistent and toxic substance;
- N. whereas Parliament has already objected to the previous extensions of the approval period of chlorotoluron in its resolutions of 10 October 2019, of 26 November 2020 and of 6 October 2021;

⁽¹⁸⁾ Committee for Risk Assessment opinion of 5 June 2015 proposing harmonised classification and labelling at EU level of Quinolin-8-ol; 8-hydroxyquinoline, <https://echa.europa.eu/documents/10162/fb6bbac1-35b5-bf75-8592-0ccd93ad2615>

⁽¹⁹⁾ EFSA, Peer review of the pesticide risk assessment of the active substance 8-hydroxyquinoline, EFSA Journal 2016; 14(6):4493, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2016.4493>

⁽²⁰⁾ Commission Implementing Regulation (EU) 2017/2065 of 13 November 2017 confirming the conditions of approval of the active substance 8-hydroxyquinoline, as set out in Implementing Regulation (EU) No 540/2011 and modifying Implementing Regulation (EU) 2015/408 as regards the inclusion of the active substance 8-hydroxyquinoline in the list of candidates for substitution (OJ L 295, 14.11.2017, p. 40).

⁽²¹⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽²²⁾ See inter alia: Hong, M., Ping, Z., Jian, X., 'Testicular toxicity and mechanisms of chlorotoluron compounds in the mouse', Toxicology Mechanisms and Methods 2007; 17(8):483-8.

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- O. whereas the Commission in its responses ⁽²³⁾ to the previous objections to the extensions of the approval period of chlorotoluron only refers to the 'study underpinning the impact assessment conducted prior to the adoption of Commission Regulation (EU) 2018/605' ⁽²⁴⁾ in which 'chlorotoluron was not identified as a potential endocrine disruptor', but fails to acknowledge that that study did not lead to the removal of chlorotoluron from the list of candidates for substitution;
- P. whereas after the adoption of Commission Delegated Regulation (EU) 2017/2100 ⁽²⁵⁾ and Regulation (EU) 2018/605, the Commission tasked EFSA and ECHA with developing harmonised guidance to ensure that the endocrine disruptor criteria adopted by the Union are applied consistently for the assessment of biocides and pesticides in the Union; whereas this guidance which incorporates new OECD tests was published in June 2018 ⁽²⁶⁾, but has not been used to assess the endocrine-disrupting properties of chlorotoluron;
- Q. whereas therefore, chlorotoluron has not been properly assessed to allow for it to be no longer considered as an endocrine disrupter;
- R. whereas the draft renewal assessment report in relation to chlorotoluron should have been delivered by 2016, but was only delivered three years later, in 2019, and, a further three years later, it has still apparently not been assessed by EFSA;

Difenoconazole

- S. whereas difenoconazole used on its own, as well as in combination with different azoles, such as penconazole, is suspected of inducing triazole-resistance in the fungal strain *Aspergillus fumigatus* ⁽²⁷⁾;

⁽²³⁾ Commission follow up to the European Parliament non-legislative resolution on the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifeno, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflusaluron and tritosulfuron, SP (2019)669, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2826\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2826(RSP)&l=en);

Commission follow up to the European Parliament non-legislative resolution on Commission Implementing Regulation (EU) 2020/1511 of 16 October 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifeno, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflusaluron and tritosulfuron, SP(2021)129, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2853\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2853(RSP)&l=en);

Commission follow up to the European Parliament non-legislative resolution on Commission Implementing Regulation (EU) 2021/1449 of 3 September 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8- hydroxyquinoline, amidosulfuron, bifeno, chlormequat, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, etofenprox, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sulphur, tetraconazole, tri-allate, triflusaluron and tritosulfuron, SP(2021)735, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/2869\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/2869(RSP)&l=en).

⁽²⁴⁾ Commission Regulation (EU) 2018/605 of 19 April 2018 amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (OJ L 101, 20.4.2018, p. 33).

⁽²⁵⁾ Commission Delegated Regulation (EU) 2017/2100 of 4 September 2017 setting out scientific criteria for the determination of endocrine-disrupting properties pursuant to Regulation (EU) No 528/2012 of the European Parliament and Council (OJ L 301, 17.11.2017, p. 1).

⁽²⁶⁾ EFSA and ECHA Guidance for the identification of endocrine disruptors in the context of Regulations (EU) No 528/2012 and (EC) No 1107/2009, EFSA Journal 2018, 16(6):5311, <http://www.efsa.europa.eu/en/efsajournal/pub/5311>

⁽²⁷⁾ Verweij, P.E., Lucas, J.A., Arendrup, M.C., Bowyer, P., Brinkmann, A.J.F., Denning, D.W., Dyer, P.S., Fisher, M.C., Geenen, P.L., Gisi, U., Hermann, D., Hoogendijk, A., Kiers, E., Lagrou, K., Melchers, W.J.G., Rhodes, J., Rietveld, A.G., Schoustra, S.E., Stenzel, K., Zwaan, B. J., and Fraaije, B.A., 'The one health problem of azole resistance in *Aspergillus fumigatus*: current insights and future research agenda', Fungal Biology Reviews, Volume 34, Issue 4, 2020, pp. 202-214, <https://www.sciencedirect.com/science/article/pii/S1749461320300415>

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- T. whereas triazole resistance in *Aspergillus fumigatus* is a growing public health concern ⁽²⁸⁾; whereas data from several studies ⁽²⁹⁾ strongly suggest that agricultural azoles are responsible for medical treatment failure in azole-naïve patients in clinical settings;
- U. whereas one in four patients admitted to intensive care due to COVID-19-related health problems have been found to be infected with *Aspergillus fumigatus*, of which 15 % of them are diagnosed with a resistant variant of *Aspergillus fumigatus*; whereas those patients become almost untreatable and their survival rate is estimated at just 20 % ⁽³⁰⁾;
- V. whereas extending the approval periods of substances which lead to resistance to fungal medicines is unacceptable from a health point of view;

General considerations concerning extensions of approval periods

- W. whereas Regulation (EC) No 1107/2009 aims to ensure a high level of protection of both human and animal health and the environment, and at the same time to safeguard the competitiveness of Union agriculture; whereas particular attention should be paid to the protection of vulnerable groups of the population, including pregnant women, infants and children;
- X. whereas the precautionary principle should apply, and whereas Regulation (EC) No 1107/2009 specifies that substances should only be included in plant protection products where it has been demonstrated that they present a clear benefit for plant production and that they are not expected to have any harmful effect on human or animal health or any unacceptable effects on the environment;
- Y. whereas Regulation (EC) No 1107/2009 indicates that in the interest of safety the approval period for active substances should be limited in time; whereas the approval period should be proportionate to the possible risks inherent in the use of such substances, but in this case it is clear that no such proportionality exists;
- Z. whereas Article 17 of Regulation (EC) No 1107/2009 cannot be understood as allowing for an extension of an active substance's approval for an unlimited period of time, but should rather be understood as providing for a limited and exceptional extension of a few months, or a year at most, in order to avoid any interruption in the marketing and sale of phytosanitary products, –with due regard to the requirement to attain a high level of protection of human health and of the environment, which is both the primary objective of Regulation (EC) No 1107/2009 and a fundamental principle enshrined in Union primary law, namely Articles 35 and 37 of the Charter of fundamental Rights of the European Union and Articles 168 and 191 of the Treaty on the Functioning of the European Union;
- AA. whereas the current interpretation of Article 17 of Regulation (EC) No 1107/2009 by the Commission goes against the general objectives of that Regulation and the intent of the co-legislators;
- AB. whereas the Commission and Member States have the possibility and responsibility to act according to the precautionary principle when the possibility of harmful effects on health have been identified but scientific uncertainty persists, by adopting provisional risk management measures that are necessary to ensure a high level of protection of human health;

⁽²⁸⁾ Cao, D., Wang, F., Yu, S., Dong, S., Wu, R., Cui, N., Ren, J., Xu, T., Wang, S., Wang, M., Fang, H., and Yu, Y., 'Prevalence of Azole-Resistant *Aspergillus fumigatus* is Highly Associated with Azole Fungicide Residues in the Fields', *Environmental Science & Technology*, 2021, 55(5), 3041-3049, https://www.researchgate.net/publication/349087541_Prevalence_of_AzoleResistant_Aspgillus_fumigatus_is_Highly_Associated_with_Azole_Fungicide_Residues_in_the_Fields

⁽²⁹⁾ Berger, S., El Chazli, Y., Babu, A.F., Coste, A.T., 'Azole Resistance in *Aspergillus fumigatus*: A Consequence of Antifungal Use in Agriculture?', *Frontiers in Microbiology* 2017; 8: 1024, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5461301/>

⁽³⁰⁾ <https://huisarts.bsl.nl/levensbedreigende-schimmel-ontdekt-bij-kwart-coronapatienten-op-ic/>

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- AC. whereas, more specifically, Article 21 of Regulation (EC) No 1107/2009 provides that the Commission may review the approval of an active substance at any time, especially where, in the light of new scientific and technical knowledge, it considers that there are indications that the substance no longer satisfies the approval criteria provided for in Article 4 of that Regulation, and whereas this review may lead to the withdrawal or amendment of the approval of the substance;
- AD. whereas the identification of the three active substances as candidates for substitution did not contribute to any risk mitigation due to a poor implementation by Member States of the mandatory substitution scheme as set out in Article 50 of Regulation (EC) No 1107/2009;
- AE. whereas the Commission in its Farm to Fork and Biodiversity Strategies has pledged to reduce the overall use and risk of chemical pesticides by 50 % and the use of more hazardous pesticides by 50 % by 2030;
- AF. whereas the more hazardous pesticides are defined as pesticides containing active substances that meet the cut-off criteria as set out in points 3.6.2. to 3.6.5 and 3.8.2 of Annex II to Regulation (EC) No 1107/2009 or are identified as candidates for substitution in accordance with the criteria in point 4 of that Annex, which includes the active substances 8-hydroxyquinoline, chlorotoluron and difenoconazole as well as etofenprox, flufenacet, lenacil, nicosulfuron, nicosulfuron and tri-allate in relation to which the approval periods are all being extended by one year by Implementing Regulation (EU) 2022/1480, without a proper reassessment of the risks thereof;
- AG. whereas the continuous extensions of the approval periods of these most hazardous chemical pesticides without a proper, complete and timely reassessment of their hazardous properties is counterproductive to achieving the aims of the European Green Deal;
- AH. whereas, according to Article 4(7) of and point 3.6.4 of Annex II to Regulation (EC) No 1107/2009, an active substance cannot be approved when it is toxic for reproduction category 1B, except in cases where, on the basis of documented evidence included in the application, an active substance is necessary to control a serious danger to plant health which cannot be contained by other available means, including non-chemical methods, in which cases risk mitigation measures have to be taken to ensure that exposure of humans and the environment to the active substance is minimised, or where the exposure of humans to that active substance in a plant protection product, under realistic proposed conditions of use, is negligible, that is, the product is used in closed systems or in other conditions excluding contact with humans and where residues of the active substance concerned on food and feed do not exceed the default value set in accordance with Article 18(1), point (b), of Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽³¹⁾;
- AI. whereas, according to Article 4(7) of and point 3.6.5 of Annex II to Regulation (EC) No 1107/2009, an active substance cannot be approved when it is considered to have endocrine-disrupting properties that may cause adverse effect in humans, except in cases where, on the basis of documented evidence included in the application, an active substance is necessary to control a serious danger to plant health which cannot be contained by other available means, including non-chemical methods, in which cases risk mitigation measures have to be taken to ensure that exposure of humans and the environment to the active substance is minimised, or where the exposure of humans to that active substance in a plant protection product, under realistic proposed conditions of use, is negligible, that is, the product is used in closed systems or in other conditions excluding contact with humans and where residues of the active substance concerned on food and feed do not exceed the default value set in accordance with Article 18(1), point (b), of Regulation (EC) No 396/2005;
- AJ. whereas it is unacceptable for substances which are likely to meet the cut-off criteria for active substances to continue to be allowed for use in the Union, thereby putting public and environmental health at risk;

⁽³¹⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

(32) Case T-412/22, *PAN Europe v Commission*, <https://curia.europa.eu/juris/fiche.jsf?id=T%3B412%3B22%3BRD%3B1%3BP%3B1%3BT022%2F0412%2FP&nat=or&mat=or&pcs=Oor&jur=C%2CT%2CF&num=T412%252F22&for=&jge=&dates=&language=en&pro=&cit=none%252C%252CC%252CR%252C2008E%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&oqp=&td=%3BALL&avg=&lgrc=en&lg=&cid=13059188>

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8. Calls on the Commission to duly justify its decisions to extend the approval periods of active substances in the future and to stop proceeding with such extension proposals 'by package', in order to increase Member States scrutiny of such decisions;
 9. Calls on the Member States to ensure the proper and timely reassessment of the approvals for the active substances for which they are the reporting Member States, and to ensure that current delays are solved effectively and as soon as possible;
 10. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P9_TA(2022)0364

The accession of Romania and Bulgaria to the Schengen area**European Parliament resolution of 18 October 2022 on the accession of Romania and Bulgaria to the Schengen area (2022/2852(RSP))**

(2023/C 149/02)

The European Parliament,

- having regard to the Protocol integrating the Schengen *acquis* into the framework of the European Union (11997D/PRO/02),
- having regard to Article 67(2) of the Treaty on the Functioning of the European Union (TFEU), which provides that the Union must constitute an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 21(1) TFEU, which provides that every citizen of the Union must have the right to move and reside freely within the territory of the Member States,
- having regard to Article 4(2) of the 2005 Act of Accession,
- having regard to the Charter of Fundamental Rights of the European Union, including Article 45 thereof, which stipulates that every citizen of the Union has the right to move and reside freely within the territory of the Member States,
- having regard to the draft Council decisions on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania of 29 September 2010 (14142/10) and of 8 July 2011 (14142/1/10),
- having regard to the draft Council decision of 7 December 2011 on the framework for the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania (14302/3/11),
- having regard to its position of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania ⁽¹⁾,
- having regard to the conclusions of the Justice and Home Affairs Council of 9 and 10 June 2011, 22 and 23 September 2011, 25 and 26 October 2012, 7 and 8 March 2013, and 5 and 6 December 2013,
- having regard to its resolution of 13 October 2011 on the accession of Bulgaria and Romania to Schengen ⁽²⁾,
- having regard to the European Council conclusions of 9 December 2011 and 1 and 2 March 2012,
- having regard to Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania ⁽³⁾,
- having regard to Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania ⁽⁴⁾,

⁽¹⁾ OJ C 380 E, 11.12.2012, p. 160.

⁽²⁾ OJ C 94 E, 3.4.2013, p. 13.

⁽³⁾ OJ L 269, 19.10.2017, p. 39.

⁽⁴⁾ OJ L 165, 2.7.2018, p. 37.

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- having regard to the Commission communication of 2 June 2021 entitled ‘A strategy towards a fully functioning and resilient Schengen area’ (COM(2021)0277),
 - having regard to the Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (COM(2021)0891),
 - having regard to the Commission communication of 24 May 2022 entitled ‘State of Schengen Report 2022’ (COM(2022)0301),
 - having regard to Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013 ⁽⁵⁾,
 - having regard to the draft Council decision of 23 June 2022 on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia (10624/22),
 - having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders ⁽⁶⁾,
 - having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak ⁽⁷⁾,
 - having regard to its resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area ⁽⁸⁾,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas Bulgaria and Romania adopted the Schengen *acquis* upon their accession to the European Union in 2007; whereas in 2008 Bulgaria issued its declaration of readiness to start the evaluations carried out by the Schengen Evaluation Working Group (SCH-EVAL), comprising experts from Schengen Member States; whereas in 2007 and 2008 Romania issued its declaration of readiness to start the evaluations carried out by SCH-EVAL;
- B. whereas the completion of the Schengen evaluation process for Bulgaria and Romania and the state of preparedness of the two countries to implement all the provisions of the Schengen *acquis* were confirmed by SCH-EVAL experts, and by the Council in its conclusions of 9 and 10 June 2011; whereas in its draft decision of 8 July 2011, the Council verified that the necessary conditions for the application of the Schengen *acquis* had been met in all areas, namely data protection, air borders, land borders, police cooperation, the Schengen Information System, sea borders and visas; whereas in addition to the challenge of managing external borders of the European Union, the completion of the Schengen evaluation process has entailed both countries fundamentally restructuring their border surveillance systems and investing in increased law enforcement capacity; whereas according to the 2005 Act of Accession, the successful completion of the Schengen evaluation procedures is the only prerequisite for the full application of the Schengen *acquis*, including the abolition of checks at internal land, sea and air borders; whereas Bulgaria and Romania’s state of preparedness to apply the Schengen *acquis* in full has been acknowledged by heads of state and government in the Council on multiple occasions, as well as by the Commission and Parliament, most recently in the Commission’s State of Schengen Report 2022 and Parliament’s resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area;

⁽⁵⁾ OJ L 160, 15.6.2022, p. 1.

⁽⁶⁾ OJ C 388, 13.11.2020, p. 18.

⁽⁷⁾ OJ C 362, 8.9.2021, p. 77.

⁽⁸⁾ OJ C 99, 1.3.2022, p. 158.

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- C. whereas in its draft decision of 29 September 2010, the Council proposed the full application of the Schengen *acquis* in Bulgaria and Romania and the abolition of checks at internal land, sea and air borders; whereas in its position of 8 June 2011, Parliament approved this decision and asked the Council to consult Parliament again if it intended to substantially amend it;
- D. whereas the adoption of the Council decision by the Justice and Home Affairs Council has been repeatedly deferred;
- E. whereas with the Council decision of 12 October 2017 Bulgaria and Romania were granted passive access to the Visa Information System; whereas in its draft decision of 18 April 2018 the Council proposed the full application of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in both Member States;
- F. whereas neither the 2005 Act of Accession nor the Schengen evaluation mechanism provide for setting different timeframes for the abolition of checks at internal land, sea and air borders; whereas all previous enlargements of the Schengen area were established with a single legal act;
- G. whereas the Council has consulted Parliament on its draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia (10624/22); whereas work on that draft Council decision is ongoing in Parliament;
- H. whereas the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, facilitating the free movement of people within the Schengen area without internal border controls; whereas this has been made possible through a variety of compensatory measures, such as the establishment of the Schengen Information System (to reinforce the exchange of information), as well as the creation of an evaluation mechanism to verify the implementation of the Schengen *acquis* by Member States and foster mutual trust in the functioning of the Schengen area;
- I. whereas all Member States that belong to the Schengen area are obliged to comply with the Schengen *acquis*, including with regard to fundamental rights in accordance with Article 4 of the Schengen Borders Code⁽⁹⁾;
- J. whereas the maintenance of internal border controls in the Union and their reintroduction in the Schengen area has a serious impact on the lives of European citizens, in particular mobile workers and all those who benefit from the principle of free movement within the EU, and seriously undermines their trust in the European institutions and integration; whereas this entails direct operational and investment costs for cross-border and mobile workers, tourists, road freight transporters and public administrations, with negative effects on the economies of the Member States and the functioning of the internal market of the EU, including a negative impact on the environment due to the large number of slow-moving trucks waiting at border crossing points; whereas the maintenance of internal border controls for Bulgaria and Romania has, in particular, a negative impact on the principle of equality and non-discrimination within the EU, as well as on exports and imports from and to both Member States, and on transport operations from and to some of Europe's largest southern civilian fleet and freight ports, meaning lost benefits and increased spending;
- K. whereas the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania would strengthen the Schengen area and help to ensure equal rights for all citizens within it;
1. Recalls that all the necessary conditions for the full application of the Schengen *acquis* to Romania and Bulgaria were already met by both Member States in 2011;

⁽⁹⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

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2. Is dismayed that in the 11 years since, the Council has failed to take a decision on the full application of the Schengen *acquis* to Bulgaria and Romania despite the repeated calls to this end by both the Commission and Parliament;
 3. Reiterates its long-standing position, as set out in its resolution of 11 December 2018, in support of the full application of the Schengen *acquis* to Bulgaria and Romania;
 4. Welcomes the willingness of Romania and Bulgaria to voluntarily host a fact-finding mission, which constitutes an expression, on their part, of the principle of sincere cooperation and mutual trust, despite the fact that they have already met all of the legal requirements and there are no grounds for any further evaluations;
 5. Urges the Council to take all the necessary steps to adopt its decision on the full application of the provisions of the Schengen *acquis* to the Republic of Bulgaria and Romania by the end of 2022, thus ensuring the abolition of checks on persons at all internal borders for both of those Member States in early 2023;
 6. 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)0371

The Rule of Law in Malta, five years after the assassination of Daphne Caruana Galizia**European Parliament resolution of 20 October 2022 on the rule of law in Malta, five years after the assassination of Daphne Caruana Galizia (2022/2866(RSP))**

(2023/C 149/03)

The European Parliament,

- having regard to Articles 2, 4, 5, 6, 7, 9 and 10 of the Treaty on European Union (TEU),
- having regard to Article 20 of the Treaty on the Functioning of the European Union,
- having regard to Articles 6, 7, 8, 10, 11, 12 and 47 of the Charter of Fundamental Rights of the European Union (the ‘Charter’),
- having regard to its resolutions of 15 November 2017 ⁽¹⁾, of 28 March 2019 ⁽²⁾, of 16. December 2019 ⁽³⁾ and of 29 April 2021 ⁽⁴⁾, on the rule of law in Malta,
- having regard to the hearings, exchanges of views and delegation visits carried out by the Democracy, Rule of Law and Fundamental Rights Monitoring Group of the Committee on Civil Liberties, Justice and Home Affairs since 15 November 2017,
- having regard to the exchanges of letters between the Chair of the Democracy, Rule of Law and Fundamental Rights Monitoring Group and the Prime Minister of Malta,
- having regard to Resolution 2293 (2019) of the Parliamentary Assembly of the Council of Europe of 26 June 2019 entitled ‘Daphne Caruana Galizia’s assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges’,
- having regard to the report on the follow-up to Resolution 2293 (2019) of the Parliamentary Assembly of the Council of Europe, endorsed by the Parliamentary Assembly’s Committee on Legal Affairs and Human Rights on 8 December 2020,
- having regard to Opinion No 993/2020 of the Venice Commission of 8 October 2020 on ten Acts and bills implementing legislative proposals subject of Opinion CDL-AD(2020)006,
- having regard to the report of the Commissioner for Human Rights of the Council of Europe following her visit to Malta from 11 to 16 October 2021,
- having regard to the letter of the Commissioner for Human Rights of the Council of Europe of 23 September 2022 to the Prime Minister of Malta, and the reply of the Prime Minister of Malta of 4 October 2022,
- having regard to the Commission’s 2022 Rule of Law Report (COM(2022)0500),
- having regard to the mission report of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) following the visit of its Delegation on the Rule of Law to Valletta, Malta, from 23 to 25 May 2022,
- having regard to Rule 132(2) of its Rules of Procedure,

⁽¹⁾ OJ C 356, 4.10.2018, p. 29.

⁽²⁾ OJ C 108, 26.3.2021, p. 107.

⁽³⁾ OJ C 255, 29.6.2021, p. 22.

⁽⁴⁾ OJ C 506, 15.12.2021, p. 64.

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- A. whereas the Union is founded on the common values enshrined in Article 2 TEU of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities — values that are common to the EU Member States and to which candidate countries must adhere in order to join the Union as part of the Copenhagen criteria, which cannot be disregarded or reinterpreted after accession; whereas democracy, the rule of law and fundamental rights are mutually reinforcing values which, when undermined, may pose a systemic threat to the Union and the rights and freedoms of its citizens;
- B. whereas the rule of law, respect for democracy, human rights and fundamental freedoms and the values and principles enshrined in the EU Treaties and international human rights instruments are obligations incumbent on the Union and its Member States and must be complied with;
- C. whereas the Charter is part of EU primary law; whereas freedom of expression and freedom and pluralism of the media are enshrined in Article 11 of the Charter and Article 10 of the European Convention on Human Rights (ECHR);
- D. whereas the independence of the judiciary is enshrined in Article 19(1) TEU, Article 47 of the Charter and Article 6 of the ECHR, and is an essential requirement of the democratic principle of separation of powers;
- E. whereas journalists, notably but not exclusively investigative journalists, are increasingly targeted by so-called 'strategic lawsuits against public participation' (SLAPPs), both within and outside the EU, which are intended purely to frustrate their work, avoid public scrutiny and prevent authorities from being held to account; whereas this has a chilling effect on media freedom;
- F. whereas Member States should encourage the establishment of early warning and rapid response mechanisms to ensure that journalists and other media actors have immediate access to protective measures when they are threatened; whereas such mechanisms should be subject to meaningful civil society oversight and guarantee protection for whistle-blowers and sources who wish to remain anonymous;
- G. whereas in order to avoid impunity, Member States have an obligation to take all necessary steps to bring the perpetrators of crimes against journalists and other media actors to justice; whereas investigations and prosecutions should consider all of the different — actual and potential — roles in these crimes, such as authors, instigators, perpetrators and accomplices, and the criminal liability that arises from each of those roles;
- H. whereas the Maltese anti-corruption investigative journalist and blogger Daphne Caruana Galizia was assassinated in a car bomb attack on 16 October 2017; whereas she was the target of harassment and numerous threats in the form of threatening phone calls, letters and text messages, as well as an arson attack on her house; whereas the self-confessed hit man testified in court on 16 March 2021 that two years before Daphne Caruana Galizia was murdered there was a previous and separate plot to assassinate her using an AK-47 rifle; whereas on the first day of their trial on 14 October 2022, the two other accused hit men pleaded guilty in court and were sentenced to 40 years' imprisonment;
- I. whereas the murder investigations led by the Maltese authorities and assisted by Europol have led to the identification, arraignment and ongoing trial of several suspects and one of the potential masterminds behind the murder, the owner of the Dubai-based company 17 Black Ltd. and former member of the Board of Directors of ElectroGas Malta Ltd., responsible for generating the majority of Malta's electricity, who was arrested on 20 November 2019 in an apparent attempt to escape Malta; whereas the United States Federal Bureau of Investigation was also involved in the investigations;
- J. whereas the United Arab Emirates (UAE) was used to conceal transactions allegedly linked to corruption that Daphne Caruana Galizia was exposing at the time of her assassination;

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- K. whereas the Dubai-based company 17 Black Ltd. was listed as a company from which Panama-based companies owned by the former chief of staff to the former prime minister of Malta and by the former minister for tourism, formerly the minister for energy, were set to receive funds; whereas links between 17 Black Ltd. and numerous public projects in Malta continue to be exposed;
- L. whereas the chief of staff to the former prime minister of Malta and the former minister for tourism, formerly the minister for energy, and their families have been designated by the US Department of State due to their involvement in significant corruption and have thus been barred from entering the United States;
- M. whereas Pilatus Bank was exposed by Daphne Caruana Galizia as being the bank of choice for suspicious transactions involving Maltese and Azeri politically exposed persons; whereas Malta's police commissioner publicly declared in August 2020 that charges against those involved in criminal activity at Pilatus Bank were imminent; whereas 26 months later, charges have only been brought against one person and investigations appear to have stalled; whereas those implicated were allowed in and out of the country freely despite arrest warrants having been issued; whereas a former compliance officer at the Malta Gaming Authority was allowed to leave Malta while travelling on holiday with the former prime minister of Malta despite a European arrest warrant being in force against him, and was subsequently apprehended on arrival in Italy;
- N. whereas two partners at Mossack-Fonseca-linked firm Nexia BT, now defunct, exposed by Daphne Caruana Galizia and the Panama Papers as having designed the money laundering structures to facilitate corruption, have been charged for only some of the allegations made against them, excluding the ElectroGas scandal;
- O. whereas the liquefied natural gas security of supply agreement between ElectroGas Malta Ltd. and the Government of Malta, signed by the former minister for tourism, who was at the time, in 2015, the minister for energy, was kept secret for years and only exposed in September 2022 by the Daphne Caruana Galizia Foundation and a media outlet; whereas the current attorney general has been criticised for facilitating the signing of this contract without any further approval from cabinet or parliament in her former role as deputy attorney general; whereas at the time of her assassination, Daphne Caruana Galizia was investigating a large cache of internal documents from ElectroGas Malta Ltd.;
- P. whereas one of the alleged accomplices and certain recordings exhibited in court proceedings have implicated the former chief of staff to the former prime minister of Malta in the planning and funding of the murder; whereas he was arrested and charged with money laundering, fraud, corruption and forgery on 20 March 2021 in a separate case, which was the subject of Daphne Caruana Galizia's work, along with several of his business associates;
- Q. whereas a public independent inquiry into the murder of Daphne Caruana Galizia was initiated in late 2019 and concluded on 29 July 2021; whereas the board of the public inquiry published a report with a set of conclusions and recommendations on strengthening the rule of law, the respect of press freedom, freedom of expression and the protection of journalists, on legal reform at constitutional level, and on legislative proposals regarding media freedom; whereas the Board also established that 'whilst there was no evidence that the State as such had any role in the assassination of Mrs Caruana Galizia, (...), the State should bear the responsibility for the assassination by creating a climate of impunity, generated from the highest levels at the core of the administration at Castille⁽⁵⁾ and spreading its tentacles to other entities such as regulatory institutions and the Police which led to the collapse of the rule of law';
- R. whereas the Government of Malta has proposed a number of reforms to address some of those recommendations, including draft legislation to strengthen media freedom and a proposal for an anti-SLAPP law; whereas the reforms of the Maltese justice system that started in 2020 have continued to be implemented;

⁽⁵⁾ The Auberge de Castille has been the office of the Prime Minister of Malta in Valletta since March 1972.

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- S. whereas the latest Media Pluralism Monitor rated the overall risk to media pluralism in Malta as ‘medium’, but rated the risk for editorial autonomy and political independence as ‘high’;
- T. whereas Maltese news outlet The Shift News has been faced with 40 separate legal appeals from public authorities against freedom of information requests concerning public expenditure vis-a-vis the independent media;
- U. whereas the judicial reform undertaken by Maltese authorities was mentioned in the 2021 State of the Union speech;
- V. whereas the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval) has acknowledged Malta’s significant progress in the level of compliance with the Financial Action Task Force Standards, deemed Malta to be compliant and removed Malta from the grey list after 12 months;
- W. whereas in its mission report following the visit of the LIBE Delegation on the Rule of Law to Malta from 23 to 25 May 2022, the Democracy, Rule of Law and Fundamental Rights Monitoring Group of Parliament’s LIBE Committee expressed concerns over the slow progress in the follow-up to the murder of Daphne Caruana Galizia and the implementation of the recommendations by the public inquiry, among others, while recognising that the judicial proceedings are still ongoing;
1. Pays tribute to Daphne Caruana Galizia five years after her assassination and to her essential work in exposing corruption, organised crime, tax fraud and money laundering, and in holding those involved in such illegal activities accountable; strongly condemns the criminalisation of, attacks on and killings of journalists for doing their job, including the killings of Ján Kuciak and his fiancée Martina Kušnírová on 21 February 2018, of Viktoria Marinova on 6 October 2018, of Greek journalist George Karaivaz on 9 April 2021, and of Dutch journalist Peter R. de Vries on 15 July 2021, and stresses the crucial role they play in unveiling the truth, protecting democracy and ending the culture of impunity; pays further tribute to all the journalists killed in Europe in recent years; reiterates the paramount importance of an independent media and active civil society as fundamental pillars of justice, democracy and the rule of law; notes that the murder of journalists affects not just a Member State, but the European Union as a whole; firmly believes that the protection of the democratic rule of law is a common responsibility that transcends national and party boundaries;
 2. Acknowledges the progress made in the ongoing judicial proceedings on the murder of Daphne Caruana Galizia, while deeply regretting that they have led to only three convictions related to the execution of the assassination, following the hit men’s guilty plea; reiterates, therefore, its call for finalising the investigation into the core motives behind the murder and closing the criminal judicial proceedings as quickly as possible, bringing those involved in the murder, at any level, to justice; reiterates its call for the full and continuous involvement of Europol in all aspects of the murder investigation and all related investigations;
 3. Acknowledges that the current prime minister of Malta publicly apologised for the state’s shortcomings that could have contributed to the murder of Daphne Caruana Galizia;
 4. Is concerned that one year after the publication of the report of the public inquiry, the process of implementation of its recommendations is deficient; notes that the Maltese Government has put forward a number of reforms, including legislative proposals in order to address some of these recommendations; notes that the Council of Europe’s commissioner for human rights indicated that the Maltese authorities must ensure that legislative work launched pursuant to the public inquiry report complies with international standards and is fully open to public scrutiny and participation; calls on the Maltese Government to implement all the recommendations of the public inquiry report without further delay;

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5. Welcomes the efforts of the Financial Intelligence Analysis Unit and stresses that it is essential that high-profile financial and economic crimes, especially corruption and money laundering, are prosecuted rigorously; is appalled, however, about the lack of progress in prosecuting the corruption and money laundering that Daphne Caruana Galizia had been investigating at the time of her murder, which involved suspects at the highest political levels; is also alarmed by the institutional failure of law enforcement and justice in Malta and strongly urges the authorities responsible to bring to justice every individual implicated in one or more of the numerous cases currently being investigated or reported; is highly concerned about the recent revelations of repeated inaction on European Arrest Warrants against those connected with high political officials; calls on the Maltese authorities to address challenges related to the length of investigations into high-level corruption cases, including by establishing a robust track record of final judgments; stresses the importance of institutional independence for the proper functioning of the rule of law; calls on the Maltese authorities to make progress on investigations into cases of possible attempts by then public officials to conceal evidence and obstruct investigations and judicial proceedings;

6. Is alarmed by the lack of progress of the investigative and judicial proceedings against Pilatus Bank officials and the efforts by the Maltese authorities to stall proceedings; takes note of the provisional measures of the International Centre for Settlement of Investment Disputes of 14 September 2022 ⁽⁶⁾ delaying the Maltese authorities' inquiries; calls on the Maltese authorities to provide additional resources to investigate the reasons for the delay and to ensure that justice runs its course; calls on the relevant European bodies to closely monitor progress on the Pilatus Bank case; is also alarmed by the lack of progress against the two Nexia BT partners and calls on the Commission and Moneyval to monitor the case; expresses further concerns about the allegations of money laundering and corruption in relation to the ElectroGas deal and calls on the Commission to use all tools at its disposal to assess whether the applicable European law was adhered to;

7. Welcomes the additional capacities that are being made available for the investigation and prosecution of crime in general, the reformed appointment procedure for judges, and the reform of the Attorney General's office and role; calls on the Maltese parliament to reach an agreement on depoliticising the appointment of the chief justice involving the judiciary in the procedure, taking into account European standards on judicial appointments and the opinion of the Venice Commission;

8. Regrets the deterioration of the efficiency of the Maltese justice system and calls for solutions to be found to reduce the length of proceedings;

9. Notes the importance of the information that the UAE possesses concerning transactions carried out by companies linked to corruption and their significance to ongoing investigations; notes that the UAE has since been grey listed by the Financial Action Task Force; commits to monitoring the ongoing cooperation between the UAE and Malta to ensure that the necessary information for prosecutions is properly requested and transmitted, and notes that this cooperation should have implications for the UAE's standing with anti-money laundering regulatory bodies; reiterates its call on the Commission and the Maltese authorities to use all tools at their disposal to ensure cooperation and proper legal assistance in all investigations; calls on the UAE to cooperate swiftly with the Maltese authorities in order to facilitate investigations, and with the EU in general;

10. Welcomes the recent referrals of cases from the Maltese Government to the European Public Prosecutor's Office (EPPO); believes, however, that the overall number of cases remains relatively low in comparison to other Member States and that the Maltese system to detect, investigate, and prosecute crimes remains opaque;

11. Expresses grave concern with the reported lack of cooperation from Maltese authorities with the EPPO in ongoing cases; notes in particular allegations regarding the ongoing investigation of an EU-funded project in which the alleged mastermind of Daphne Caruana Galizia's assassination and owner of the Dubai-based company 17 Black Ltd. is implicated;

⁽⁶⁾ <https://icsid.worldbank.org/cases/case-database/case-detail?CaseNo=ARB/21/36>

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12. Expresses concern about the impunity afforded to key figures in the former prime minister's administration, including the former prime minister himself, his chief of staff, and the former minister for tourism, formerly the minister for energy;

13. Acknowledges the several proposals put forward by the Maltese Government to improve the situation of media freedom; urges the Maltese authorities to ensure that the proposed reforms meet the European and international standards on the protection of journalists, in particular as regards preventing and sanctioning threats against and harassment of journalists, publicly and online, and to swiftly implement them; urges the Maltese authorities also to introduce additional measures and other safeguards to improve the environment for critical and independent journalism in Malta, and the accountability of politicians and officials;

14. Is concerned that obstacles to media freedom and pluralism persist, for instance with regard to access to information requests to the government, as well as potentially discriminatory funding of media outlets; regrets that governmental entities have lodged a series of appeals against the 40 positive decisions made by the data protection commissioner in favour of freedom of information requests made by The Shift News and believes that the appeals could send a chilling message to media actors and citizens; calls on the Maltese Government to immediately withdraw these appeals;

15. Expresses concerns at reports indicating that while the Committee of Experts on the Media was tasked with providing advice on changes to the media sector did include some representatives of the media, the Maltese Government did not conduct a public consultation; calls on the Maltese authorities to secure a broad public consultation concerning the media sector, as committed to by the prime minister of Malta on 13 October 2022 following advocacy efforts by international civil society, the media community in Malta and the Council of Europe, and in particular the restriction on the use of SLAPPs; calls on the Maltese parliament to adopt relevant legislation, including amendments to the Constitution, as a matter of priority;

16. Deplores the fact that journalists, as well as family members of Daphne Caruana Galizia, are currently still the target of SLAPPs, and reiterates its urgent call on the individuals who initiated the cases, including former government officials, to drop them;

17. Welcomes the current proposals establishing that defamation court tariffs will not be paid upon initial presentation of a reply by the defendant journalist, and the possibility for Maltese courts to deem defamation suits 'manifestly unfounded' and thus to dismiss them; calls on the Maltese authorities to implement the Commission Recommendation and enact effective policies for the protection of journalists; welcomes the Commission proposal for a directive to combat SLAPPs (COM(2022)0177);

18. Calls on the Maltese Government to further address existing concerns related to media freedom and the independence of public media from political interference, including a framework to ensure transparency in state advertising, and the increasing use of hate speech on social media;

19. Welcomes the amendment in 2021 of Malta's 2013 Protection of the Whistleblower Act, and its commitment to create a database for collecting information on whistle-blowing by the end of 2024;

20. Expresses its concern that no solution has been found for the appointment of a new Ombudsman and that no women have been appointed as commissioners for administrative investigations; calls on the Maltese authorities to create an anti-deadlock mechanism for parliamentary appointments and to adopt as a matter of priority and work towards the establishment of the Human Rights and Equality Commission in line with the Paris Principles and EU equality acquis;

21. Reiterates its call on the Maltese authorities to fully implement all outstanding recommendations by the Parliamentary Assembly of the Council of Europe, the Venice Commission, the Group of States against Corruption and Moneyval; calls on the Maltese authorities to request the Venice Commission's opinion on compliance with its recommendations;

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22. Stresses that the Maltese Citizenship by Investment (CBI) programme remains a source of major concern; recalls its position that EU citizenship is not for sale and calls for an immediate ban of the programme in Malta and throughout the EU; welcomes the Commission's actions in referring the infringement case to the Court of Justice of the EU and awaits the Court's final ruling;

23. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Council of Europe, the Government and Parliament of the United Arab Emirates and the President of the Republic of Malta.

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Growing hate crimes against LGBTIQ people across Europe in light of the recent homophobic murder in Slovakia

European Parliament resolution of 20 October 2022 on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia (2022/2894(RSP))

(2023/C 149/04)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union ('the Charter'),
- having regard to Article 2 of the Treaty on European Union,
- having regard to the European Convention on Human Rights and the related case-law of the European Court of Human Rights,
- having regard to the Universal Declaration of Human Rights,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ⁽¹⁾ ('Victims' Rights Directive'),
- having regard to the evaluation of the implementation of the Victims' Rights Directive in the Commission Staff Working Document — Evaluation (SWD(2022)0180) ⁽²⁾, and its Executive Summary ⁽³⁾ of 28 June 2022,
- having regard to the Commission communication of 12 November 2020 entitled 'Union of Equality: LGBTIQ Equality Strategy 2020-2025' (COM(2020)0698),
- having regard to the Commission communication of 9 December 2021 entitled 'A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime' and its respective annex (COM(2021)0777),
- having regard to the results of the EU LGBT Survey launched by the European Union Agency for Fundamental Rights (FRA) in 2019,
- having regard to 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 resolution of 11 March 2021 on declaring the EU an 'LGBTIQ Freedom Zone' ⁽⁵⁾,
- having regard to the Council of Europe's Recommendation of 20 May 2022 of the Committee of Ministers to member states on combating hate speech (CM/Rec(2022)16) ⁽⁶⁾,

⁽¹⁾ OJ L 315, 14.11.2012, p. 57.

⁽²⁾ https://commission.europa.eu/system/files/2022-06/swd_2022_179_evaluation_rep_en.pdf

⁽³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0180>

⁽⁴⁾ OJ C 395, 29.9.2021, p. 2.

⁽⁵⁾ OJ C 474, 24.11.2021, p. 140.

⁽⁶⁾ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955#_ftnref1

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- having regard to the Council of Europe's Recommendation of 31 March 2010 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) ⁽⁷⁾ and to its 2020 report on implementation ⁽⁸⁾,
 - having regard to General Policy Recommendation No 15 of the European Commission Against Racism and Intolerance (ECRI) on combatting hate speech ⁽⁹⁾,
 - having regard to the ECRI's Country Monitoring Report on the Slovak Republic ⁽¹⁰⁾,
 - having regard to the Human Rights Comment of the Commissioner for Human Rights of the Council of Europe, entitled 'Pride vs. indignity: political manipulation of homophobia and transphobia in Europe' ⁽¹¹⁾,
 - having regard to report by the Commissioner for Human Rights of the Council of Europe following his visit to the Slovak Republic from 15 to 19 June 2015,
 - having regard to the Commission's 2022 Rule of Law Report,
 - having regard to the study by its Directorate-General for Internal Policies of 20 May 2022 entitled 'Right-wing extremism in the EU' ⁽¹²⁾,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on Wednesday, 12 October 2022, in central Bratislava, Slovakia, a far-right radicalised gunman, inspired by white supremacist terrorists, brutally murdered two young persons, Matúš Horváth and Juraj Vankulič, and injured one other person; whereas the shooting took place outside the well-known gay bar Tepláreň, one of the very few LGBTIQ+ spots in the city; whereas the shooting was a deliberate and planned attack explicitly targeting the LGBTIQ+ community and he intended to kill more people, including high officials; whereas the Slovak police classified the act as a terrorist attack and investigations are still ongoing; whereas if confirmed as a terrorist attack, it would be the first terrorist attack against the LGBTIQ+ community in the EU;
- B. whereas the murderer, a radicalised 19-year-old student from Bratislava, was on the run hours after the attack; whereas he actively communicated about the incident before, during and after the shooting via various different social media channels; whereas an anti-Jewish and anti-LGBTIQ+ manifesto appeared on his account a few hours before the shooting; whereas the same account shows the alleged murderer outside the bar Tepláreň in mid-August 2022; whereas half an hour after the killings, the account owner tweeted 'hatecrime', 'gaybar' and 'feeling no regrets'; and shortly before midnight, the account said: 'bye, see you on the other side'; whereas the radicalised 19-year-old student appeared on photographs linking him to the international anti-feminist and misogynist 'incel' ideology and movement;
- C. whereas the LGBTIQ+ community in Slovakia has been subjected to hate-fuelled rhetoric and violence, also driven by many Slovak politicians; whereas verbal and physical attacks on the LGBTIQ+ community in Slovakia are often widespread, preventing them from feeling safe and accepted by society; whereas hateful comments justifying or mocking the murders appeared on social media following the tragic event;
- D. whereas the climate of hate, intolerance and intimidation towards LGBTIQ+ community in Slovakia has been cultivated not only by far-right and extremist movements, but also by representatives of the church and political elites, who have often called for further restrictions on LGBTIQ+ people in their statements; whereas in June 2014, the National Council amended the country's constitution to expressly deny same-sex couples the right to marry and subsequent legal

⁽⁷⁾ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cf40a

⁽⁸⁾ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809f9ba0#_Toc2764960

⁽⁹⁾ <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>

⁽¹⁰⁾ <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

⁽¹¹⁾ <https://www.coe.int/en/web/commissioner/-/pride-vs-indignity-political-manipulation-of-homophobia-and-transphobia-in-europe?inheritRedirect=true>

⁽¹²⁾ Study — 'Right-wing extremism in the EU', European Parliament, Directorate-General for Internal Policies, Policy Department C — Citizens' Rights and Constitutional Affairs, 20 May 2022.

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protections; whereas an anti-LGBTIQ+ referendum took place in February 2015 after the conservative church-backed group Alliance for Family gathered 400 000 signatures calling for a vote on stricter legislation against LGBTIQ+ people; whereas in May 2022 a member of the ruling coalition party proposed a law aiming to ban the rainbow flag from state-owned and public buildings; whereas another legislative proposal was introduced by members of parliament in September, seeking to ban all mentions of the queer community from schools, advertising and television; whereas there is no compulsory, age-appropriate comprehensive relationship and sex education in Slovak schools;

- E. whereas on Friday, 14 October 2022 a large number of people, including the Slovak President and the Prime Minister, gathered in Bratislava for the march to condemn hatred against LGBTIQ+ people; whereas similar events were organised all over the country and in several other Member States to campaign for the rights of the LGBTIQ+ community in Slovakia; whereas the Slovak President repeated her long-standing call upon politicians not to spread hate; whereas for the first time the Presidential Palace displayed a rainbow flag next to the Slovak and the European flags and the Office of the Parliament lit up Bratislava castle to commemorate the victims of the murder;
- F. whereas crime motivated by prejudice, known as hate crime or bias-motivated crime, affects not only the individuals targeted but also communities and societies as a whole; whereas Member States have a positive obligation to ensure that the rights to human dignity, to integrity, prohibition of torture and inhuman or degrading treatment or punishment are protected and enforced in practice;
- G. whereas there is a growing normalisation of exclusionary and stigmatising rhetoric against LGBTIQ+ people based on prejudice, which leads to additional violence and dehumanisation and to offenders feeling guilt-free and uninhibited;
- H. whereas the 2019 EU LGBTI Survey II showed a bleak picture in the EU as regards discrimination of LGBTIQ+ people, with little progress in the years since the first LGBTI Survey in 2012; whereas in 2019 there had already been a decrease since 2012 in the number of people reporting the most frequent hate-motivated incident of physical or sexual attacks to the police; whereas in the Slovak Republic the percentage of respondents who experienced a hate-motivated assault amounted to 1 in every 10 persons; whereas in its 2020 country monitoring report on the Slovak Republic, ECRI stated that studies suggest that around 1-8 % of the population in the Slovak Republic is LGBTI; whereas ECRI recognised the role of politics in bolstering anti-LGBTIQ+ rhetoric, namely through anti-LGBTIQ+ campaigns, a constitutional change that prevents equal marriage and other political initiatives openly discriminating against LGBTIQ+ people; whereas ECRI noted with regret the negative dynamic in recent years, concomitant with the limited progress on LGBTIQ+ equality;
- I. whereas the European Court of Human Rights has delivered a number of recent judgements in cases related to hate crime against LGBTIQ+ people: the *Stoyanova v. Bulgaria* case, pertaining to the gruesome murder of a 26 year old gay man in a public park, requiring Bulgaria to reform its Criminal Code to acknowledge such violent crimes (motivated by perceived or actual sexual orientation) as being 'aggravated' ⁽¹³⁾; in the case of *Sabalic v. Croatia* concerning a hate crime against a lesbian woman, recognising that, unless the authorities take a firm line, prejudice-motivated incidents would be met with an indifference that was tantamount to official acquiescence to or even connivance with hate crimes ⁽¹⁴⁾; and in the *Beizaras and Levickas v. Lithuania*, recognising a positive obligation on behalf of the state to investigate homophobic comments online which constituted incitement to hatred and violence ⁽¹⁵⁾;

⁽¹³⁾ <https://hudoc.echr.coe.int/eng?i=001-217701>, 79.

⁽¹⁴⁾ <https://hudoc.echr.coe.int/eng?i=001-207360>, 95.

⁽¹⁵⁾ <https://hudoc.echr.coe.int/fre?i=001-200344>, 129.

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- J. whereas in 2022, the Committee of Ministers of the Council of Europe adopted a recommendation on combating hate speech and is currently preparing a recommendation on combating hate crime for 2023; whereas the Committee of Ministers of the Council of Europe adopted in 2010 a landmark recommendation to Member States on measures to combat discrimination based on sexual orientation and gender identity;
- K. whereas in 2021 the Commissioner for Human Rights of the Council of Europe warned of the scapegoating of LGBTIQ+ minorities as a tactic applied by ultra-conservative and nationalist politicians posing as defenders of so-called 'traditional values' to strengthen their base and gain or stay in power; whereas this raises strong concerns over politicians' legitimisation of hatred in exchange for potential political gain; whereas according to the Commissioner for Human Rights, the scapegoating of LGBTIQ+ people is a symptom of widespread opposition to, and an assault on, human rights and the rule of law, both of which are core EU values;
- L. whereas the 2022 rule of law report published in July 2022 by the European Commission expresses continued concerns over the financing of civil society organisations activities on issues related to gender equality and LGBTIQ+ rights and over verbal attacks on human rights defenders in these areas, as well as over the disbursement of funding through public subsidy schemes that continue to exclude organisations working on these issues;
- M. whereas the Victims' Rights Directive requires that victims of hate crime should receive an individual assessment and that it should identify specific protection and support needs, for example regarding their sexual orientation, gender identity or expression, and identifies victims of hate crime as especially vulnerable victims;
- N. whereas in December 2021, the Commission published a Council decision proposal to add hate speech and crime to the list of EU crimes as codified in Article 83(1) of the Treaty on the functioning of the European Union (TFEU), which requires unanimity in the Council; whereas Hungary, Poland and Czechia are still withholding their support for this decision;
- O. whereas in 2020, the United Nations Independent Expert on sexual orientation and gender identity noted in the context of the pandemic that 'hate speech inciting violence against LGBT persons has been on the rise' and urged states to protect LGBTIQ+ people from violence and discrimination and prosecute perpetrators ⁽¹⁶⁾; whereas in 2019, the United Nations Strategy and Plan of Action on Hate Speech identified hate speech as 'a menace to democratic values, social stability and peace' ⁽¹⁷⁾;
1. Condemns in the strongest possible terms the cowardly act of terror against the LGBTIQ+ community and the murder of Matúš Horváth and Juraj Vankulič committed in Slovakia; deplores this ideologically motivated far-right attack; expresses its sincere regret to the families of the victims;
2. Commends the immediate, massive and positive response of Slovak civil society and citizens to the murders, as expressed by the marches across the country and abroad, and stands in solidarity with the LGBTIQ+ community in the country;
3. Strongly condemns all forms of hate and violence, as well as any physical or verbal attacks, against persons based on their gender, sexual orientation, gender identity or expression and sex characteristics in both Slovakia and the EU; recalls that there is no place for LGBTIQ+ hatred, racism and discrimination in our societies; asks the Commission, the European Council and the Council to take a strong and decisive stand against hate, violence and injustice in Europe;
4. Calls on the Slovak Government and the National Council of the Slovak Republic to show genuine commitment to making meaningful progress in the protection of LGBTIQ+ people from any form of hate crime and homophobia in close cooperation with the LGBTIQ+ community and to take a strong public position against violations of the human rights of LGBTIQ+ people;

⁽¹⁶⁾ <https://www.ohchr.org/en/statements/2020/10/statement-victor-madrigril-borloz-un-independent-expert-protection-against>

⁽¹⁷⁾ <https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>

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5. Urges the Slovak authorities to effectively fight against the disinformation campaigns against LGBTIQ+ people, to encourage factual, objective and professional reporting by the media on LGBTIQ+ persons and issues related to sexual orientation, gender identity or expression and sex characteristics and to investigate the hate crime and hate speech against the members of LGBTIQ+ community living in Slovakia;
6. Expresses grave concern over the frequent use of offensive, aggressive and homophobic language towards the LGBTIQ+ community in Slovakia, including by former and current members of the government and the National Council of the Slovak Republic, as well as by some former prime ministers; calls for a halt to the further polarisation of society in Slovakia and a rejection of any form of cooperation with far-right extremist forces;
7. Calls on the Slovak Government and the National Council of the Slovak Republic to secure equal rights for LGBTIQ+ people living in Slovakia based on the Charter, guaranteeing the respect of all rights, in particular private and family life, including legal recognition of same-sex couples; calls for the finalisation of the ongoing discussions to reform legal gender recognition respecting international and European standards and calls for its swift adoption;
8. Expresses its deepest concerns regarding the discrimination suffered by rainbow families and especially their children in Slovakia, deprived of fundamental human rights on the grounds of sexual orientation, gender identity or expression, or the sex characteristics of parents or partners; calls on the government to overcome this discrimination and to remove all obstacles LGBTIQ+ people face when exercising the fundamental right to freedom of movement within the EU; urges the government to respect its obligations under international and European law and guarantee fundamental rights to all persons;
9. Takes note of ECRI's country monitoring report on the Slovak Republic; recalls that ECRI made several recommendations to the Slovak authorities, such as developing and implementing an action plan for LGBTI persons, in close consultation with civil society, adopting a new action plan to prevent and combat racism, homophobia and transphobia, particularly in the form of hate speech, ensuring that internet service providers and social network operators swiftly and systematically remove hate speech from their systems and forward the evidence to the judicial authorities and revising the Criminal Code to ensure racist, homophobic or transphobic motives are 'aggravating circumstances' for any ordinary offence; fully supports ECRI's recommendations and calls on the Slovak authorities to immediately implement the measures;
10. Is deeply concerned by the impunity with which anti-LGBTIQ+ groups, in particular far-right extremist groups, operate in some Member States and stresses that this sense of impunity is among the reasons underlying the alarming rise in violent actions by certain far-right organisations, and the increase in threats against minorities, including the LGBTIQ+ community;
11. Is deeply worried that the younger generations in Europe and elsewhere feel less and less concerned about the history of fascism, including the embedded hate and discrimination against LGBTIQ+ people, ethnic minorities and the Jewish population; emphasises that an awareness of history is one of the preconditions for preventing such crimes from occurring in the future and needs to be an important feature of the education of younger generations; stresses the need to set aside more space on history curricula for objective and factual learning about different ideologies, their forms and their origins, including fascism, as well as their consequences and remnants in present times;
12. Underlines that hate speech and hate crime are widespread across Europe and have been increasing in recent years; underlines that hate speech by public figures, notably politicians, is perceived as legitimising hatred by those who perpetrate it; deems it necessary to tackle these forms of expression, which incite, spread or promote hatred, and are contrary to the principles of a democratic and pluralist society; is concerned by the increasing prevalence of LGBTIQ+-phobic rhetoric emanating from far right, alt-right and ultraconservative parties; calls on the public authorities and, in particular, local authorities to help stop the tide of intolerance that surrounds these and other types of attacks;

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13. Believes that the EU should launch campaigns against anti-LGBTIQ+ narratives, including right-wing extremism at EU level and develop and fund long-term programmes supporting local grassroots organisations and citizens' initiatives at local level to help develop the population's resistance to right-wing extremism; calls on the Commission to also prioritise the follow-up of anti-LGBTIQ+ narratives in their disinformation efforts;
 14. Calls on the Member States to step up efforts to ensure education promotes the civic values of acceptance, tolerance, diversity, equality and respect on issues related to sexual orientation, gender identity and expression and sex characteristics, for example through systematic human rights education and awareness-raising campaigns; stresses the need to address the root causes of extremism through tailored preventive measures, in cooperation with schools and families;
 15. Strongly condemns governments in Europe relying on active or passive support by far-right and other LGBTIQ +-phobic political parties to access and maintain themselves in power and legitimise their narratives;
 16. Calls on the Commission and the Member States to support civil society at European, national, regional and local levels to strengthen democracy, rule of law and fundamental rights, as they play an important role, especially in those Member States where we see a rise in far-right ideology and hate speech;
 17. Calls on the Commission to widen the scope of the annual Rule of Law report to cover fundamental rights systematically, including LGBTIQ+ rights;
 18. Stresses the need for Member States to combat hatred against LGBTIQ+ persons by all means possible, including by implementing the recommendations of the Committee of Ministers of the Council of Europe, which call on its member states to ensure effective prompt and impartial investigations, as well as the prosecution of those responsible for such crimes, to recognise that a bias motive related to sexual orientation or gender identity may be taken into account as an aggravating circumstance, to ensure victims and witnesses are encouraged to report hate-motivated incidents and that law enforcement structures have the necessary knowledge and skill to provide assistance to them; further calls on the Member States to take appropriate measures to combat the incitement of hatred online;
 19. Recalls that the lack of implementation of court judgements amounts to erosion of the rule of law;
 20. Urges the Council to adopt as soon as possible the Council decision on the extension of the list of EU crimes to include speech and hate crimes in Article 83(1) TFEU and urges Hungary and Poland to stop blocking its adoption, and urges Czechia, as the current holder of the rotating Council Presidency, to take further steps in this matter and reach an agreement on it as soon as possible;
 21. Underlines the individual responsibility of Member States in combating hate crimes against LGBTIQ+ people and commends those that have unilaterally decided to improve the level of protection by explicitly recognising as 'aggravating circumstances' the grounds of sexual orientation, gender identity and expression and sex characteristics, as well as developing victim support, training or legal professionals and dedicated law enforcement services to address such crimes; encourages all Member States to exchange best practices and lead by example in the matter;
 22. Stresses that the Victims' Rights Directive is a useful tool in providing assistance to survivors of hatred and violence; notes with concern that LGBTIQ+ victims often do not report crimes owing to lack of assurances or openness from law enforcement, lack of trained staff or fear of reprisals, and recognises that more can be done to build trust in public authorities;
 23. Instructs its President to forward this resolution to the governments and parliaments of the Member States, the Council, the Commission, the Committee of Regions, the European Economic and Social Committee and the Council of Europe.
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UN Climate Change Conference 2022 in Sharm-el-Sheikh, Egypt (COP27)

European Parliament resolution of 20 October 2022 on the 2022 UN Climate Change Conference in Sharm El-Sheikh, Egypt (COP27) (2022/2673(RSP))

(2023/C 149/05)

The European Parliament,

- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol thereto,
- 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 26th Conference of the Parties to the UNFCCC (COP26), the 16th session of the Meeting of the Parties to the Kyoto Protocol (CMP16), and the third session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA3), held in Glasgow, UK, from 31 October to 13 November 2021, and to the Glasgow Climate Pact adopted on 13 November 2021,
- having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),
- having regard to its resolution of 21 October 2021 on the 2021 UN Climate Change Conference in Glasgow, UK (COP26) ⁽¹⁾,
- having regard to its resolution of 28 November 2019 on the climate and environment emergency ⁽²⁾,
- having regard to the special report of the Intergovernmental Panel on Climate Change (IPCC) on global warming of 1,5 °C, its special report on climate change and land, its special report on the ocean and cryosphere in a changing climate, and its sixth assessment report (AR6),
- having regard to its resolution of 17 December 2020 on the EU strategy on adaptation to climate change ⁽³⁾,
- having regard to Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 ⁽⁴⁾,
- having regard to its resolution of 17 September 2020 on the European Year of Greener Cities 2022 ⁽⁵⁾,
- having regard to Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') ⁽⁶⁾,
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),

⁽¹⁾ OJ C 184, 5.5.2022, p. 118.

⁽²⁾ OJ C 232, 16.6.2021, p. 28.

⁽³⁾ OJ C 445, 29.10.2021, p. 156.

⁽⁴⁾ OJ L 114, 12.4.2022, p. 22.

⁽⁵⁾ OJ C 385, 22.9.2021, p. 167.

⁽⁶⁾ OJ L 243, 9.7.2021, p. 1.

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- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽⁷⁾,
- having regard to its resolution of 16 September 2020 on the EU's role in protecting and restoring the world's forests ⁽⁸⁾,
- having regard to the UNFCCC synthesis report on nationally determined contributions under the Paris Agreement of 17 September 2021,
- having regard to the UN Environment Programme (UNEP) emissions gap report 2021 of 26 October 2021 entitled 'The Heat Is On', its adaptation gap report 2021 of 1 November 2021 entitled 'The Gathering Storm' and its production gap report of 20 October 2021,
- having regard to the International Energy Agency (IEA) flagship report of March 2022 entitled 'Global Energy Review: CO₂ Emissions in 2021',
- having regard to the IEA report of May 2021 entitled 'Net Zero by 2050 — A Roadmap for the Global Energy Sector' and its Energy Technology Perspectives report 2020,
- having regard to the United Nations Forum on Forests Secretariat Global Forest Goals Report 2021,
- having regard to the Santiago Network on Loss and Damage,
- having regard to the Sendai Framework for Disaster Risk Reduction 2015-2030,
- having regard to the World Meteorological Organisation (WMO) reports of April 2021 on the state of the global climate in 2020 and of May 2022 on the state of the global climate in 2021,
- having regard to the UN Office for Disaster Risk Reduction (UNDRR) 2022 Global Assessment Report on Disaster Risk Reduction (GAR2022),
- having regard to the UNFCCC Standing Committee on Finance's First report on the determination of the needs of developing country Parties related to implementing the Convention and the Paris Agreement 2021 (NDR),
- having regard to the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) of 31 May 2019, as well as to its workshop report of 29 October 2020 on biodiversity and pandemics,
- having regard to the Council conclusions of 21 February 2022 on 'EU climate diplomacy: accelerating the implementation of Glasgow outcomes',
- having regard to its resolution of 28 April 2021 on soil protection ⁽⁹⁾,
- having regard to the UN Women Commission on the Status of Women (CSW66) agreed conclusions entitled '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 2022',
- having regard to the Commission communication of 11 March 2020 entitled 'A new Circular Economy Action Plan for a cleaner and more competitive Europe' (COM(2020)0098),

⁽⁷⁾ OJ C 270, 7.7.2021, p. 2.

⁽⁸⁾ OJ C 385, 22.9.2021, p. 10.

⁽⁹⁾ OJ C 506, 15.12.2021, p. 38.

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- having regard to the Council conclusions of 4 October 2022 on climate finance in view of the UNFCCC 27th Conference of the Parties (COP 27) in Sharm El-Sheikh on 6-18 November 2022,
 - having regard to the Council conclusions of the 19 November 2021 on water in the EU's external action,
 - having regard to the Commission communication of 24 February 2021 entitled 'Forging a climate-resilient Europe — the new EU Strategy on Adaptation to Climate Change' (COM(2021)0082),
 - having regard to the UNEP report of 18 February 2021 entitled 'Making Peace with Nature: a scientific blueprint to tackle the climate, biodiversity and pollution emergencies',
 - having regard to the UNEP report of 6 May 2021 entitled 'Global Methane Assessment: Benefits and Costs of Mitigating Methane Emissions',
 - having regard to its resolution of 23 June 2022 on implementation and delivery of the Sustainable Development Goals ⁽¹⁰⁾,
 - having regard to its resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives ⁽¹¹⁾,
 - having regard to the Commission communication of 14 October 2020 on an EU strategy to reduce methane emissions (COM(2020)0663),
 - having regard to the co-sponsored IPBES-IPCC workshop report on biodiversity and climate change of 10 June 2021,
 - having regard to the questions to the Commission and to the Council on the 2022 UN Climate Change Conference in Sharm El-Sheikh, Egypt (COP27) (O-000041/2022 — B9-0027/2022 and O-000042/2022 — B9-0028/2022),
 - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- A. whereas the Paris Agreement entered into force on 4 November 2016; whereas by September 2022, 193 of the 197 Parties to the UNFCCC had filed their instruments of ratification, acceptance, approval or accession with the UN;
- B. whereas the UN has declared a climate and environmental emergency and has committed to urgently take the concrete action needed to fight and contain this threat before it is too late; whereas biodiversity loss and climate change are interlinked and exacerbate each other, representing equal threats to life on our planet, and as such, should be urgently tackled together;
- C. whereas on 17 December 2020, the EU and its Member States submitted their updated nationally determined contribution (NDC) to the UNFCCC, which commits the EU to a binding target of an economy-wide net domestic reduction in greenhouse gas (GHG) emissions of at least 55 % by 2030 compared to 1990 levels, without a contribution from international credits; whereas this target was enshrined in Union law by Regulation (EU) 2021/1119;
- D. whereas according to the UNEP emissions gap report 2021 the commitments made so far by the signatories to the Paris Agreement will not be sufficient to achieve its common goal and will result in global temperature rise of 2,7 °C by the end of the century, indicating as well that the world is still dangerously off track to meet the aspirations of the Paris Agreement; whereas natural feedback loops could exacerbate global heating even further; whereas more frequent

⁽¹⁰⁾ Texts adopted, P9_TA(2022)0263.

⁽¹¹⁾ OJ C 67, 8.2.2022, p. 25.

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heatwaves, droughts and floods are already exceeding plants' and animals' tolerance thresholds, driving mass mortalities, e.g. of trees and corals; whereas these weather extremes are occurring simultaneously, causing cascading impacts that are increasingly difficult to manage ⁽¹²⁾; whereas many national climate plans delay action until after 2030 and many Parties to the UNFCCC have not yet taken sufficient action to even be on the path to meeting their NDCs;

- E. whereas, according to the IPCC's 6th Assessment, limiting warming to around 1,5 °C with no overshoot requires global GHG emissions to peak before 2025 at the latest and be reduced by 43 % below 2019 levels by 2030, while at the same time methane should also need to be reduced by about a third; whereas even the optimistic scenario of limiting the average global temperature to 1,5 °C would have irreversible adverse impacts on human systems and ecosystems and would significantly outpace and reduce their adaptive capacities, thus leading to losses and damages; whereas, according to the World Meteorological Organization, there is now a nearly 50 % risk of temporarily exceeding 1,5 °C in the period 2022-2026; whereas according to the IEA the global economic recovery from the COVID-19 crisis has not been the desired sustainable recovery; whereas the increase in global CO₂ emissions by over 2 billion tonnes in 2021 was the largest year-on-year increase in history in absolute terms, more than offsetting the previous year's pandemic-induced decline in emissions arising from the reduction in economic activities; whereas coal accounted for over 40 % of the overall growth in global CO₂ emissions in 2021;
- F. whereas most emissions from synthetic nitrogen fertilisers occur after they are applied to the soil and enter the atmosphere as nitrous oxide (N₂O) — a persistent GHG with 265 times more global warming potential than CO₂, whereas synthetic nitrogen fertiliser production accounted for 35,2 % of total synthetic nitrogen fertiliser-associated emissions, while field emissions accounted for 62,4 % and transportation accounted for the remaining 2,4 %; whereas the top four emitters (China, India, USA and the EU) jointly accounted for 63 % of the total emission generated;
- G. whereas according to the IEA's Energy Technology Perspectives report, achieving net-zero emissions requires a major acceleration in the development and deployment of clean technologies ('cleantech'); whereas half of the decarbonisation needed to get to net-zero by 2050 will come from technologies currently under development in the laboratory or in demonstration phase;
- H. whereas, the energy crisis has put into focus the issue of energy security and the need for energy demand reduction and a diversified energy system, creating greater demand for existing and soon available renewable energy and energy efficiency solutions; whereas the illegal Russian military invasion of Ukraine and subsequent impacts have added even greater urgency to the need for rapidly transform the global energy system; whereas the overreliance on fossil fuels and the instability in global energy markets underline the need to prioritise investments, both in Europe and worldwide, in energy efficiency and sufficiency, decarbonisation, long-duration energy storage, innovative clean technology deployment, renewable energy, smart grid solutions and zero-emissions sustainable technologies, and to develop a socioeconomic model that is compatible with a healthy environment for future generations and within planetary boundaries; whereas the research to support innovation and the development of new, green technologies should be supported, as they can play a role in climate change mitigation as well as in a sustainable economic growth and EU competitiveness;

⁽¹²⁾ IPCC adaptation report, 2022.

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- I. whereas IPCC has urged the world to keep global warming below 1,5° C, yet in 2020 warming was already approximately 1,2° C above pre-industrial levels; whereas according to the IPCC, human influence has unequivocally warmed the atmosphere, ocean and land and the impacts of human-induced climate change are being felt in the increased frequency of extreme weather events including heatwaves, droughts, flooding, winter storms, hurricanes and wildfires; whereas between 2000 and 2019, floods, droughts, and storms alone affected nearly 4 billion people worldwide, costing over 300 000 lives; whereas the occurrence of these extreme events represents a drastic change since the period 1980-99, with the frequency of floods increasing by 134 %, storms by 40 %, and droughts by 29 % ⁽¹³⁾;
- J. whereas there are scientifically proven interlinkages between health, environmental and climate crises; whereas extreme weather events, biodiversity loss, land degradation and water scarcity are displacing people and having a dramatic impact on their health; whereas according to the World Health Organization, climate change is the single biggest health threat facing humanity, and it will cause approximately 250 000 additional deaths a year between 2030 and 2050 ⁽¹⁴⁾, whereas approximately 7 million premature deaths worldwide are caused by air pollution, and whereas the costs of direct damage to health, including mental health, are estimated to rise to between USD 2 and 4 billion per year by 2030;
- K. whereas the UNDRR Global Assessment Report (GAR 2022) reveals that between 350 and 500 medium- to large-scale disasters took place every year over the past two decades, with the number of disaster events projected to reach 560 a year by 2030 — or 1,5 disasters a day;
- L. whereas climate change is a main driver of environmental degradation, having a negative impact on food and water security, access to natural resources and harming human health; whereas water scarcity, flooding and droughts are key risks in Europe and water shortages impact several sectors across the EU through cascading and spillover effects; whereas water efficiency improvements are key adaptation options; whereas digital solutions should be deployed in order to ensure a resilient and green society in Europe and beyond; whereas all stakeholders and sectors should be mobilised to achieve a water-smart society by simultaneously addressing climate change adaptation, food and water security, protection of biodiversity and a resource-efficient and competitive economy; whereas the EU and the Member States should also develop this approach through the European neighbourhood policy, the EU's external action and in the UN agendas;
- M. whereas climate-related risks to health, livelihoods, food security, water supply and economic growth are projected to be much higher with global warming of 2 °C; whereas limiting global warming to 1,5 °C compared to 2 °C is projected to reduce the impacts on terrestrial, freshwater and coastal ecosystems and to retain more of their services to humans; whereas it is therefore imperative to pursue efforts to limit the temperature rise to 1,5 °C above pre-industrial levels;
- N. whereas the preamble to the Paris Agreement recognises the 'importance of ensuring the integrity of all ecosystems, including oceans' and whereas Article 4(1)(d) of the UNFCCC stresses that the Parties thereto must promote sustainable management, and the conservation and enhancement of sinks and reservoirs of all GHGs, including biomass, forests and oceans, as well as other terrestrial, coastal and marine ecosystems; whereas the IPBES global assessment report on biodiversity and ecosystem services underlines that the sustainable use of nature will be vital for adapting to and mitigating dangerous anthropogenic interference with the climate system;

⁽¹³⁾ UN Office for Disaster Risk Reduction, 'The human costs of disasters: an overview of the last 20 years 2000–2019', <https://www.undrr.org/media/48008/download>

⁽¹⁴⁾ <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health#:~:text=Climate%20change%20affects%20the%20social,malaria%2C%20diarrhoea%20and%20heat%20stress>

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- O. whereas the preservation of oceans is crucial for their role within the climate system, such as the uptake and redistribution of natural and anthropogenic CO₂ and heat, as well as ecosystem support; whereas the IPCC 2019 Special Report on the Ocean and Cryosphere in a Changing Climate shows that since 1970 oceans have progressively warmed and absorbed more than 90 % of the excess heat in the climate system; whereas ocean warming is affecting coastal ecosystems, leading to intensified marine heatwaves, acidification, loss of oxygen, salinity intrusion and sea level rise;
- P. whereas the Glasgow Climate Pact recognises the ‘important role of non-Party stakeholders, including civil society, indigenous peoples, local communities, youth, children, local and regional governments and other stakeholders, in contributing to progress towards the objective of the goals of the Paris Agreement’ and highlights the ‘urgent need for multilevel and cooperative action’;
- Q. whereas climate change is directly or indirectly threatening the full exercise of human rights, including the rights to life, water and sanitation, food, health and housing; whereas the ability of people to adapt to climate change is inextricably linked to their access to basic human rights and to the health of the ecosystems they depend on for their livelihoods and well-being; whereas, according to the International Organisation for Migration, more than 200 million people could be forced to migrate due to impact of climate change; whereas the scale of internal climate migration will be largest in the poorest and most climate-vulnerable regions; whereas global action to reduce GHG emissions could dramatically slow the rise in internal climate migrants by as much as 80 % by 2050 ⁽¹⁵⁾;
- R. whereas the past seven years (2015 to 2021) were the warmest years on record; whereas sea levels also reached a new record high in 2021; whereas globally the sea level rose 4,5 mm a year on average between 2013 and 2021, and in several region, the sea level is rising ‘substantially faster’ than the global average, according to the WMO; whereas rainfall was recorded for the first time ever on the highest point on Greenland’s ice sheet in 2021;
- S. whereas the richest 1 % of the global population are set to generate per capita consumption emissions in 2030 that are still 30 times higher than the global per capita level, while the footprints of the poorest half of the world population are set to remain several times below that level ⁽¹⁶⁾;
- T. whereas most developing countries contribute minimally to GHG emissions in the atmosphere causing climate change; whereas climate change impacts in developing countries have increased; whereas the resources they can mobilise for adaptation action to address the negative effects of climate change and achieve climate resilience and sustainable development are clearly insufficient;
- U. whereas the UNFCCC First Report on the Determination of the Needs of Developing Country Parties states that the costed needs of developing countries for implementing NDCs amount to between USD 5,8 and 5,9 trillion, of which USD 502 billion is identified as needs requiring international sources of finance;

⁽¹⁵⁾ International Bank for Reconstruction and Development, The World Bank, ‘Groundswell, Acting on Internal Climate Migration, Part II’, 2021 <https://openknowledge.worldbank.org/handle/10986/36248>

⁽¹⁶⁾ Institute for European Environmental Policy (IEEP) and Oxfam, ‘Carbon Inequality in 2030’, November 2021 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621305/bn-carbon-inequality-2030-051121-en.pdf>

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V. whereas in 2020 Global Witness recorded the murders of 227 land and environmental defenders, 71 % of whom were working to defend the world's forests from deforestation and industrial development, while others died for their work protecting rivers, coastal areas and oceans; whereas in 2020 violence against land and environmental defenders was overwhelmingly concentrated in countries in the Global South and less than 1 % of all recorded lethal attacks were documented in the Global North; whereas between 2015 and 2019 over a third of all fatal attacks targeted indigenous people, even though indigenous communities make up only 5 % of the world's population ⁽¹⁷⁾;

1. Recalls that the climate and biodiversity crises are among the most important challenges facing humanity and that all governments and actors worldwide must do their utmost to overcome them urgently, treating the two crises as closely intertwined; underlines that international cooperation, the involvement of regional and local governments, businesses as well as other non-state actors, solidarity, a just transition, coherent action underpinned by science and an unwavering commitment to ramping up ambition and aligning policies with this ambition are necessary to fulfil our collective responsibility of limiting global warming and preventing biodiversity loss, and thus safeguard the entire planet and the well-being of current and future generations;

2. Expresses concern at the findings of the UNEP's emissions gap report 2021 and of its addendum published on 4 November 2021, in particular that, despite more ambitious climate pledges announced ahead of and during COP26, predicted emissions leave the world on a path to a 2,7 °C temperature rise if announced national 2030 climate targets are fully implemented in combination with other mitigation measures, far beyond the Paris Agreement goals of limiting global warming to well below 2 °C and pursuing 1,5° C; is alarmed that emissions are still rising and the emissions gap is widening; stresses that limiting global warming to 1,5 °C requires rapid, deep and sustained reductions in global GHG emissions, including reducing global CO₂ emissions by 43 % by 2030 compared to 2019 levels; recalls that by adopting the Glasgow Climate Pact all Parties recognised that limiting the increase in the global average temperature to 1,5 °C above pre-industrial levels would significantly reduce the risks and impacts of climate change;

3. Underlines that according to the UNEP's emissions gap report 2021 the reduction of methane emissions from the fossil fuel, waste and agriculture sectors could help close the emissions gap and reduce warming in the short term, but emphasises that in order for that to happen there is an urgent need for rules that are clearly defined and aim to achieve actual reductions in emissions, while being supported by arrangements to track progress and provide transparency;

4. Highlights the growing number of countries committing to net zero emissions goals by mid-century but underlines that these commitments must be urgently translated into robust short-term targets, policies and actions, backed by financial resources and reflected in revised NDCs in the form of increased 2030 climate targets in order for global emissions to peak as soon as possible; concurs with the UNEP in its assessment that many national climate plans delay action until after 2030 and that many of the long-term net-zero emissions pledges contain large ambiguities and lack of transparency;

5. Notes with deep concern the WMO's latest State of the Climate report, which shows that four key climate indicators — sea level rise, ocean heat, ocean acidification and GHG concentrations — broke new records in 2021;

⁽¹⁷⁾ Global Witness, 'Last Line of Defence, The industries causing the climate crisis and attacks against land and environmental defenders', September 2021 <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

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The Glasgow Climate Pact and COP27 in Sharm El-Sheikh

6. Takes note of the progress made during COP26 and in the Glasgow Climate Pact; stresses, however, that limiting global warming to 1,5 °C will only be achieved if urgent action is taken in this critical decade before 2030; underlines that COP26 requested Parties to revisit and strengthen the 2030 targets in their NDCs as this is necessary to align with the Paris Agreement temperature goal by the end of 2022, taking into account different national circumstances; strongly urges all Parties to the UNFCCC to increase their NDCs by COP27 in order to close the ambition gap, and to align their policies to a pathway compatible with this ambition; calls on the EU and all G20 nations to show global leadership in this regard;

7. Welcomes the COP26 decision to produce a work programme to urgently scale up mitigation ambition and implementation in this critical decade, in a manner that complements the global stocktake, to annually update the synthesis report on NDCs ahead of each COP, and to convene an annual high-level ministerial roundtable on pre-2030 ambitions; urges COP27 to adopt this work programme and to ensure an annual review of ambition reflecting best available scientific knowledge and the Parties' highest possible level of ambition; stresses that Parties will need to revise and increase their NDCs until they are in line with a pathway compatible with limiting global warming to 1,5° C;

8. Welcomes the completion in Glasgow of the Paris Agreement Rulebook, underlines that the implementation of the rulebook must ensure strong environmental integrity and deliver the highest level of ambition;

9. Welcomes the fact that the Glasgow Climate Pact underlines the importance of adaptation and the need to scale up action to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change; notes in this regard that 47 countries submitted Adaptation Communications or National Adaptation Plans in the last year, and expects other countries to submit their Communications in line with the Paris Agreement; welcomes the creation of a new Glasgow Dialogue on Loss and Damage which should focus on funding arrangements to avert, minimise and address loss and damage associated with the adverse impacts of climate change;

10. Takes note of the climate finance pledges made during COP26, but regrets that the 2021 Climate Finance Delivery Plan showed that the current global USD 100 billion goal is only likely to be achieved in 2023, three years after the original deadline; points to the growing finance gap, particularly for adaptation; urges developed countries, including the EU and its Member States, to ensure that the USD 100 billion climate finance goal can be met and disbursed already as of 2022 and on average over the time period 2020-2025, and to further detail the way forward for the new post-2025 climate finance goal; stresses that financing from the developed countries responsible for a large share of historical emissions will also be crucial to build trust for a more ambitious dialogue on climate mitigation targets;

11. Highlights that the country of COP27 belongs to one of the regions in the world most affected by climate change; notes that the Mediterranean basin is warming 20 % faster than the global average, and that the region is one of the main climate change hotspots in the world, where 250 million people are projected to be considered 'water poor' within 20 years⁽¹⁸⁾; underlines that the Mediterranean is turning into the fastest warming sea in the world⁽¹⁹⁾ with consequences for important economic sectors and the whole sea ecosystem, suffering irreversible changes to the ecosystem and species; calls on the Commission and Member States to act with urgency and cooperate with its Mediterranean partners to work on an ambitious adaptation measures and to lead mitigation action;

⁽¹⁸⁾ Mediterranean experts on climate and environmental change, 'Risks associated to climate and environmental changes in the Mediterranean region', 2019, https://ufmsecretariat.org/wp-content/uploads/2019/10/MedECC-Booklet_EN_WEB.pdf

⁽¹⁹⁾ WWF Mediterranean Marine Initiative, 'The Climate Change Effect in the Mediterranean — Six stories from an Overheating Sea', Rome, Italy, 2021.

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12. Supports the initiative by the Ukrainian Government to create a global platform for assessing the environmental damage caused during armed conflicts;

13. Recalls the importance of the full involvement of all Parties in the UNFCCC decision-making processes; stresses that the current decision-making process under the UNFCCC could be improved to better allow for the full participation of developing countries and least developed country (LDC) delegates and civil society representatives; considers it essential for the perspectives of countries suffering most from climate change to be heard and acted on; calls therefore on the COP27 presidency and future presidencies to explore additional ways to ensure effective and meaningful participation of developing countries and to allocate additional resources to this; recalls its previous positions on the human rights situation in Egypt; takes note of a number of civil society organisations who have raised concerns about the marginalisation of civil society at the COP in Egypt and the barriers to protests and civil society participation; calls on the UNFCCC and the Egyptian authorities to ensure equitable access and full participation of citizens and civil society organisations in COP27;

14. Reiterates its call for the release of all persons held in arbitrary detention in Egypt and stresses the particularly urgent case of human rights defender Alaa Abd El-Fattah; calls on the Egyptian authorities to use the momentum from COP27 to improve the human rights situation in the country and to uphold fundamental freedoms throughout and beyond COP27, notably in relation to freedom of expression and peaceful assembly; strongly supports the call by UN experts for the UNFCCC Secretariat to develop human rights criteria that countries hosting future COPs must commit to meeting as part of the host agreement;

15. Welcomes the fact that the Glasgow Climate Pact recognises the important role of non-Party stakeholders, including civil society, indigenous peoples, local communities, youth, children, local and regional governments and other stakeholders, in contributing to progress towards the objectives of the Paris Agreement; recognises the important role played by youth in the fight against climate change; urges Parties and stakeholders, therefore, to ensure meaningful youth participation and representation in multilateral, national and local decision-making processes; recalls in particular the key role of cities in reducing GHG emissions and welcomes the growing number of cities and regions around the world committing to net zero emissions goals and, in particular, the commitments of the 100 European cities participating in the EU Mission for Climate-Neutral and Smart Cities to become climate-neutral by 2030 and to become innovation hubs that will allow all EU cities and their neighbourhood peers to follow suit by 2050;

16. Stresses that the effective participation of all Parties is needed to pursue the goal of limiting the increase in the global average temperature to 1,5° C, which requires addressing the issue of vested or conflicting interests; expresses concerns in particular over the fact that some big polluters have used their presence at COPs to undermine the objectives of the Paris Agreement; is seriously concerned by the lack of action by the UNFCCC to finally address the issue of conflicts of interest with regard to engagement with non-Party stakeholders; urges the Commission and the Member States to take the lead in this process to protect the UNFCCC decision-making process from interests that run counter the goals of the Paris Agreement;

17. Welcomes the improvement of the Marrakech Partnership for Global Climate Action as a space to encourage non-state actors and subnational governments to take immediate climate action and welcomes the adoption of its work programme for 2022; recognises the Race to Zero and the Race to Resilience initiatives as key platforms for supporting bottom-up governance, facilitating reporting and stocktaking at the subnational level;

An ambitious EU climate policy

18. Expects the Fit for 55 legislative package and the policies under the European Green Deal to deliver the measures for achieving the EU's 2030 target and to put the EU and its Member States on a path to achieve climate neutrality by 2050 at the latest and underlines Parliament's positions on these; recalls that in line with the EU Climate Law and the Paris

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Agreement as well as best available science, the EU should step up its climate action both on mitigation, to contain global warming to 1,5 °C compared to pre-industrial levels, and on adaptation to foster resilience; calls for the EU to update its NDC and increase its GHG reduction target by COP27 based on the best available science; calls for the highest level of ambition in the Fit for 55 package so as to send a clear signal to all other Parties that the EU stands ready to contribute to closing the gap necessary to limit global warming to 1,5° C, in a just, socially balanced, fair and cost-effective way, while taking into account aspects of global fairness and equity and the EU's historical and current responsibility for the emissions causing the climate crisis;

19. Highlights the fact that the EU's overall 2030 emissions target established in the European Climate Law and the Fit for 55 legislative proposals will reduce the EU's emissions by more than its current NDC of a 55 % reduction in net emissions; underlines, furthermore, that Parliament's positions on these proposals and the targets included in the REPowerEU Plan will further raise the EU's climate ambition beyond that level, and calls on the Council to endorse the Parliament's positions in this respect; calls for the EU to update its emissions pledges accordingly to reflect this, in light of the decision in the Glasgow Climate Pact to revisit the 2030 targets;

20. Stresses that the current geopolitical situation highlights the urgency of cutting dependence on fossil fuels and the need to boost the deployment of renewables, and offers the opportunity of stepping up EU leadership in this regard;

21. Reiterates the need to mainstream climate ambition into all EU policies and the measures transposing them, and underlines that Article 6(4) of the European Climate Law obliges the Commission to assess the consistency of any draft measure or legislative proposal, including budgetary proposals, with the EU's climate targets; urges the Commission to fully implement this provision in the way it conducts impact assessments on all EU policy areas; emphasises the need to also re-evaluate and align existing policies of the Union and its Member States with these objectives, and expects the newly created European Scientific Advisory Board on Climate Change to contribute to this assessment; welcomes the appointment of the 15 members of the newly established European Scientific Advisory Board on Climate Change; calls on the Advisory Board to publish their assessment of an EU GHG budget compatible with the objective of limiting global warming below 1,5 °C as soon as possible, and expects the Commission to take fully on board the advice of the Advisory Board when drawing up the indicative Union GHG budget and the Union post-2030 climate targets;

22. Recalls a recent ruling by a Member State's constitutional court that climate protection is not a matter of political discretion and that the constitution's provision on environmental protection imposes a constitutional duty on the state to achieve climate neutrality;

23. Emphasises EU citizens' strong support for stepping up climate action as almost every second European (49 %) sees climate change as the main global challenge for the future of the EU according to the latest Eurobarometer;

24. Emphasises that all climate policies should be pursued in line with the principle of a just transition towards climate neutrality and in close cooperation with civil society and social and economic partners; considers, therefore, that more transparency, stronger social partnerships and civil society engagement at local, regional, national and EU level are fundamental to achieving climate neutrality across all sectors of society in a fair, inclusive and socially sustainable manner;

Adaptation and loss and damage

25. Welcomes the new financial pledges made in Glasgow to the Adaptation Fund and to the least developed countries Fund; notes however that support for mitigation remains greater than support for adaptation, and strongly supports the call for developed nations to at least double their collective provision of adaptation finance from 2019 levels by 2025, in line

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with the Glasgow Climate Pact, in order to achieve a better balance; regrets that seven years after the Paris Agreement, the global goal on adaptation remains undefined; welcomes the Sharm el-Sheikh work programme on the global goal on adaptation, adopted and launched at COP26; underlines the importance of grants-based adaptation finance; urges the EU to increase the proportion of finance for adaptation provided through the Global Europe Instrument year by year from 2021 to 2027; highlights the need to step up efforts to translate the global goal on adaptation into measurable outcomes that should, inter alia, provide a comprehensive understanding of climate and disaster risks and associated adaptation needs and costs at multiple levels, increase the availability of consistent and comparable data, determine and enhance the provision and accessibility of means of implementation, including finance and technology support, and draw up a common set of quantitative and qualitative metrics, methodologies and approaches to track progress towards achieving the goal over time; highlights in this context the Sendai Framework for Disaster Risk Reduction and its monitoring and reporting system;

26. Reiterates that adaptation action in the short, medium and long term, is an inevitable necessity for all countries if they are to minimise the negative effects of the climate and biodiversity crises and achieve climate resilience and sustainable development, noting the particular vulnerabilities to climate change impacts of developing countries, especially the least developed countries and small island developing states; highlights that adaptation action can generate multiple benefits such as improving agricultural productivity, innovation, health and well-being, food security, livelihoods and biodiversity conservation, as well as the reduction of risks and damages; calls on the EU and the Member States to step up adaptation action through mandatory adaptation plans, climate vulnerability assessments and climate stress tests at local, regional, and national levels and through support for locally-led approaches and engagement with local authorities and local civil society in order to fully honour the adaptation goal of the Paris Agreement and ensure that EU adaptation policies sufficiently protect communities and ecosystems in the EU from the effects of climate change; calls for further progress on the new EU Adaptation Strategy and stresses the importance of its linkages with the EU Biodiversity Strategy and the new regulatory framework on adaptation stemming from the European Climate Law; reiterates calls for their ambitious implementation, including of their international components;

27. Underlines that, while climate change is a global problem, each region is already being affected differently, and that local governments, being closer to populations, are key actors for facilitating climate change adaptation; underlines that better channelling of financial resources to the local level is needed for efficient, targeted solutions and, in this sense, welcomes the Mission on Adaptation to Climate Change, which will support at least 150 European regions and communities towards climate resilience by 2030; calls for support for a regional and decentralised approach in the response to climate change effects and in the access to climate finance in developing countries in order to give local authorities, local civil society organisations and environmental defenders a greater role in tackling the effects of climate change and to reach the most vulnerable;

28. Stresses that the EU Adaptation Strategy adopted by the Commission on 24 February 2021 expresses the Commission's aim of scaling up resources and further mobilising larger-scale adaptation finance, and that particular attention is needed to ensure that financial resources reach the most vulnerable communities in developing countries;

29. Stresses that early warning systems are critical to effective adaptation but are only available to less than half of WMO members; supports the WMO's proposal to be approved at the COP27 to make early warning systems reach everyone in the next five years; hopes that this Early Warning Services initiative will be implemented rapidly particularly with the aim of saving as many lives as soon as possible;

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30. Emphasises that green infrastructure contributes to adaptation to climate change and the reduction of disaster risk through the protection of nature and ecosystems, the conservation and restoration of natural habitats and species, good ecological status, water management and food security; notes that the development of green infrastructure is among the most effective climate adaptation measures that can be implemented in cities, as it mitigates the negative impacts of climate change and increasingly frequent extreme weather phenomena, such as heatwaves, forest fires, extreme rainfall, flooding and drought, evens out extreme temperatures and improves the quality of life of residents living in urban areas, including their mental and physical health;

31. Highlights the devastating environmental, social and economic impacts of desertification in the medium and long term, its triggering of depopulation in some areas, and the need for common approaches to properly prevent and adapt to this phenomenon and overcome it; recalls therefore the crucial importance of water management for climate change mitigation and adaptation, but also to protect water and food security, protect biodiversity and support healthy soils; stresses therefore the need for speedy and full implementation of the EU Water Framework Directive in order to achieve its objectives and better manage Europe's water resources; emphasises that water reuse and water efficiency through circular processes must be fully implemented across the economy and society in order to make use of the value in water and ensure water security in terms of quantity and quality; emphasises that digital solutions can contribute to adaptation to climate change by improving the ability to predict water scarcity, floods and water pollution and supports the deployment of these tools;

32. Stresses that climate change and environmental degradation are major drivers of human displacement and threat multipliers impacting human security and socio-political stability; stresses that insufficient mitigation and adaptation capacities can drive armed conflicts, food shortages, natural catastrophes and climate-induced displacement; calls on the Commission and the Member States to recognise the needs and vulnerability of people affected by climate displacement and calls for a reinforcement of EU development cooperation and humanitarian policies and their respective financial instruments to support climate change adaptation in developing countries, build resilience, reinforce disaster risk reduction and respond to humanitarian emergencies in times of growing needs;

33. Notes that Article 8 of the Paris Agreement (on loss and damage) states that the Parties should take a cooperative approach to loss and damage associated with the adverse effects of climate change; highlights, therefore, the importance of supportive global action in areas especially vulnerable to climate change impacts, such as coastal areas and islands, and where adaptive capacity is limited; calls on the Commission and the Member States to act as bridge-builders between developed, developing and least developed countries, and aim to step up the work of the High Ambition Coalition on both mitigation and adaptation finance and loss and damage; recognises that these are essential components of global climate justice;

34. Expresses its gratitude to the IPCC and greatly appreciates the work carried out on its 6th Assessment Report; welcomes the robust assessment of losses and damages featured in the recent IPCC Working Group II report and points to how it acknowledges loss and damage as an area of increasing importance in both international climate policy and climate science; invites the IPCC to build on this work and produce a special report dealing specifically with losses and damages;

35. Reiterates that international institutions need to strengthen their organisations, cooperation and crisis management in order to be better prepared for climate change on a local and global level as a next step towards institutional climate adaptation;

The climate and biodiversity crisis

36. Emphasises the importance of protecting, conserving and restoring nature and ecosystems in order to achieve the objectives of the Paris Agreement; recalls, further, the crucial role played by biodiversity in enabling humans to combat and adapt to global warming and increase their level of resilience; believes that nature-based solutions and ecosystem-based

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approaches are key tools for supporting climate change mitigation and adaptation, as well as protecting and restoring biodiversity and forests and reducing the risk of disasters; stresses that by restoring degraded ecosystems as quickly as possible and effectively and equitably conserving 30 to 50 % of the Earth's land, freshwater and ocean habitats, while safeguarding and strengthening human rights and the rights of indigenous peoples, society can benefit from nature's capacity to absorb and store carbon; stresses the need to accelerate progress towards sustainable development, but that for this to happen adequate finance and political support are essential;

37. Emphasises the critical and interdependent roles of forests, biodiversity and sustainable land use in enabling the world to meet the SDGs; stresses, therefore, the urgent need to halt and reverse deforestation and land degradation as a way to contribute for the reduction of annual net GHG emissions;

38. Reiterates the pledge by the governments of 141 countries with more than 3,6 billion hectares of forest to end and reverse deforestation by 2030;

39. Reiterates that the strict conservation and restoration of high-carbon ecosystems is a response option with an immediate impact and wide range of mitigation and adaptation benefits; recognises the key role of forests in protecting the climate and biodiversity; highlights that forests contribute to efforts to mitigate and adapt to the negative impacts of climate change;

40. Stresses that sectoral policies and the climate policy for land use sector, including for important primary production activities in agriculture and forestry, need to adequately work in synergy with the natural adaptation capacities of natural and semi-natural ecosystems, and improve as much as possible the adaptation capacity of predominantly cultural landscapes; highlights the recent court ruling in a case where the plaintiffs were foresters who brought a case against the state for its national forest policy, which has effectively disallowed them to improve the resilience of managed forests, including by disincentivising natural regeneration ⁽²⁰⁾;

41. Recalls that, according to the fifth assessment report of the IPCC, indigenous, local and traditional forms of knowledge are a major resource for the sustainable management of natural resources, the conservation of biodiversity and adaptation to climate change; stresses the need to strengthen their community rights on land and resources in order to mitigate climate change, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention 169, and to comply with the principle of free, prior and informed consent;

42. Highlights in the context of business the need to protect land and environmental defenders by ensuring effective and robust regulatory protection of the environment, labour rights, land rights, indigenous peoples' rights, livelihoods and cultures, including the principle to free, prior and informed consent; welcomes in this regard the EU initiatives on corporate sustainability due diligence and the proposed regulation on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation; calls on the Parties to ensure that commitments made at COP27 to implement the Paris Agreement align with existing international human rights obligations and standards applicable to business operations;

43. Recalls that climate change is one of the main direct drivers of biodiversity loss and land degradation; underlines that the negative effects of climate change on nature and biodiversity, ecosystems, oceans, health and food security are projected to become critical in future decades; underlines that a stronger, binding and more ambitious international framework is needed in order to protect global biodiversity, to stop its current decline and to restore it as much as possible; acknowledges in this context the importance of the Biodiversity Conference in Montreal, Canada, of December 2022; calls on the IPCC and IPBES to continue and strengthen their cooperation and joint work to provide policy-makers with the latest science on

⁽²⁰⁾ <https://www.klimazaloba.cz/wp-content/uploads/2021/04/Klimaticka%CC%81-z%CC%8Caloba.pdf>

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the twin climate and biodiversity crises and how to address them; calls also on the UNFCCC to work in partnership with the UN Convention on Biological Diversity (UNCBD) and the UN Development Programme (UNDP) towards a consistent framework for climate neutrality and resilience, biodiversity protection and sustainable development;

44. Encourages the Parties, in line with the Glasgow Climate Pact, to take an integrated approach to addressing biodiversity in national, regional and local policy and planning decisions; calls on the UNFCCC, in this regard, to work in partnership with UNCBD and UNDP towards a consistent framework for climate neutrality and resilience, biodiversity protection and sustainable development; welcomes the Edinburgh Declaration on the post-2020 global biodiversity framework, which provides an example of an inclusive 'whole of government' approach;

45. Calls on the Parties to continue the work on the Ocean and Climate Change Dialogue by setting concrete, action-oriented goals, addressing the most relevant and pressing issues of the ocean-climate nexus and encouraging countries, especially coastal countries, to include corresponding commitments in their updated NDCs, National Adaptation Plans (NAPs), Long-Term Strategies (LTEs) and Global Stocktake (GST) submissions, among other actions;

Sustainable climate finance

46. Highlights that the EU and its Member States are the largest providers of public climate finance; recognises the importance of climate finance for successful climate actions, particularly as many developing countries have conditional NDCs, the achievement of which depends on sufficient financial support; welcomes, therefore, that by 2025, a new collective quantified goal on climate finance will be set which should go well beyond the 2020 USD 100 billion annual goal and take into account the needs and priorities of developing countries for additional and adequate climate finance; is of the view that stand-alone targets for mitigation, adaptation and loss and damage should be explored as part of this new collective quantified goal on climate finance; underlines that future climate finance goals should take account of the needs of developing countries, as well as the Paris Agreement's equity principle, in determining Parties' contributions; stresses, in this regard, the need to clearly prioritise grants-based climate finance to ensure that climate finance does not contribute to unsustainable debt levels in developing countries; reiterates its call for a dedicated EU public finance mechanism that provides additional and adequate support towards delivering the EU's fair share of international climate finance goals; also recalls its position of 22 June 2022 on the carbon border adjustment mechanism (CBAM) ⁽²¹⁾, according to which the Union should finance least developed countries' efforts towards the de-carbonisation of their manufacturing industries with an annual amount corresponding at least to the level of revenues generated by the sale of CBAM certificates;

47. Stresses the importance of operationalising the global goal on adaptation and of mobilising major new funds for adaptation in developing countries; notes with concern that adaptation costs and needs are rising, and that they are five to ten times greater than current international public adaptation finance flows, leading to a widening adaptation finance gap; notes the inherent difficulties in directing private finance towards adaptation; highlights that current global financial flows are insufficient for the implementation of necessary adaptation action, especially in developing countries, including because a substantial part of adaptation finance is provided in the form of loans; notes that 50 % of the EU's total climate finance in 2020 was provided in the form of grants and urges the EU and all Member States to increase grants-based finance, particularly for adaptation and especially for least developed countries and small island developing states; calls for the EU and its Member States to commit to a significant increase in the adaptation finance they provide and to bring to COP27 a clear plan on how to achieve the goal agreed in the Glasgow Climate Pact to double adaptation finance by 2025 compared to 2019 levels;

⁽²¹⁾ Texts Adopted, P9_TA(2022)0248.

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48. Recognises the need for progress on the issue of finance to address loss and damage; calls on Parties to agree on new, adequate and additional sources of public finance clearly prioritising grants in order to address loss and damage associated with the adverse effects of climate change; notes the inherent difficulties in directing private finance towards loss and damage; urges the EU to constructively engage ahead of COP27, including by examining modalities for such a facility, taking into account existing institutional arrangements in developing countries' proposals to establish a loss and damage finance facility at COP27; calls for loss and damage to be a standing agenda item for future COPs, so that there is clear negotiating space to monitor and make progress on this issue, and for the full operationalisation of the Santiago Network in order to effectively catalyse technical assistance for adequately addressing loss and damage;

49. Recalls that all Parties must make financial flows — public and private, domestic and international — compatible with the path towards the 1,5 °C target in the Paris Agreement; reiterates the need to urgently end fossil fuel subsidies and other environmentally harmful subsidies in the EU and worldwide; highlights the Glasgow Climate Pact commitment to accelerate efforts to phase down unabated coal power and inefficient fossil fuel subsidies; is concerned by the lack of a definition of what an 'inefficient fossil fuel subsidy' is and that it seriously endangers the credibility of such commitments; notes that fossil fuels subsidies in the EU still amount to some EUR 55-58 billion annually; reminds the Commission and the Member States of their obligations under the 8th Environmental Action Programme to set a deadline for the phasing out of fossil fuel subsidies consistent with the ambition of limiting global warming to 1,5 °C, as well as to develop a binding Union framework to monitor and report on Member States' progress towards phasing out fossil fuel subsidies based on an agreed methodology; calls on the Commission and all Member States to implement concrete policies, timelines and measures to phase out all direct and indirect fossil fuel subsidies as soon as possible, and by 2025 at the very latest; encourages other Parties to undertake similar measures and to work on developing a fossil fuel non-proliferation treaty; welcomes the G7's commitment to stop funding fossil fuel development overseas by the end of 2022, while stressing that this commitment should also apply domestically; highlights the need to ensure that the EU's carbon pricing framework does not incentivise industrial pollution; highlights the role of the Innovation Fund;

50. Considers it essential for major international financial institutions to swiftly adopt and develop green finance in order to bring about a successful decarbonisation of the global economy; recalls the role of the European Investment Bank (EIB) as the EU's climate bank and its recently adopted Climate Bank Roadmap and updated Energy Lending Policy and the additional efforts of the European Investment Fund (EIF) to spearhead climate investments; welcomes the fact that the European Central Bank has committed to integrating climate change considerations into its monetary policy framework; urges multilateral development banks, including the EIB, and development finance institutions, which typically provide financial support in the form of debt-generating instruments, to implement responsible lending and borrowing principles, and to align their portfolios with the Paris Agreement and gather and use high-quality climate risk, vulnerability and impacts data to guide the direction of investments towards 1,5° C-aligned investments; acknowledges the importance of the establishment of the Glasgow Financial Alliance for Net Zero and its commitment to supporting emerging economies to transition to net zero; welcomes in this context the EU agreement on Corporate Sustainability Reporting, which is crucial to building financial support;

51. Supports the work of the Coalition of Finance Ministers for Climate Action and encourages all governments to adopt the coalition's commitments to align all policies and practices in the remit of finance ministries with the goals of the Paris Agreement and to adopt effective carbon pricing, as laid down in the Helsinki Principles;

52. Welcomes the work of the International Sustainability Standards Board to develop a global baseline of sustainability disclosures for capital markets in order to direct more capital towards clean technologies and climate investments;

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Efforts across all sectors

53. Recalls that the European Climate Law includes a commitment to facilitating sector-specific climate dialogues and partnerships by bringing together key stakeholders in an inclusive and representative manner so as to encourage sectors themselves to draw up indicative voluntary roadmaps and to plan their transition towards achieving the Union's climate neutrality objective by 2050; highlights that these roadmaps could make a valuable contribution to assisting sectors with planning the necessary investments in the transition to a climate-neutral economy and could also serve to strengthen sectoral engagement with the pursuit of climate-neutral solutions;

54. Calls on all Parties to urgently take action against methane emissions; welcomes the Global Methane Pledge that the EU, the US and a number of other countries signed up to at COP26, which aims to reduce all methane emissions caused by human action by 30 % by 2030 compared to 2020 levels, which is the first step towards the reduction of 45 % recommended by UNEP ⁽²²⁾; urges all signatories to ensure they reduce methane emissions within their territories by at least 30 % by 2030 and to adopt national measures to achieve this aim; notes that approximately 60 % of the world's methane is emitted by sources such as agriculture, landfill sites, waste water facilities and the production and pipeline transport of fossil fuels; recalls that methane is a potent GHG which is 28 times more powerful than CO₂ in terms of its climate impact over a 100-year timeframe, and 80 times more potent over a 20-year timeframe; highlights in this regard that stronger action to reduce methane emissions is one of the most cost-effective measures for cutting GHG emissions in the short term; notes that many technologies and practices are already available for mitigating methane emissions cost-effectively, at low cost or negative cost; notes that methane emissions in agriculture are primarily driven by increasing livestock numbers and that livestock emissions from manure and enteric fermentation account for roughly 32 % of anthropogenic methane emissions; takes note, in this context, of the proposal to reduce methane emissions in the energy sector presented by the Commission in December 2021; calls for the adoption of additional binding legislative measures to tackle emissions in other emitting sectors, for binding Union methane emissions reduction targets as well as the inclusion of methane among the regulated pollutants in the National Emission Reduction Commitments Directive; reiterates its call to address livestock densities in the EU to ensure ambitious reductions of GHG emissions in this sector; reiterates its position that a shift is needed in consumption patterns towards more healthy foods, diets and lifestyles, including increased consumption of sustainably and regionally produced plants and plant-based foods, and that the overconsumption of meat and ultra-processed products needs to be addressed;

55. Considers that sustainable agricultural production models require global standard setting using a cross-sectoral, multidisciplinary 'One Health' ⁽²³⁾ approach to ensure the transition toward sustainable food systems as well as meeting the commitments of the Paris agreement and the Glasgow Climate Pact;

56. Recognises that climate change will contribute to increased antibiotic resistance and therefore calls for a global agreement by the Parties to reduce the use of antimicrobials and combat the risk of resistance;

57. Highlights that the transport sector is the only sector in which emissions have risen at EU level since 1990 and that this is not compatible with the EU's climate goals, which require greater and faster reductions in emissions from all sectors of society, including the aviation and maritime sectors; considers that in order to ensure the consistency of NDCs with the economy-wide commitments required by the Paris Agreement, the Parties should be strongly encouraged to include emissions from international shipping and aviation in their NDCs and to agree on and implement measures at international, regional and national level to reduce emissions from these sectors, including non-CO₂ impacts from aviation; recalls, further, that according to the IEA all new passenger cars placed on the market globally need to be zero emission by 2035 in order to reach net zero emissions by 2050;

58. Highlights the inclusion of maritime and aviation emissions in the EU emissions trading system (ETS), which could also serve as a model for other countries and will support greater ambition at international level, including in the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO); is concerned by the

⁽²²⁾ UNEP Global Methane Assessment 2021.

⁽²³⁾ https://www.who.int/health-topics/one-health#tab=tab_1

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slow progress achieved in the IMO and the ICAO in addressing emissions from international shipping and aviation; calls on the Commission and the Member States to do their utmost to strengthen the carbon offsetting and reduction scheme for international aviation (CORSIA) while safeguarding the EU's legislative autonomy in implementing the ETS Directive; welcomes the ongoing work of the IMO to update its GHG strategy and its emissions reduction target, and to adopt concrete measures; urges the IMO, however, to move forward rapidly in adopting targets and measures in the short and medium term that are aligned with the goals of the Paris Agreement;

59. Points to the huge climate impact of the use of private jets, with one single private jet able to emit two metric tonnes of CO₂ in just one hour ⁽²⁴⁾; underlines the importance of leaders leading by example, and thus regrets that some world leaders and delegates travelled to COP26 by private jet; urges all participants at COP27 to choose the least polluting mode of transport to get to their destination; notes with concern that private jet use in Europe is estimated to have increased by 30 % compared to pre-pandemic levels ⁽²⁵⁾, and thus calls on the Member States to take measures to curtail the use of private jets in their territories without delay;

60. Welcomes the launch of the Beyond Oil and Gas Alliance (BOGA) at COP26 and stresses the imperative of its objective to limit the supply of fossil fuels and set an end for oil and gas production; recalls that fossil fuels are the largest contributor to climate change, responsible for over 75 % of all GHGs and that current plans would lead to the production of around 240 % more coal, 57 % more oil, and 71 % more gas than would be consistent with limiting global warming to 1,5° C; supports a socially just and equitable global transition to align oil and gas production with the objectives of the Paris Agreement; calls on all Member States and other Parties to the Paris Agreement to join this initiative;

61. Expresses concern at fossil fuel investors suing governments before investment tribunals, within the context of investment agreements, for pursuing policies on climate, the phasing out of fossil fuels or the just transition; calls for consistency between bilateral and multilateral investment agreements and internationally agreed upon climate objectives by excluding the protection of fossil fuel investments;

62. Recalls that according to IPCC AR6, mitigation options costing USD 100 per tonne of CO₂ or less could reduce global GHG emissions by at least half of the 2019 level by 2030; stresses, therefore, that putting in place an effective carbon price, as part of a broader policy mix, can contribute to significantly reducing GHG emissions and stimulating clean technology innovation; encourages the EU to take a leading role in promoting carbon pricing in combination with effective and socially inclusive use of the revenues to promote a more rapid and just transition; also encourages the EU to explore links and other forms of cooperation with existing carbon pricing mechanisms in third countries and regions, to accelerate cost-efficient and socially fair emissions reductions worldwide and to reduce at the same time the risk of carbon leakage, all of which should contribute to ensuring a global level playing field; calls on the Commission to put in place safeguards to ensure that any links with the EU ETS will continue to deliver additional and permanent mitigation contributions and will not undermine the EU's domestic GHG emissions commitments;

63. Calls on the Commission to engage with other major CO₂ emitters to create an international climate club open to all countries committed to leading the way on high climate ambition and effective carbon pricing, with common goals on the reduction of GHG emissions and the achievement of climate neutrality by 2050 at the latest;

⁽²⁴⁾ Transport & Environment, 'Private jets: can the super-rich supercharge zero-emission aviation?', April 2021.

⁽²⁵⁾ Idem.

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Climate change and gender

64. Alerts that people are impacted by climate change in different ways depending on factors such as gender, age, disability, ethnicity and poverty; believes that the transition to a sustainable society has to be undertaken in an inclusive, fair and equal manner, and that gender equality is key to that transition; welcomes, therefore, the adoption at COP26 of the decision recommended by the Subsidiary Body for Implementation on gender and climate change to better integrate the gender dimension into NDCs and that climate finance should be gender-responsive; regrets, however, that roughly half of Parties have yet to appoint and provide support for a national gender and climate change focal point for climate negotiations, implementations and monitoring;

65. Highlights the UNFCCC enhanced Lima Work Programme on Gender and its Gender Action Plan, which acknowledges the continuing need to promote and advance gender equality as a crosscutting priority in climate change; reiterates its call on the Commission to design a concrete action plan to deliver on the commitments of the renewed Gender Action Plan and to create a permanent EU gender and climate change focal point with sufficient budgetary resources to implement and monitor gender-responsive climate action in the EU and globally ⁽²⁶⁾; calls for the EU to mainstream gender into all climate and environmental policy-making; reiterates its call on the EU and its Member States to ensure gender-just national climate action plans and the meaningful involvement of all genders in their design and implementation, as well as to enhance the role of women and women's organisations in governance and decision-making, their access to finance and to programmes which support the role of women in climate governance;

66. Stresses that under the Paris Agreement developed countries are expected to report on how gender-responsive finance is and whether finance provided takes gender considerations into account; expresses concern that gender-tagging of projects is still clearly insufficient and calls on the EU to step up efforts in this regard; recommends the use of gender analyses to help determine different needs and interests in society, as well as the different levels of access to finance mechanisms within societies; reiterates its call on the Commission to design a concrete action plan to deliver on the commitments of the renewed Gender Action Plan agreed at COP25, with sufficient budgetary resources to implement and monitor gender-responsive climate action in the EU and globally; believes this could set an example for other Parties to adopt similar measures;

Industry, SMEs and competitiveness

67. Considers the COP27 to be a very important step since the signature of the Paris Agreement in 2015, as the Union has launched its Fit for 55 package, RePowerEU package and other measures, in order not only to reduce its GHG emissions and reach climate neutrality at the latest by 2050 but also to transform its energy system; believes that economic prosperity, social cohesion, job creation, sustainable industrial development and climate policy should be mutually reinforcing; highlights that combating climate change should aim to reducing energy poverty, increasing resilience and competitiveness, and provides opportunities for EU industry and SMEs that can be taken up if legislators commit to timely, tailor-made, solidarity-based and adequate policy response; deems it of the utmost importance for the Union to ensure it obtains a first mover advantage and to lead by example while protecting the internal market from unfair competition by third countries and ensuring a level playing field for European industries globally;

68. Stresses that the Union should do its utmost to keep its industries' and SMEs' leading position and global competitiveness in the transition towards a net-zero GHG emissions economy; points out that available and innovative policy tools should be employed to maintain and expand the areas of EU leadership; underlines the need to rapidly decarbonise European industry further and to continue the Union's support for this endeavour, in particular for proportionate solutions for take-up by SMEs; welcomes the initiatives undertaken for strategic value chains; recognises the

⁽²⁶⁾ Resolution of 21 January 2021 on the EU Strategy for Gender Equality (OJ C 456, 10.11.2021, p. 208).

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positive effects on European industries, including SMEs, stemming from adopting early strategies to fight climate change, as well as from the Union setting an example in achieving climate neutrality, which paves the path for less advanced or ambitious countries and could safeguard a highly beneficial competitive advantage for EU industries and SMEs; stresses the need to draw up enforceable multilateral and bilateral agreements between the EU and its partners aimed at exporting the Union's environmental standards and ensuring a level playing field in trade and investments; stresses the need to prevent the relocation of production and investments of European industries and SMEs due to less ambitious climate measures outside the Union, and thus encourages international partners to align efforts to fight climate change; considers, on the other hand, that production and investments in Europe would strengthen the industrial value chain and strategic autonomy of the EU in an unstable global context;

69. Recognises the essential role of SMEs, in particular micro enterprises and start-ups, in driving and delivering on employment and growth as well as in leading the way on the digital and green transitions; recalls that SMEs are an essential part of the European economic and social fabric and must be supported and incentivised in this transition by legislators, in particular by ensuring access to finance for sustainable technologies, services and processes, and simplifying administrative procedures; is concerned that SMEs' opportunities and vulnerabilities are not sufficiently taken into account in all EU policies relative to the single market, including in the drive to promote digitalisation and the green transition;

70. Welcomes the commitment, efforts and progress made so far by European citizens, communities, municipalities, cities, regions, industries and institutions towards meeting the obligations of the Paris Agreement;

71. Welcomes the fact that several EU trading partners have introduced carbon trading or other carbon pricing mechanisms and invites the Commission to further promote this and similar policies on the global scale; looks forward to a speedy agreement with the Council on the proposal for a socially just EU carbon border adjustment mechanism that includes an effective carbon leakage mechanism and to its effect of pushing a global carbon price, which will contribute to reducing global carbon emissions and to the achievement of the Paris Agreement goals;

72. Considers that the transition towards a sustainable economy needs to be combined with preserving Europe's competitiveness and creating jobs, as it is crucial to the success of the European Green Deal that the single market remains cost-efficient when adjusting to a new regulatory environment;

73. Emphasises the need for the promotion of competitive markets for the commodities and rare metals that are essential for the green transition, as the world's commodity resources are owned by very few countries; highlights that continued dependency on a few suppliers will counteract some current policy measures, such as the RePowerEU plan, and sacrifices made by the Union's citizens;

74. Highlights the need for qualification programmes to retrain the workforce to meet the increasing demand for labour in energy efficiency, renewables and green tech solutions; calls on all Member States to take steps to ensure that the current and future European workforce acquires all the necessary skills to manage, implement and innovate the green transition;

Energy policy

75. Welcomes all initiatives to reduce the EU's dependency on fossil fuels, including to reduce and ultimately eliminate dependency on all Russian fossil fuels and related products, as Russia is using its natural resources as a weapon and due to its invasion of Ukraine; urges the Commission and the Council, in this regard, to develop an investment plan for energy efficiency measures and renewables in order to strengthen energy autonomy; recalls that the Commission estimates that EUR 300 billion are needed to phase out our energy dependency on Russia by 2030; notes the EU's ongoing work with international partners to diversify energy supplies; notes that the Commission's analysis supporting the RePowerEU forecasts that due to new circumstances some fossil-based capacities regrettably might be used longer than initially expected;

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76. Underlines the ongoing revision of energy legislation under the Fit for 55 package to align it with the Union's increased target of reducing emissions by at least 55 % by 2030 in order to reach climate neutrality by 2050 at the latest; calls, however, for continuing work on setting more ambitious targets, e.g. for renewable energies and energy efficiency, especially given that the Union should continue to lead by example;

77. Highlights the central role of energy efficiency and renewable energy in the transition towards a climate-neutral economy; recalls that the greenest possible energy is the energy we do not use, and especially the role that energy efficiency tools can play in the promotion of this; recognises the progress achieved in the build-out of renewable energy sources; calls at the same time for further build-out of energy efficient actions such as sector integration and reuse of excess heat; points out that heating accounted for 50 % of global energy consumption in 2018 ⁽²⁷⁾ and that, in line with the energy efficiency first principle, it can be advantageously reused and reintegrated as a sustainable heating source that would benefit all countries, as excess heat is generated in all countries; acknowledges, however, the importance of aligning renewable energy and energy efficiency targets to achieve climate neutrality by 2050 at the latest and to comply with the Paris Agreement as well as with the objectives of RepowerEU, seizing the opportunity of the current decrease in the costs of renewable energy and storage technologies; recognises that increased ambition in the Union's 2030 energy efficiency target should be compatible with the increase and uptake of electrification, hydrogen, e-fuels and other clean technologies needed for the green transition;

78. Recalls the need for a massive scaling up and acceleration of permit-granting procedures for renewable energy projects, taking into account EU nature legislation, including on biodiversity, and involving all relevant stakeholders in the mapping and planning process;

79. Recalls the Union's commitment to the energy efficiency first principle, which takes into account cost efficiency, system efficiency, storage capacity, demand side flexibility and security of supply; underlines the importance of mainstreaming and implementing the principle in all relevant legislation and initiatives and across all sectors where appropriate; points out the untapped potential of energy efficiency in sectors such as industry ⁽²⁸⁾, information technology, transport and buildings, including heating and cooling; welcomes the Renovation Wave Strategy and related and concrete regulatory, financing and enabling measures with the objective of at least doubling the annual energy renovation rate of buildings by 2030, fostering deep renovations and facilitating e-mobility, in the Fit for 55 package, in order to mitigate energy poverty; recalls the crucial role that SMEs in the construction and renovation sector will play throughout the Renovation Wave, which will allow reductions in the energy and climate impact of buildings;

80. Welcome the RePowerEU strategy and calls on all EU Member States to consider the IEA's 10-point plan, which if implemented correctly has the potential to bring down gas imports from Russia by well over half, thereby reducing the Union's reliance on Russian natural gas;

81. Stresses the importance of phasing out fossil fuels as soon as possible; notes that this objective must be achieved while maximising its positive effect on the Union's energy security, industrial competitiveness and citizens' welfare; calls on the G7 countries to lead by example on the energy transition and to halt all new investments in fossil fuel extraction; welcomes the G7 countries' pledge to decarbonise their energy sectors by 2035 and to end the financing of most overseas fossil fuel projects by the end of this year; highlights the importance of international cooperation to phase out fossil fuels, such as BOGA and Powering Past Coal Alliance;

82. Regrets that fossil energy subsidies in the Union have remained stable since 2008 totalling around EUR 55-58 billion per year, corresponding to around one third of all energy subsidies in the Union, and that currently 15 Member States subsidise fossil fuels more than renewable energy; believes that fossil fuel subsidies undermine the goals of the European

⁽²⁷⁾ IEA, 'Market analysis and forecast from 2019 to 2024', <https://www.iea.org/reports/renewables-2019/power>

⁽²⁸⁾ Recalls that it is estimated that the economic potential of reducing final energy consumption for industry by 2030 is 23,5 % compared to business as usual.

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Green Deal and the obligations of the Paris Agreement; believes that it is critical to provide more consistent price signals across energy sectors and the Member States, and to avoid external costs from being internalised; notes the recent adoption by some Member States of measures to shield consumers from the direct impact of rising energy prices, in particular on households, and insists that such practices must remain exceptional and temporary; calls on the Member States and the other Parties to COP26 to prioritise investments in green energy and infrastructure and to phase out direct and indirect fossil fuel subsidies;

83. Believes that for the Union to achieve climate neutrality its energy system should be integrated and based on a cascading priority system starting from implementing the energy efficiency first principle, based on cost efficiency, system efficiency, storage capacity, security of supply and demand side flexibility supported by smart grids, leading to energy savings, followed by direct electrification of end-use sectors from renewable sources, use of renewable and renewable-based fuels, including hydrogen, for end-use applications and, during a transitional phase, sustainable and safe low-carbon fuels for applications that do not have another alternative, while maintaining energy accessibility, affordability and security of supply through the development of a circular, highly energy efficient, integrated, interconnected, resilient, and multi-modal energy system;

84. Recalls the importance of taking into account the diversity of national energy systems and challenges; highlights the need for a just transition and reiterates the promise outlined in the new Green Deal that no one should be left behind; is concerned by the fact that around 50 million households in the Union still live in conditions of energy poverty and believes that the EU should increase its efforts to prevent and minimise this; stresses the importance of the social dimension of a higher climate ambition; underlines that building renovations are key for reducing the energy consumption of buildings, bringing down emissions and reducing energy bills; stresses that energy policies should be pursued in line with the principle of a fair and just transition as well as in close cooperation with civil society and social partners; considers, therefore, that public policies, stronger social partnerships and civil society engagement at both local, national and EU level are fundamental to achieving climate neutrality across all sectors of society in a fair, inclusive and socially sustainable way;

85. Welcomes the adoption of the European Hydrogen Strategy requiring the installation of at least 6 GW of renewable hydrogen electrolyzers in the Union by 2024 and 40 GW of renewable hydrogen electrolyzers by 2030; calls on the Union and the Member States, in this context, to facilitate hydrogen integration in hard-to-abate sectors;

86. Welcomes the EU Offshore Strategy and its ambition of at least 60 GW by 2030 and 340 GW by 2050, which Parliament asked to be increased to up to 450 GW of capacity⁽²⁹⁾, as well as the Solar Strategy aiming to install 320 GW of solar photovoltaic by 2025 and 600 GW by 2030; stresses the need to ensure that the implementation of the strategy benefits the whole Union, including landlocked Member States; highlights that European companies are world leaders and industrial first-movers in offshore renewable energy and that the sector holds an untapped potential for further job creation (both directly and indirectly), growth and exports; calls for European leadership in the renewable industry and its supply chains as part of the EU's industrial policy; notes with great satisfaction the joint declaration signed in May 2022 by Belgium, Denmark, Germany and the Netherlands at the North Sea Summit in Esbjerg (Denmark), which will make the North Sea a green powerhouse for Europe;

87. Is convinced of the need to create the conditions for consumers to gain more knowledge and have more incentives to choose more sustainable forms of energy and be more active; calls on the Commission to assess the grid capacity needed for the integration of renewable energy and electrical heating solutions and to identify the remaining barriers to facilitating the development of renewable self-consumption and renewable energy communities, in particular for low-income or vulnerable households;

⁽²⁹⁾ Resolution of 16 February 2022 on a European strategy for offshore renewable energy (OJ C 342, 6.9.2022, p. 66).

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88. Encourages the ongoing work to revise the Directive on Energy Taxation with the aim of aligning taxation policies to the energy and climate targets for 2030 and 2050, while assessing its impacts, including on consumers, energy poverty and transportation poverty;

89. Stresses that although Europe is working towards meeting its ambitious goals, achieving global net-zero emissions by 2050 at the latest will require coordinated global action; highlights that developing countries will require international assistance in order to achieve their green transition; stresses the importance of enhancing close cross-border cooperation and the sharing of best practices with international partners in the fields of policy-making and science, including technology transfer, in order to promote energy efficiency and investments in sustainable energy technologies and infrastructure; notes the Commission's recent adoption of its communication on the EU external energy engagement, which includes its determination to engage with third countries across the globe and 'to encourage partner countries to enhance their climate ambition and define their pathways to climate neutrality, but also to establish long-term relationships that are mutually beneficial, in particular in the area of energy';

90. Welcomes the Commission's intention to adopt an action plan in 2022 for the digitalisation of the energy sector in order to position the EU as a technological leader and to enable a more integrated energy system with intelligent solutions in specific sectors and with improved funding for the 2021-2027 period; recalls the importance of addressing cybersecurity risks in the energy sector in order to ensure the resilience of the energy systems;

Research, innovation, digital technologies and space policy

91. Welcomes the role of the Horizon Europe programme and its contribution to climate neutrality; is of the opinion that the partnerships under Horizon Europe, including the Joint Undertakings, will foster the collaboration between the public and the private sectors with the goal of contributing to the achievement of the green transition, while ensuring that innovations are sustainable, available, accessible and affordable; underlines the importance of improving SME access and participation to Horizon Europe calls and of better communication to and involvement of citizens about the results of European R&D projects and new technologies, including lighthouse projects, in order to increase public uptake and make the role of the Union more visible to its citizens;

92. Welcomes the role of the Copernicus programme and new EU Knowledge Centre on Earth Observation for land, atmosphere and marine environment monitoring Service; underlines the importance of satellite observation capacities for monitoring, modelling, predicting and supporting policy-making on climate change;

93. Highlights the need to attract more investment, both public and private, in the research, innovation and deployment of new sustainable technologies, including in labour-intensive industries, in necessary new infrastructure networks and projects contributing to the goals of the European Green Deal and the Paris Agreement; stresses that future research and technology should take into account sustainability and circularity; emphasises at the same time the importance of basic research, as well as of collaborative and transdisciplinary approaches in research and innovation (R&I), in addressing climate challenges; points, further to the need for supporting the social innovation that is essential to addressing unmet societal needs and challenges while empowering people during the green transition;

94. Underlines the importance of ensuring coherence and consistency in incentives to foster innovative technologies to achieve the 2030 and 2050 targets, addressing the deployment of already mature technologies as well as investments in new technologies that need to be developed to reach the Union's goal of climate neutrality by 2050 at the latest;

95. Stresses the need for a twin transition, where the digital and green transitions go hand in hand; underlines the fundamental role that digital technologies can play in the Union's green transition; recalls that the Union's recovery requires the creation of a stable regulatory framework conducive to progress, including market-driven progress, in research, innovation and development of sustainable technologies, and the appropriate conditions for their financing;

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96. Underlines that digitalisation is one of the key factors driving energy system integration as it can enable dynamic and interlinked flows of energy carriers, allow for more diverse markets to be interconnected, and provide the necessary data to match supply and demand; highlights the potential of digital technologies to increase energy efficiency and thus reduce overall GHG emissions; highlights the need to ensure a secure regulatory framework with non-discriminatory and transparent procedures for access and transmission of energy data; recalls that the Commission estimates that the environmental footprint of ICT accounts for between 5 % and 9 % of global electricity use and more than 2 % of global GHG emissions; stresses that, according to a 2018 study on artificial intelligence by the Commission's Joint Research Centre, data centres and data transmission could account for between 3 % and 4 % of the Union's total electricity consumption; highlights that the Commission expects a 28 % increase in data centre consumption between 2018 and 2030; underlines that 47 % of digital carbon emissions are due to consumer equipment such as computers, smartphones, tablets and other connected objects; calls therefore for measures to reduce the carbon footprint of the ICT sector by ensuring energy and resource efficiency at network, data centre and consumer device level, and reiterates the goal of making data centres climate-neutral and highly energy efficient by no later than 2030, as stated in the digital strategy;

97. Recalls the importance of R&I's contribution to achieving the goals set out in the Paris Agreement and the objectives of the European Green Deal; calls on the Commission and the Member States to support research and innovation and an overall increase in EU and national budgets devoted to R&I in sustainable and safe energy technologies and innovation; calls on the Commission to consider further supporting technologies and innovative solutions that will contribute to a climate-proof and integrated energy system, including those where Europe has global leadership and domestic-based value chains; considers it is essential to have key segments of renewable energy value chains within the Union in order to achieve the climate goals and to bring significant economic benefits to Europeans, and calls for adequate measures to support the role of Europe-based content in the renewable energy sources supply chain and legislation;

Climate change and development

98. Reaffirms the EU's commitment to the implementation of policy coherence for development, especially in industrial, agricultural, fisheries, trade and investment policies; insists on a coherent approach to the implementation of the Paris Agreement and the 2030 Agenda for Sustainable Development in both internal and external policies;

99. Calls on the Commission, the Member States and other G7 countries to develop and adopt Just Energy Transition Partnerships with developing countries and deliver new and additional investments to ensure a just transition in phasing out fossil fuels in developing countries; believes that these partnerships should mostly rely on non-debt-generating financing instruments;

100. Stresses the importance of a human rights approach in climate action to ensure that all measures respect and support human rights of all people; urges the Parties to the UNFCCC to integrate the human rights dimension in their NDCs, their Adaptation Communication and their NAPs;

101. Calls for development and climate policy to address inequality, pre-existing debt challenges and poverty, which are exacerbated by the negative impact of climate change;

Role of the European Parliament

102. Believes, since it must give its consent to international agreements and plays a central role in the domestic implementation of the Paris Agreement as co-legislator, that it should be an integral part of the EU delegation; expects, therefore, to be allowed to attend EU coordination meetings at COP27 in Sharm El-Sheikh and to be guaranteed access to all preparatory documents from the moment negotiations begin;

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103. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Secretariat of the UNFCCC, with the request that it be circulated to all non-EU Parties to the Convention.

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P9_TA(2022)0374

Cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe

European Parliament resolution of 20 October 2022 on cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe (2022/2759(RSP))

(2023/C 149/06)

The European Parliament,

- having regard to Article 167 of the Treaty on the Functioning of the European Union,
 - having regard to the Treaty on European Union, in particular the Preamble thereto, Article 3 thereof and Protocol (No 2) thereto on the application of the principles of subsidiarity and proportionality,
 - having regard to the Preamble to the Charter of Fundamental Rights of the European Union,
 - having regard to its resolution of 1 March 2022 on the Russian aggression against Ukraine ⁽¹⁾,
 - having regard to its recommendation of 8 June 2022 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the EU's Foreign, Security and Defence Policy after the Russian war of aggression against Ukraine ⁽²⁾,
 - having regard to the statements on Ukraine by Parliament's leaders of 16 and 24 February 2022,
 - having regard to its resolution of 17 September 2020 on the cultural recovery of Europe ⁽³⁾,
 - having regard to its resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU ⁽⁴⁾,
 - having regard to the Council conclusions of 18 May 2021 on the recovery, resilience and sustainability of the cultural and creative sectors,
 - having regard to the question to the Commission on cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe (O-000030/2022 — B9-0026/2022),
 - 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 Culture and Education,
- A. whereas Russia's war against Ukraine is an attempt to eradicate the identity and culture of a sovereign nation, also through strategic and targeted acts of destruction on cultural heritage sites ⁽⁵⁾, constituting a war crime under the 1954 Hague Convention ⁽⁶⁾ to which both countries are signatories;

⁽¹⁾ OJ C 125, 18.3.2022, p. 2.

⁽²⁾ Texts adopted, P9_TA(2022)0235.

⁽³⁾ OJ C 385, 22.9.2021, p. 152.

⁽⁴⁾ OJ C 184, 5.5.2022, p. 88.

⁽⁵⁾ As of 21 September 2022, UNESCO has verified damage to 192 sites since 24 February 2022 — 81 religious sites, 13 museums, 37 historic buildings, 35 buildings dedicated to cultural activities, 17 monuments and 10 libraries. <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>

⁽⁶⁾ See the Rome Statute of the International Criminal Court, Article 8, paragraph 2(b) (ix).

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- B. whereas the attack against Ukraine is also an attack against our common European identity, our values and way of life, characterised by open societies based on democracy, respect for human rights, dignity, the rule of law and cultural diversity; whereas the extremely damaging consequences are being felt by millions of people across the world, ranging from loss of life to food shortages, shrinking global energy supplies and increasing inflation and migration flows; whereas Russia is using these intended consequences as political and strategic threats;
- C. whereas the Russian invasion of Ukraine also puts at risk artists and cultural workers, journalists and academics, spreading a climate of fear and disbelief to the detriment of freedom of the arts, quality news, media independence and access to information, academic freedom and freedom of expression in the wider sense;
- D. whereas the illicit destruction of cultural heritage and the looting and smuggling of cultural property and artefacts represent a major threat to the identity of all Ukrainians and minorities within the country, and will hamper post-conflict national reconciliation;
- E. whereas the wide-ranging impacts of the COVID-19 pandemic took a considerable toll on all aspects of our life and living environment, especially on the entire cultural ecosystem, already characterised by fragile organisational and financial structures, and often precarious working conditions, as well as threats to freedom of artistic expression; whereas the cultural and creative sectors and industries (CCSI) have still not fully recovered from the COVID-19 crisis;
- F. whereas these major crises have not only challenged the Union's strategic autonomy, but have also revealed its great potential to forge a strong sense of belonging to Europe, to come up with joint responses to pressing needs and consolidate support behind European integration;
- G. whereas culture remains an important vector of mutual understanding and peacekeeping among populations;

Reinforce support and solidarity towards the Ukrainian cultural ecosystem

1. Welcomes the overall strong support by the EU and its Member States to the Ukrainian CCSI and the swift mobilisation of financial instruments by the Commission, government actors, non-governmental organisations (NGOs) and civil society to support the artists and culture professionals who are fleeing the war, the cultural organisations of the countries receiving Ukrainian refugees, as well as the protection of cultural heritage; welcomes, in particular, the swift response initiatives such as the Culture of Solidarity Fund for Ukraine;
2. Expresses its sincere solidarity with performers, artists, creators, authors, publishers, their companies and all other cultural creators and workers, including amateur creators, as art and culture will have a fundamental role to play in the healing and rebuilding of Ukraine; salutes in particular the action of the Ukrainian artists and creators who have acted in resistance to the Russian invasion by practising their art;
3. Calls on the Commission and the Member States to include the emergency needs of the culture and cultural heritage sectors within the EU's humanitarian support to Ukraine; strongly believes that, in line with the historic decision of the European Council of 23 June 2022 to grant EU candidate status to Ukraine, dedicated support must also be allocated within the future Ukraine Trust Fund, endorsed by the Heads of State and Government in the European Council Conclusions of 24-25 March 2022;
4. Urges the EU to offer targeted support to Ukrainian cultural actors, small and medium-sized enterprises, NGOs, local cultural activities, universities and civil society in designing and developing the country's roadmap to reconstruction and recovery;

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5. Believes that the EU should offer its support to the Ukrainian authorities, in particular at the local and regional levels, together with civil society as a constructive partner in the reconstruction of the country and, in particular, in the restoration of cultural sites; in this regard, stresses that the EU should encourage those involved in the reconstruction to consider applying the highest quality standards; acknowledges that the New European Bauhaus has the potential to contribute to the post-war restoration with the involvement of the Ukrainian CCSI;
6. Considers that special attention must be paid to the cultural and historical works present in Ukraine and the protection of the country's cultural heritage; affirms the willingness of the European Union to participate in the preservation of works of art and cultural heritage through the application of all legal tools for the protection and the prevention of trafficking in or the illegal export of cultural heritage in times of war;
7. Stresses the urgency of supporting Ukraine in documenting thoroughly all attacks on cultural heritage, especially those that constitute potential war crimes and are committed against cultural heritage protected by international conventions; recalls that in addition to the physical protection of monuments and artefacts, the EU should further strengthen support for the digitisation and digital documentation of cultural heritage;
8. Considers that any financial support given to Ukraine in the cultural field should not jeopardise the funding made available to the CCSI in the European Union through the Creative Europe programme;

Supporting the resilience and post-crisis recovery of the EU's cultural ecosystem as a whole

9. Calls on the Commission and the Member States to place a focus on culture in all key EU policies and priorities such as climate action, the digital transformation, economic recovery and international relations; invites the Commission to make further use of the multidimensional potential of the CCSI for the well-being of societies and citizens in Europe, and to proactively promote public cultural discourse with the aim of involving as many people as possible in the formation of public opinion and of fostering international cultural cooperation;
 10. Highlights the need to support and coordinate actions at all levels of governance and with both public and private stakeholders, including civil society and philanthropic actors, which include targeted support for the cultural, creative and cultural heritage ecosystems and for fair working conditions for their workers;
 11. Urges the Commission and the Member States to scale up their innovation capacity in terms of cooperation and public-private partnerships in order to increase resilience against future crises affecting the CCSI; in this context, urges the Commission and the Member States to further foster the digitalisation of the CCSI and ensure broad digital access to artistic and cultural creations;
 12. Calls on the Commission to explore the possibility of establishing or acting as a partner in a European emergency response and recovery mechanism dedicated specifically to the cultural, cultural heritage and creative ecosystems, based on a multi-stakeholder approach; invites the Commission to propose the legal and fiscal framework for such a mechanism and draw up a list of associate strategic partners from all sectors concerned, public or private and including philanthropic partnership models, in full compliance with the principle of additionality, in order to enable the strategic pooling of resources, thereby strengthening public funding and optimising support for the CCSI;
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13. 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)0375

The situation in Burkina Faso following the coup d'état**European Parliament resolution of 20 October 2022 on the situation in Burkina Faso following the coup d'état (2022/2865(RSP))**

(2023/C 149/07)

The European Parliament,

- having regard to its previous resolutions, in particular those of 19 December 2019 on violations of human rights including religious freedoms in Burkina Faso ⁽¹⁾, of 16 September 2020 on EU-African security cooperation in the Sahel region, West Africa and the Horn of Africa ⁽²⁾, and of 17 February 2022 on the political crisis in Burkina Faso ⁽³⁾,
- having regard to the statement by the Commissioner for International Partnerships, Jutta Urpilainen, on behalf of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 4 October 2022 in the European Parliament, Strasbourg, and the ensuing debate,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 1 and 5 October 2022 on the coup d'état in Burkina Faso and the situation in the country,
- having regard to the statements by the Economic Community of West African States (ECOWAS) of 30 September, 1 October and 2 October 2022 on the situation in Burkina Faso, and the ECOWAS mission to Burkina Faso of 4 October 2022,
- having regard to the statement by the chairperson of the African Union Commission of 30 September 2022 condemning the second takeover of power by force in Burkina Faso,
- having regard to the statement by the spokesperson for the UN Secretary-General of 1 October 2022 on the situation in Burkina Faso,
- having regard to the UN Security Council statement of 7 October 2022 on the situation in Burkina Faso,
- having regard to the ECOWAS protocol on democracy and good governance,
- 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 the Joint Parliamentary Assembly of the African, Caribbean and Pacific Group of States (ACP) and the EU of 11 March 2021 on democracy and the respect for constitutions in EU and ACP countries,
- 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, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the Constitution of the Republic of Burkina Faso,

⁽¹⁾ OJ C 255, 29.6.2021, p. 45.

⁽²⁾ OJ C 385, 22.9.2021, p. 24.

⁽³⁾ OJ C 342, 6.9.2022, p. 290.

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- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽⁴⁾ (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,
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979,
 - having regard to the UN Refugee Convention of 1951 and the 1967 Protocol thereto,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas on 30 September 2022, members of the Burkina Faso military, led by Captain Ibrahim Traoré, carried out a coup d'état, overthrowing President Lieutenant-Colonel Paul-Henri Sandaogo Damiba; whereas former President Damiba had seized power in a coup on 24 January 2022 that overthrew President Roch Kaboré, who had been democratically elected in November 2020; whereas like former President Damiba before him, the current President Ibrahim Traoré justified the coup by citing the authorities' inability to curb the deterioration of the security situation;
- B. whereas after the January 2022 coup, under the mediation of ECOWAS, the military agreed to a transition period until July 2024, when democratic elections are to be held; whereas the EU strongly supported ECOWAS in its mediation efforts and made considerable efforts to boost cooperation, including on defence and security; whereas ECOWAS has condemned the September 2022 coup in Burkina Faso and deems it inappropriate in the light of the progress that had been made in efforts to ensure an orderly return to constitutional order by 1 July 2024; whereas the September 2022 coup has also been denounced by the African Union, the EU and the UN;
- C. whereas according to a disinformation campaign, former President Damiba had taken shelter under French protection, which was immediately and strongly denied by the French authorities, as well as by both former President Damiba himself and the current President Ibrahim Traoré; whereas in the wake of the coup, demonstrations broke out against France and in favour of increased military cooperation with Russia; whereas the French embassy and consulate in Ouagadougou have been vandalised, alongside the Institut Français offices in Ouagadougou and Bobo Dioulasso; whereas several other attacks have been witnessed in the country against European institutions and symbols;
- D. whereas on 2 October 2022, former President Damiba tendered his resignation as president after mediation with traditional chieftains; whereas he made his resignation subject to seven conditions, among them the need to uphold the agreement with ECOWAS during a transition period of 24 months; whereas the current President Ibrahim Traoré accepted all of these conditions;
- E. whereas on 4 October 2022, ECOWAS deployed a fact-finding mission into the September 2022 coup and held talks with the new leadership; whereas after a meeting with the ECOWAS delegation, President Traoré stated his intention to respect the transition timeline agreed between his predecessor and ECOWAS; whereas President Traoré also undertook to honour Burkina Faso's international commitments, particularly regarding the protection of human rights;
- F. whereas on 15 October 2022, Captain Ibrahim Traoré was unanimously appointed as president by the 'National Assises' and the transitional charter was adopted;
- G. whereas the constitution, first suspended after 30 September 2022, was reinstated by the Fundamental Act adopted by the Patriotic Movement for Safeguard and Restoration (MPSR) on 5 October 2022, which ensures respect for international agreements to which Burkina Faso is a party and guaranteed the continuity of the state pending the subsequent adoption of the transitional charter;

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3.

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- H. whereas on 7 October 2022, President Traoré met all of the diplomatic corps in Ouagadougou to reaffirm his willingness to cooperate with all of Burkina Faso's partners; whereas President Traoré has made statements that Burkina Faso considers the EU just 'one of many' partners;
- I. whereas Yevgeny Prigozhin, the head of the Russian private military company the Wagner Group, welcomed the September coup; whereas the Wagner Group continues to expand its activities in the Sahel region and Western Africa and is known to have perpetrated numerous war crimes in the region;
- J. whereas since 2015, Burkina Faso has been caught up in an escalating wave of violence attributed to fighters of groups such as the Group for the Support of Islam and Muslims (JNIM), which is aligned with al-Qaeda, and the Islamic State in the Greater Sahara (ISGS), killing thousands of people; whereas on 26 September 2022, 37 people were killed in an attack on a supply convoy near Gaskindé; whereas a group affiliated with al-Qaeda claimed responsibility for the attack, which is considered one of the triggers of the recent coup, and in which 70 truck drivers went missing according to their trade union; whereas approximately 40 % of Burkina Faso's territory is currently exposed to violence committed by armed rebel groups and a lack of food, water, electricity and basic healthcare as a result of the blockade imposed by such groups; whereas Operation Barkhane in the Sahel region has been called into question by parts of the population and some political leaders;
- K. whereas 1,9 million people have been displaced as a consequence of the worsening security situation in the country, more than half of whom are children; 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 the presence of internally displaced people and refugees may lead to conflict with the local population over scarce natural resources if no adequate measures are taken to provide housing, employment and food;
- L. whereas training of Burkinabe personnel was being carried out in the context of the EU Training Mission in Mali and EU Capacity-Building Mission in the Sahel, but was suspended after the September 2022 coup and has not achieved its primary objective;
- M. whereas as of October 2022, 4,9 million people are in need of humanitarian aid in Burkina Faso, including 3,4 million people who face severe food insecurity;
- N. whereas discontent and criticism had been growing over previous governments' lack of capacity to tackle the enormous security, social and economic challenges in Burkina Faso caused by the spread of terrorist attacks;
- O. whereas more than EUR 1 billion was allocated to Burkina Faso for the period 2014-2020 through all of the EU's funding instruments; whereas under the Neighbourhood, Development and International Cooperation Instrument (NDICI), EU support is scheduled to amount to EUR 384 million for the period 2021-2024;
- P. whereas what happens in the Sahel region matters to and has consequences for both the rest of Africa and Europe; whereas Burkina Faso is of key regional importance, as it is strategically located as a bridge between the Sahel and the coastal states of Western Africa;
1. Condemns the military coup of 30 September 2022 in Burkina Faso; regrets that this action undermines the recent progress made towards an orderly return to constitutional order;
2. Calls on the next government to meet its undertaking to honour the country's international commitments, including those related to the promotion and protection of human rights; urges the next government to allow people, including all minority groups, to exercise their civil and political rights, including their right to freedom of assembly, association and expression; is extremely concerned that allegations of human rights violations continue to be reported;

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3. Demands an urgent return to constitutional order, including an immediate return to civilian government; calls on the next government to meet its commitment to respect the timetable agreed upon for a rapid return to constitutional order and inclusive and transparent elections by 1 July 2024; expresses its full support to ECOWAS and the African Union for their mediation efforts and declares its readiness to support these efforts wherever possible; calls on the international community, including the EU, to back these efforts and to offer their support to ensure a safe transition; expresses its support for election observers in Burkina Faso and an EU electoral observation mission;
4. Urges the next government to advance a true, honest, transparent and inclusive national dialogue, with the active and effective participation of all sectors of civil society, aimed at outlining a clear future vision for Burkinabe democracy and fostering a more inclusive and cohesive society; calls for the increased inclusion and active participation of women in decision-making and in peace-building and reconciliation efforts;
5. Urges the next government to redefine its security response, in full partnership with the international community, in a manner that respects the rule of law, protects human rights and rebuilds public trust; underlines, in this regard, that the ongoing national consultation is an opportunity to implement substantial security sector reforms;
6. Expresses its sympathy and condolences to the people of Burkina Faso, who have suffered too many violent attacks often committed by jihadist groups; underlines that the EU stands with Burkina Faso and its people and is ready to intensify its engagement; stresses that the Burkinabe leadership must create the conditions to allow for such an enhanced partnership;
7. Condemns the attacks against the French embassy and consulate, the Institut Français and other European institutions and symbols across Burkina Faso during and after the coup; urges the next government to respect the country's international legal obligations to protect diplomatic staff and premises, and to ensure the safety of foreign nationals living in the country; expresses its concern about the rise in Russian disinformation campaigns against EU missions and operations in Africa;
8. Urges all the relevant parties to respect freedom of the press and the media and to allow journalists and media organisations to carry out their work freely and in safety, including documenting the situation of internally displaced people and security force operations;
9. Urges the authorities to ensure the protection of human rights defenders and civil society organisations in the exercise of their mandate; calls for the EU and its Member States to increase their protection and support for human rights defenders in Burkina Faso; condemns the use of sexual violence and all forms of intimidation in conflict situations;
10. Urges the next government to conduct prompt, thorough and impartial investigations into all deaths and injuries related to the coup, including those that occurred during looting and demonstrations, and to ensure independent and impartial justice and accountability for victims and survivors;
11. Is deeply concerned about the activities of the Wagner Group in the region; strongly advises the next government against pursuing any kind of partnership with the Wagner Group; firmly believes that the involvement of private security companies accused of gross human rights violations would run counter to the objective of bringing peace, security and stability to Burkina Faso; points to the very negative track record of Russian engagement in Mali where, as a result of impunity and failed military tactics, the population is now suffering from increased terrorist threats as well as human rights violations by mercenaries; urges the EU and African countries to ensure judicial actions, including criminal sanctions, for human rights violations resulting from the activities of private military and security companies;
12. Calls for the EU and its Member States to increase their financial support and humanitarian aid in order to meet the urgent needs of the people of Burkina Faso, and in particular the needs of displaced persons and refugees in neighbouring countries; calls on the next government to support and facilitate the work of humanitarian organisations in Burkina Faso by ensuring unhindered humanitarian access; expresses concern over the impact of security threats on the effectiveness of humanitarian assistance and development cooperation;

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13. Asks the EU and its Member States, when formulating their policies on the Sahel, to take account of the essential need to support good governance, civil society, development and investments for a more positive future for Sahelian communities, and to conduct an impact assessment into the G5 Sahel; calls for the EU and its Member States to work with ECOWAS, the transitional authorities and all stakeholders in Burkina Faso to strengthen security cooperation, development, education and climate change adaptation efforts in order to tackle poverty and prevent further radicalisation;
 14. Calls on the international community, including the EU, to urgently evaluate, in coordination with their international partners and the relevant international institutions, all the means available to avoid any default on debt payments by Burkina Faso;
 15. Observes a decrease in support for EU peace-building and development cooperation activities in the region; calls on the Commission to step up its engagement in support of human rights and humanitarian and development cooperation, and to increase the visibility of these activities;
 16. Calls on the Member States to comply with their international obligations and implement a thorough check and tracing system for their arms exports in order to avoid their misuse and the fuelling of human rights violations;
 17. Urges the EU to promote Burkina Faso's right to food sovereignty as a means of achieving nutritional security and poverty reduction, devoting particular attention to women and family farming, with the aim of securing the supply of affordable and accessible food;
 18. Expresses its concern that the increasing political and security instability and the dire socio-economic and humanitarian situation in Burkina Faso has provided an opportunity for terrorist groups to wreak havoc and has profound international consequences; underlines that terrorism and instability across the Sahel region are challenging and undermining democratic consolidation and the rule of law; recalls that tackling the structural dynamics behind the current challenges is essential to reinforce the popular legitimacy of democratically elected governments; calls for the international community, including the EU, to increase cooperation and support in addressing all of these challenges;
 19. Acknowledges and pays tribute to the religious and traditional leaders in Burkina Faso, who have played a key mediating role and have been active players in denying violence and hatred during the various crises in the country; calls on the Burkinabe leadership to increase protection for minorities, including religious minorities;
 20. 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, the UN Secretary-General, the UN General Assembly, and the African Union and its institutions.
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Tuesday 18 October 2022

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2022)0357

Nomination of a member of the Court of Auditors — Laima Liucija Andrikiene

European Parliament decision of 18 October 2022 on the nomination of Laima Liucija Andrikiene as a Member of the Court of Auditors (C9-0301/2022 — 2022/0807(NLE))

(Consultation)

(2023/C 149/08)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0301/2022),
 - having regard to Rule 129 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0239/2022),
 - A. whereas, by letter of 24 August 2022, the Council consulted Parliament on the nomination of Laima Liucija Andrikiene as a Member of the Court of Auditors;
 - B. whereas Parliament's Committee on Budgetary Control then proceeded to evaluate Laima Liucija Andrikiene's credentials, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union; whereas in carrying out that evaluation, the committee received a curriculum vitae from Laima Liucija Andrikiene, as well as the replies to the written questionnaire that she had been sent;
 - C. whereas the committee subsequently held a hearing with Laima Liucija Andrikiene on 6 October 2022, at which she made an opening statement and then answered questions put by the members of the committee;
 - 1. Delivers a favourable opinion on the Council's nomination of Laima Liucija Andrikiene as a Member of the Court of Auditors;
 - 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
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P9_TA(2022)0358

Adapting a number of legal acts in the area of justice to Article 290 TFEU (Commission delegated acts) *II**

European Parliament legislative resolution of 18 October 2022 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 805/2004 as regards the use of the regulatory procedure with scrutiny in order to adapt it to Article 290 of the Treaty on the Functioning of the European Union (09279/1/2022 — C9-0282/2022 — 2016/0399(COD))

(Ordinary legislative procedure: second reading)

(2023/C 149/09)

The European Parliament,

- having regard to the Council position at first reading (09279/1/2022 — C9-0282/2022),
 - having regard to its position at first reading⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2016)0798),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Legal Affairs (A9-0237/2022),
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 158, 30.4.2021, p. 832.

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P9_TA(2022)0359

Guidelines for the employment policies of the Member States *

European Parliament legislative resolution of 18 October 2022 on the proposal for a Council decision on guidelines for the employment policies of the Member States (COM(2022)0241 — C9-0199/2022 — 2022/0165(NLE))

(Consultation)

(2023/C 149/10)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2022)0241),
 - having regard to Article 148(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0199/2022),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0243/2022),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Welcomes the Commission's proposal for updated employment guidelines for the Member States, in particular its strong focus on the post-COVID 19 environment, on ensuring that the green and digital transitions are socially fair and economically sustainable, and on recent policy initiatives in response to the Russian invasion of Ukraine; with a view to strengthening democratic decision-making, reiterates its call to be involved in setting the Integrated Guidelines at Union level on an equal footing with Council, in line with its legislative resolution of 10 July 2020 on the proposal for a Council decision on guidelines for the employment policies of the Member States;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 6. Instructs its President to forward its position to the Council and the Commission.

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Amendment 1
Proposal for a decision
Recital - 1 (new)

Text proposed by the Commission

Amendment

- (-1) *In order to create synergies and stimulate ambitious policies at Member State level, it is important to align the employment guidelines set out in the annex to this Decision with the Union's headline targets on employment, skills and poverty reduction for 2030, agreed by Union leaders, Union institutions, the social partners and civil society representatives at the Porto Social Summit in 2021.*

Amendment 2
Proposal for a decision
Recital 1

Text proposed by the Commission

Amendment

- (1) **Member States and** the Union **are** to work towards developing a coordinated strategy for employment and particularly for promoting **a skilled, trained and adaptable workforce**, as well as labour markets that are future-oriented **and** responsive to **economic** change, with a view to achieving the **objectives of** full employment and social progress, **balanced growth**, a high level of protection and improvement of the quality of the environment laid down in Article 3 of the Treaty on European Union (TEU). Member States are to regard promoting employment as a matter of common concern and are to coordinate their action in that respect within the Council, taking into account national practices related to the responsibilities of management and labour.

- (1) The Union **is** to work towards developing a coordinated strategy for **high levels of** employment and particularly for promoting **upward economic and social convergence, quality employment and improving working conditions, by supporting and complementing the activities of the Member States**, as well as labour markets that are future-oriented, responsive to change, **inclusive, resilient and stable and that offer opportunities for mobility and professional progress**, with a view to achieving the **sustainable development of the Union, based on balanced economic growth and price stability, a highly competitive social market economy, aiming to achieve** full employment and social progress, **and** a high level of protection and improvement of the quality of the environment laid down in Article 3 of the Treaty on European Union (TEU) **and Article 151 of the Treaty on the Functioning of the European Union (TFEU), while at the same time respecting the objectives of the European Green Deal to achieve climate neutrality in the Union by 2050.** Member States are to regard promoting employment as a matter of common concern and are to coordinate their action in that respect within the Council, taking into account national practices related to the responsibilities of management and labour.

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Amendment 3
Proposal for a decision
Recital 3

Text proposed by the Commission

- (3) In accordance with the TFEU, the Union has developed and implemented policy coordination instruments for economic and employment policies. As part of those instruments, the Guidelines for the Employment Policies of the Member States (the 'Guidelines') set out in the Annex to this Decision, together with the Broad Guidelines for the Economic Policies of the Member States and of the Union set out in Council Recommendation (EU) 2015/1184 ⁽³⁾, form the Integrated Guidelines. They are to guide policy implementation in the Member States and in the Union, reflecting the interdependence between the Member States. The resulting set of coordinated European **and** national policies and reforms are to constitute an appropriate overall sustainable economic **and** employment policy mix, which should achieve positive spill over effects.

⁽³⁾ Council Recommendation (EU) 2015/1184 of 14 July 2015 on broad guidelines for the economic policies of the Member States and of the European Union (OJ L 192, 18.7.2015, p. 27).

Amendment

- (3) In accordance with the TFEU, the Union has developed and implemented policy coordination instruments for economic and employment policies. As part of those instruments, the Guidelines for the Employment Policies of the Member States (the 'Guidelines') set out in the Annex to this Decision, together with the Broad Guidelines for the Economic Policies of the Member States and of the Union set out in Council Recommendation (EU) 2015/1184 ⁽³⁾, form the Integrated Guidelines. They are to guide policy implementation in the Member States and in the Union, reflecting the interdependence between the Member States. The resulting set of coordinated European, national **and regional** policies and reforms are to constitute an appropriate overall sustainable economic, employment **and social** policy mix, which should achieve positive spill over effects **for society, labour markets and the workforce, while striving to avoid any negative social or economic consequences, and effectively respond to the impact of the COVID-19 pandemic, the Russian invasion of Ukraine and the rising cost of living.**

⁽³⁾ Council Recommendation (EU) 2015/1184 of 14 July 2015 on broad guidelines for the economic policies of the Member States and of the European Union (OJ L 192, 18.7.2015, p. 27).

Amendment 4
Proposal for a decision
Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) **With a view to further enhancing the Union's social model, Member States should promote decent wages, strengthen collective bargaining and ensure that labour markets are inclusive. In this regard, particular emphasis should be placed on women and disadvantaged groups, namely children, young people, older people, persons with disabilities, single parents, racial and ethnic minorities, such as Roma people and people with a migrant background, LGBTIQ+ people and people living in disadvantaged regions, including remote and rural regions, disadvantaged areas, islands and the outermost regions.**

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Amendment 5
Proposal for a decision
Recital 3 b (new)

Text proposed by the Commission

Amendment

- (3b) *In order to enhance economic and social progress, to facilitate the twin transition and to achieve inclusive, competitive and resilient labour markets in the Union, Member States should promote quality education, training, upskilling and reskilling, as well as lifelong learning, future-oriented dual education and improved career opportunities through strengthening the links between the education system and the labour market and recognising skills, knowledge and competences acquired through non-formal and informal learning.*

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Amendment 6
Proposal for a decision
Recital 4

Text proposed by the Commission

- (4) The Guidelines are consistent with the Stability and Growth Pact, existing Union legislation and various Union initiatives, including Council Directive of 20 July 2001⁽⁶⁾, Council Recommendations of 10 March 2014⁽⁷⁾, 15 February 2016⁽⁸⁾, 19 December 2016⁽⁹⁾, 15 March 2018⁽¹⁰⁾, 22 May 2018⁽¹¹⁾, 22 May 2019⁽¹²⁾, 8 November 2019⁽¹³⁾, 30 October 2020⁽¹⁴⁾, 24 November 2020⁽¹⁵⁾, 29 November 2021⁽¹⁶⁾ Commission Recommendation of 4 March 2021⁽¹⁷⁾, Council Recommendation of 14 June 2021⁽¹⁸⁾, Council Resolution of 26 February 2021⁽¹⁹⁾, Commission Communication of 9 December 2021⁽²⁰⁾, Decision of the EU Parliament and the Council of 22 December 2021⁽²¹⁾ [**the Proposal for a** Directive of the European Parliament and of the Council on adequate minimum wages in the European Union⁽²²⁾, the Proposal for a Council Recommendation on ensuring a fair transition towards climate neutrality⁽²³⁾, the Proposal for a Council Recommendation on a European approach to micro-credentials for lifelong learning and employability⁽²⁴⁾, the Proposal for a Council Recommendation on individual learning accounts⁽²⁵⁾, the Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms⁽²⁶⁾, the Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work⁽²⁷⁾ and the Proposal for a Council Recommendation on learning for environmental sustainability]⁽²⁸⁾.

Amendment

- (4) The Guidelines are consistent with the Stability and Growth Pact, **the Broad Economic Policy Guidelines and** existing Union legislation and various Union initiatives, including Council Directive of 20 July 2001⁽⁶⁾ (**the ‘Temporary Protection Directive’**), Council Recommendations of 10 March 2014⁽⁷⁾, **14 July 2015^(7a)**, 15 February 2016⁽⁸⁾, 19 December 2016⁽⁹⁾, 15 March 2018⁽¹⁰⁾, 22 May 2018⁽¹¹⁾, 22 May 2019⁽¹²⁾, 8 November 2019⁽¹³⁾, 30 October 2020⁽¹⁴⁾, 24 November 2020⁽¹⁵⁾, 29 November 2021⁽¹⁶⁾ Commission Recommendation of 4 March 2021⁽¹⁷⁾, Council Recommendation of 14 June 2021⁽¹⁸⁾, Council Resolution of 26 February 2021⁽¹⁹⁾, Commission Communication of 9 December 2021⁽²⁰⁾, Decision of the EU Parliament and the Council of 22 December 2021⁽²¹⁾, the Directive of the European Parliament and of the Council on adequate minimum wages in the European Union⁽²²⁾, the Proposal for a Council Recommendation on ensuring a fair transition towards climate neutrality⁽²³⁾, the Proposal for a Council Recommendation on a European approach to micro-credentials for lifelong learning and employability⁽²⁴⁾, the Proposal for a Council Recommendation on individual learning accounts⁽²⁵⁾, the Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms⁽²⁶⁾, **the Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures^(26a)**, the Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work⁽²⁷⁾, **the Proposal for Regulation of the European Parliament and of the Council on establishing a Social Climate Fund^(27a)** and the Proposal for a Council Recommendation on learning for environmental sustainability]⁽²⁸⁾.

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Text proposed by the Commission

(⁶) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 0012 — 0023)

(⁷) Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1).

(⁸) Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market (OJ C 67, 20.2.2016, p. 1).

(⁹) Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults (OJ C 484, 24.12.2016, p. 1).

(¹⁰) Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1).

(¹¹) Council Recommendation of 22 May 2018 on key competences for lifelong learning (OJ C 189, 4.6.2018, p. 1).

(¹²) Council Recommendation of 22 May 2019 on High-Quality Early Childhood Education and Care Systems (OJ C 189, 5.6.2019, p. 4).

(¹³) Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (OJ C 387, 15.11.2019, p. 1).

(¹⁴) Council Recommendation of 30 October 2020 on A Bridge to Jobs — Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (OJ C 372, 4.11.2020, p. 1).

(¹⁵) Council Recommendation of 24 November 2020 on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience (OJ C 417, 2.12.2020, p. 1).

(¹⁶) Council Recommendation of 29 November 2021 on blended learning approaches for high-quality and inclusive primary and secondary education (OJ C 66, 26.2.2021, p. 1–21)

Amendment

(⁶) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

(⁷) Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1).

(^{7a}) ***Council Recommendation (EU) 2015/1184 of 14 July 2015 on broad guidelines for the economic policies of the Member States and of the European Union (OJ L 192, 18.7.2015, p. 27).***

(⁸) Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market (OJ C 67, 20.2.2016, p. 1).

(⁹) Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults (OJ C 484, 24.12.2016, p. 1).

(¹⁰) Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1).

(¹¹) Council Recommendation of 22 May 2018 on key competences for lifelong learning (OJ C 189, 4.6.2018, p. 1).

(¹²) Council Recommendation of 22 May 2019 on High-Quality Early Childhood Education and Care Systems (OJ C 189, 5.6.2019, p. 4).

(¹³) Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (OJ C 387, 15.11.2019, p. 1).

(¹⁴) Council Recommendation of 30 October 2020 on A Bridge to Jobs — Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (OJ C 372, 4.11.2020, p. 1).

(¹⁵) Council Recommendation of 24 November 2020 on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience (OJ C 417, 2.12.2020, p. 1).

(¹⁶) Council Recommendation of 29 November 2021 on blended learning approaches for high-quality and inclusive primary and secondary education (OJ C 66, 26.2.2021, p. 1).

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<i>Text proposed by the Commission</i>	<i>Amendment</i>
(¹⁷) Commission Recommendation (EU) 2021/402 of 4 March 2021 on an effective active support to employment following the COVID-19 crisis (EASE) (OJ L 80, 8.3.2021, p. 1).	(¹⁷) Commission Recommendation (EU) 2021/402 of 4 March 2021 on an effective active support to employment following the COVID-19 crisis (EASE) (OJ L 80, 8.3.2021, p. 1).
(¹⁸) Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee (OJ L 223, 22.6.2021, p. 14).	(¹⁸) Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee (OJ L 223, 22.6.2021, p. 14).
(¹⁹) Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030) (2021/C66/01) (OJ C 66, 26.2.2021, p. 1–21)	(¹⁹) Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030) (2021/C66/01) (OJ C 66, 26.2.2021, p. 1).
(²⁰) Commission Communication COM(2021)0778 of 9 December 2021 on building an economy that works for people: an action plan for the social economy	(²⁰) Commission Communication COM(2021)0778 of 9 December 2021 on building an economy that works for people: an action plan for the social economy
(²¹) Decision (EU) 2021/2316 of the European Parliament and of the Council of 22 December 2021 on a European Year of Youth (2022) (OJ L 462, 28.12.2021, p. 1–9)	(²¹) Decision (EU) 2021/2316 of the European Parliament and of the Council of 22 December 2021 on a European Year of Youth (2022) (OJ L 462, 28.12.2021, p. 1).
(²²) COM/2020/682 final	(²²) Not yet published in the Official Journal of the European Union.
(²³) COM/2021/801 final	(²³) COM(2021)0801.
(²⁴) COM/2021/770 final	(²⁴) COM(2021)0770.
(²⁵) COM/2021/773 final	(²⁵) COM(2021)0773.
(²⁶) COM/2021/93 final	(²⁶) COM(2021)0093.
	(^{26a}) Not yet published in the Official Journal of the European Union.
(²⁷) COM/2021/762 final	(²⁷) COM(2021)0762.
	(^{27a}) COM(2021)0568.
(²⁸) COM/2022/11 final	(²⁸) COM(2022)0011.

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Amendment 7
Proposal for a decision
Recital 5

Text proposed by the Commission

- (5) The European Semester combines the different instruments in an overarching framework for integrated multilateral coordination and surveillance of economic **and** employment policies. While pursuing environmental sustainability, productivity, fairness and stability, the European Semester **integrates** the principles of the European Pillar of Social Rights and of its monitoring tool, the Social Scoreboard, and **provides** for strong engagement with social partners, civil society and other stakeholders. It **supports** the delivery of the Sustainable Development Goals. The Union's and Member States' economic and employment policies should go hand in hand with Europe's fair transition to a climate neutral, environmentally sustainable and digital economy, **improve** competitiveness, **ensure adequate** working conditions, **foster** innovation, **promote** social justice and equal opportunities, as well as **tackle** inequalities and regional disparities.

Amendment

- (5) The European Semester combines the different instruments in an overarching framework for integrated multilateral coordination and surveillance of economic, employment, **social and environmental** policies. While pursuing environmental sustainability, productivity, **inclusiveness**, fairness and stability, the European Semester **should further integrate** the principles of the European Pillar of Social Rights **(the 'Pillar'), including Principle No 11 on childcare and support to children**, and of its monitoring tool, the Social Scoreboard, and **provide** for strong engagement with social partners, civil society and other stakeholders. It **should support** the delivery of the **United Nation's** Sustainable Development Goals (SDGs), **including SDG 1 on 'No Poverty', SDG 4 on 'Quality Education', SDG 5 on 'Gender Equality', SDG 7 on 'Affordable and Clean Energy', SDG 8 on 'Decent Work and Economic Growth' and SDG 10 on 'Reduced Inequalities'**. **Inclusive and equitable quality education and lifelong learning opportunities for all should be ensured and anchored in employment and social policies. Gender equality should be mainstreamed in all Union policies. The gender equality index could serve as one of the Semester's tools to monitor progress towards employment and social targets and to measure the gender impact of employment and social policies.** The Union's and Member States' economic and employment policies should go hand in hand with Europe's fair **and just** transition to a climate neutral, environmentally sustainable, **socially inclusive** and digital economy, **ensuring upward social convergence, improving** competitiveness **in a sustainable way, supporting SMEs including microenterprises, ensuring decent** working conditions **and resilient social protection systems, fostering** innovation, **promoting** social justice and equal opportunities **for all, eradicating poverty, supporting and investing in children and young people**, as well as **tackling social exclusion, inequalities, intersectional discrimination** and regional disparities, **particularly as regards remote and outermost regions. There is a need to ensure quality and sustainable employment in close cooperation with social partners, based on legislative initiatives or a revision of existing legislation, where needed, in particular with a view to teleworking,**

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Text proposed by the Commission

Amendment

parental and care related leave, occupational health and safety, artificial intelligence (AI) at the workplace, a European Anti-poverty strategy, as well as a general legal framework on subcontracting, with increased transparency and recommendations on liability. A Union legislative act on the right to disconnect is currently discussed by European Social Partners in the context of their Framework Agreement on Digitalisation. This discussion should lead to minimum standards and conditions to ensure that workers are able to exercise effectively their right to disconnect and to regulate the use of existing and new digital tools for work purposes. A common legal framework to ensure fair remuneration for internships, traineeships and apprenticeships should be introduced at Union level, in order to avoid the exploitation of young workers and the violation of their rights. Member States should ensure decent working conditions and access to social protection for interns, trainees and apprentices.

Amendment 8**Proposal for a decision****Recital 5 a (new)**

Text proposed by the Commission

Amendment

- (5a) In order to effectively eradicate risks at work, both mental and physical health should be protected; particular attention should be paid to workers' exposure to harmful substances, but also to long working hours, psychosocial pressure, bad posture, repetitive movement and heavy lifting. Improved occupational health and safety is crucial to ensure decent working conditions, in particular in light of demographic changes and the already existing lack of qualified workers. There is therefore an urgent need for quality, safe and sustainable employment in line with the European Parliament's resolutions of 10 March 2022 on a new EU strategic framework on health and safety at work post 2020 and of 5 July 2022 on mental health in the digital world of work. Occupational medical services, including psychosocial support and regular, voluntary check-ups for all workers should therefore be strengthened.

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Amendment 9
Proposal for a decision
Recital 6

Text proposed by the Commission

- (6) Climate change and environment-related challenges, the need to **accelerate** energy independence and ensure Europe's open strategic autonomy, globalisation, digitalisation, artificial intelligence, an increase in teleworking, the platform economy **and** demographic change **are** transforming European economies and societies. The Union and its Member States are to work together to effectively and proactively address those structural developments and adapt existing systems as needed, recognising the close interdependence of the Member States' economies and labour markets, and related policies. This requires coordinated, ambitious and effective policy action at **both** Union **and** national levels, in accordance with the TFEU and the Union's provisions on economic governance, **while implementing the European Pillar of Social Rights**. Such policy **action** should encompass a boost in sustainable investment, a renewed commitment to appropriately sequenced reforms that enhance economic growth, the creation of quality jobs, productivity, **adequate** working conditions, social and territorial cohesion, upward convergence, resilience and the exercise of fiscal responsibility, with support from existing EU funding programmes, and in particular the Recovery and Resilience Facility and the Cohesion Policy Funds (including the European Social Fund Plus and the European Regional Development Fund) as well as the Just Transition Fund. It should combine supply- and demand-side measures, while taking into account their environmental, employment and social impacts.

Amendment

- (6) Climate change and environment-related challenges, the need to **achieve** energy independence **and a socially just green transition**, and ensure Europe's open strategic autonomy, globalisation, digitalisation, artificial intelligence, an increase in teleworking, the platform economy, demographic change **and the impact of the Russian invasion of Ukraine are deeply** transforming European economies and societies. The Union and its Member States are to work together to effectively and proactively address those structural developments **as well as inflation increases** and adapt existing systems as needed, recognising the close interdependence of the Member States' economies and labour markets, and related policies. This requires coordinated, **intersectional**, ambitious and effective policy action at Union, national **and regional** levels **involving the social partners**, in accordance with the TFEU and **the principle of subsidiarity, the Pillar and the objectives set out in the Commission's Action Plan for the implementation of the European Pillar of Social Rights of 4 March 2021 (the 'Action Plan')**, **as well as** the Union's provisions on economic governance. Such policy **actions** should encompass a boost in sustainable **public and private** investment, **competitiveness and infrastructures**, a renewed commitment to appropriately sequenced reforms that enhance **sustainable and inclusive** economic growth, the creation of **more** quality jobs, productivity, **decent** working conditions, social and territorial cohesion, upward **social** convergence **and economic prosperity, social justice, equal opportunities and inclusion, fair labour mobility**,

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Text proposed by the Commission

Amendment

resilience and the exercise of fiscal **and social** responsibility, with support from existing EU funding programmes, and in particular the Recovery and Resilience Facility and the Cohesion Policy Funds (including the European Social Fund Plus and the European Regional Development Fund) as well as the Just Transition Fund. It should combine supply- and demand-side measures, while taking into account their environmental, employment and social impacts. ***The activation of the general ‘escape clause’ of the Stability and Growth Pact in light of the COVID-19 crisis in March 2020 allowed Member States to react swiftly and adopt emergency measures to mitigate the economic and social impact of the pandemic. The specific nature of the macroeconomic shock resulting from the Russian invasion of Ukraine, as well as the current cost of living crisis require continued fiscal space for Member States. Therefore, in line with the Commission’s opinion, the current context warrants the extension of the general ‘escape clause’ until the end of 2023 and its deactivation from 2024. Member States should make full use of the potential offered by the general ‘escape clause’ to support undertakings which are in difficulty or which lack liquidity, in particular SMEs, including microenterprises, to adopt targeted measures to safeguard jobs, wages and working conditions and to invest in people and social welfare systems. The potential risk for public finances, caused by the prolongation, as well as the potential social negative consequences of its deactivation should be evaluated ex-ante. A revision of the Stability and Growth Pact should therefore be carried out.***

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Amendment 10
Proposal for a decision
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) *While teleworking has the potential to improve work-life balance, reduce fossil fuel consumption, improve air quality, overcome geographical boundaries and enable previously excluded groups of workers to access the labour market, it also risks diluting boundaries between work and private life, with possible negative effects on workers' fundamental rights and their physical and mental health. Similarly, AI solutions have the potential to improve working conditions and the quality of life, to facilitate accessibility for persons with disabilities and to predict labour market developments; yet they raise potential concerns as regards privacy, control of personal data, occupational health and safety, discrimination in recruitment as well as the amplification of racial and gender profiling, which should be addressed.*

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Amendment 11
Proposal for a decision
Recital 7

Text proposed by the Commission

- (7) The European Parliament, the Council and the Commission proclaimed the **European Pillar of Social Rights** ⁽²⁹⁾. It sets out twenty principles and rights to support well-functioning and fair labour markets and welfare systems, structured around three categories: equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion. The principles and rights give strategic direction to the Union making sure that the transitions to climate-neutrality and environmental sustainability, digitalisation and demographic change are socially fair and just. The **European Pillar of Social Rights**, with its accompanying Social Scoreboard, constitutes a reference framework to monitor the employment and social performance of Member States, to drive reforms at national, regional and local level and to reconcile the 'social' and the 'market' in today's **modern** economy, including by promoting the social economy. **On 4 March 2021, the Commission put forward an Action Plan for the implementation of the European Pillar of Social Rights (the 'Action Plan'), including** ambitious yet realistic headline targets and complementary sub-targets for 2030, in the areas of employment, skills, education and poverty reduction, as well as the revised Social Scoreboard.

⁽²⁹⁾ *Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10).*

Amendment

- (7) The European Parliament, the Council and the Commission proclaimed the Pillar. It sets out twenty principles and rights to support well-functioning and fair labour markets and welfare systems, structured around three categories: equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion. The principles and rights give strategic direction to the Union making sure that the transitions to climate-neutrality and environmental sustainability, digitalisation and demographic change are socially **and geographically** fair and just. The Pillar, with its accompanying Social Scoreboard, constitutes a reference framework to monitor the employment and social performance of Member States, to drive reforms at national, regional and local level and to reconcile the 'social' and the 'market' in today's economy, including by promoting the social **as well as the green, digital and circular** economy. **The** Action Plan **includes** ambitious yet realistic headline targets and complementary sub-targets for 2030, in the areas of employment, skills, education and poverty reduction, as well as the revised Social Scoreboard. **In that regard, fair labour mobility and the portability of rights and entitlements through better protection of mobile workers, including cross-border and seasonal workers, more effective labour inspectorates and the introduction of effective digital solutions should be ensured at Union, national and regional level.**

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Amendment 12
Proposal for a decision
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *Family-friendly policies and social investments in children, protecting them from poverty and helping all children to access their rights, such as the availability of good quality childcare and early childhood education and training, are essential for the children's future, the sustainable development of society and a positive demographic development ensuring them a healthy environment and a safe climate. Member States should eradicate child poverty and focus their efforts on the effective implementation of Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee^(1a) and the national action plans adopted pursuant thereto, to ensure access to free quality services for all children in need, thereby ensuring children's equal and effective access to free healthcare, free education, free childcare, adequate housing and healthy nutrition. To that end, the funding of the European Child Guarantee should be urgently increased with a dedicated budget of at least EUR 20 billion as repeatedly requested by the European Parliament. The European Child Guarantee should be mainstreamed across all policy sectors without delay and funding for children's rights should be enhanced by making full use of existing Union policies and funds. Member States should further boost investment in sustainable, quality jobs and adopt a comprehensive approach for supporting parents of children in need. The Commission proposal for a Council Recommendation on adequate minimum income ensuring active inclusion could contribute to the goal of reducing poverty by at least half in all Member States by 2030.*

^(1a) Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee (OJ L 223, 22.6.2021, p. 14).

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Amendment 13
Proposal for a decision
Recital 8 b (new)

Text proposed by the Commission

Amendment

- (8b) ***Homelessness is one of the most extreme forms of social exclusion, which negatively affects people's physical and mental health, wellbeing, and quality of life, as well as their access to employment and other economic and social services. The European Parliament, the Commission, national, regional and local authorities as well as Union level civil society organisations have agreed to launch the European Platform on Combatting Homelessness. With the ultimate objective of ending homelessness by 2030, they committed themselves to implementing the housing first principle, promoting the prevention of homelessness and providing access to adequate, safe and affordable housing and support services to homeless people, while putting in place the policy measures necessary, by using adequate national and Union funding. Member States should also work towards ensuring access to decent and affordable housing for all through national affordable housing plans, which should be included in their national reform programmes.***

Amendment 14
Proposal for a decision
Recital 9

Text proposed by the Commission

Amendment

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| <p>(9) Following the Russian invasion of Ukraine, the European Council, in its conclusions of 24 February 2022, condemned Russia's actions, which seek to undermine European and global security and stability, and expressed solidarity to the Ukrainian people, underlining the violation of international law and the principles of the UN Charter. In the current context, temporary protection, as granted by the Council Decision of 4 March 2022 ⁽³⁰⁾ activating the Temporary Protection Directive ⁽³¹⁾, is necessary in light of the scale of the influx of refugees and displaced persons. This allows Ukrainian refugees to enjoy harmonised rights across the Union that offer an adequate level of protection, including residency rights, access and integration to the labour market, access to education and training, access to housing, as well as to</p> | <p>(9) Following the Russian invasion of Ukraine, the European Council, in its conclusions of 24 February 2022, condemned Russia's actions, which seek to undermine European and global security and stability, and expressed solidarity to the Ukrainian people, underlining the violation of international law and the principles of the UN Charter. In the current context, temporary protection, as granted by the Council Decision of 4 March 2022 activating the Temporary Protection Directive ⁽³¹⁾, is necessary in light of the scale of the influx of refugees and displaced persons. This allows Ukrainian refugees to enjoy harmonised rights across the Union that offer an adequate level of protection, including residency rights, access and integration to the labour market, access to education and training, access to housing, as well as to</p> |
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Text proposed by the Commission

social security systems, medical care, social welfare, or other assistance, and means of subsistence. By participating in Europe's labour markets, Ukrainian refugees can contribute to strengthening the EU's economy and help support their country and people at home. In the future, the acquired experience and skills can contribute to rebuilding Ukraine. For unaccompanied children and teenagers, temporary protection confers the right to legal guardianship and access to childhood education and care. Member States should involve social partners in the design, implementation and evaluation of policy measures aimed at addressing the employment and skills challenges stemming from the Russian invasion of Ukraine. Social partners play a key role in mitigating the impact of the war in terms of preserving employment and production.

⁽³⁰⁾ *Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.*

⁽³¹⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Amendment

social security systems, medical care, social welfare, or other assistance, and means of subsistence. **Particular attention should be paid to persons with disabilities in this context.** By participating in Europe's labour markets, Ukrainian refugees can contribute to strengthening the EU's economy and help support their country and people at home. **As the majority of Ukrainian refugees are women and children, Member States should ensure sufficient support for housing and childcare provisions to facilitate their inclusion. Member States should also ensure that their implementation of the European Child Guarantee ensures access to free services of high quality for children fleeing Ukraine on an equal footing with their peers in the host country.** In the future, the acquired experience and skills can contribute to rebuilding Ukraine. For unaccompanied children and teenagers, temporary protection confers the right to legal guardianship and access to childhood education and care. Member States should involve social partners in the design, implementation and evaluation of policy measures aimed at addressing the employment and skills challenges stemming from the Russian invasion of Ukraine **as well as the recognition of qualifications.** Social partners play a key role in mitigating the impact of the war in terms of preserving employment and production. **Member States should consider extending the protection offered by the Temporary Protection Directive to all refugees and address employers' concerns of hiring people with only a temporary status.**

⁽³¹⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

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Amendment 15
Proposal for a decision
Recital 10

Text proposed by the Commission

- (10) Reforms to the labour market, including national wage-setting mechanisms, should follow national practices of social dialogue, with a view to providing fair wages that enable a decent standard of living **and** sustainable growth. They should allow for the necessary opportunity for a broad consideration of socioeconomic factors, including improvements in sustainability, competitiveness, innovation, the creation of quality jobs, working conditions, in-work poverty, education **and** skills, public health and inclusion, **and** real incomes. In this sense, the Recovery and Resilience Facility and other EU funds are supporting Member States in implementing reforms and investments that are in line with the EU's priorities, making the European economies and societies more sustainable, resilient and better prepared for the green and digital transitions. Russia's invasion of Ukraine has further aggravated pre-existing socio-economic challenges from the COVID-19 crisis. Member States and the Union should continue to ensure that the social, employment and economic impacts are mitigated and that transitions are socially fair and just, also in light of the fact that increased open strategic autonomy and an accelerated green transition will help reduce the dependence on imports of energy and other strategic products/technologies, notably from Russia. Strengthening resilience and pursuing an inclusive and resilient society in which people are protected and empowered to anticipate and manage change, and in which they can actively participate in society and the economy, **are essential**. A coherent set of active labour market policies, consisting of **temporary hiring and** transition incentives,

Amendment

- (10) Reforms to the labour market, including national wage-setting mechanisms, should follow national practices of social dialogue, with a view to providing fair wages that enable a decent standard of living, sustainable growth **and upward social and territorial convergence**. They should allow for the necessary opportunity for a broad consideration of socioeconomic factors, including improvements in sustainability, competitiveness, innovation, the creation of quality jobs, **decent** working conditions, in-work poverty, **gender equality**, education, **training, skills and qualifications**, public health and **social** inclusion, **as well as** real incomes **and purchasing power**. **Member States should therefore respect the right of collective bargaining and action as well as the freedom of assembly and association as set out in the Charter of Fundamental Rights of the European Union and relevant international conventions. Moreover, Member States should strengthen the role of the social partners, foster work councils and workers' representation, promote collective bargaining, and support a high trade union and employers' association density in order to ensure an inclusive and socially fair recovery.** In this sense, the Recovery and Resilience Facility and other EU funds are supporting Member States in implementing reforms and investments that are in line with the EU's priorities, making the European economies and societies more sustainable, resilient and better prepared for the green and digital transitions. Russia's invasion of Ukraine has further aggravated pre-existing socio-economic challenges from the COVID-19 crisis. Member States and the Union should continue to ensure that the social,

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Text proposed by the Commission

skills policies and improved employment services, is needed to support labour market transitions, also in light of the green and digital transformations, as highlighted in Recommendation (EU) 2021/402 [and the Council Recommendation on ensuring a fair transition towards climate neutrality].

Amendment

employment and economic impacts are mitigated and that transitions are socially fair and just, also in light of the fact that increased open strategic autonomy and an accelerated green transition will help reduce the dependence on imports of energy and other strategic products/technologies, notably from Russia. **With a view to** strengthening resilience and pursuing an inclusive and resilient society in which people are protected and empowered to anticipate and manage change, and in which they can actively participate in society and the economy, **a temporary European social resilience package, coordinating a set of measures and means to strengthen social welfare and social protection systems in the Union, including the continuation and refinancing of SURE for as long as the socio-economic consequences of the Russian invasion of Ukraine continue to have a negative impact on the labour market, in line with the European Parliament resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine — reinforcing the EU's capacity to act and a social rescue facility with increased public support for existing instruments aimed at the poorest in our society should be established.** A coherent set of active labour market policies, consisting of transition incentives, **the obtaining of qualifications, validation and the acquisition of competences as well as future-oriented education, life-long learning, VET, upskilling and reskilling** and improved employment services, is needed to support labour market transitions, also in light of the green and digital transformations, as highlighted in Recommendation (EU) 2021/402 [and the Council Recommendation on ensuring a fair transition towards climate neutrality]. **A thorough evaluation of national policies and support schemes, which have been deployed to mitigate the effects of the COVID-19 pandemic, is needed to identify best practices and instruments for future use.**

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Amendment 16
Proposal for a decision
Recital 11

Text proposed by the Commission

- (11) Discrimination in all its forms should be **tackled**, gender equality ensured and employment of young people **supported**. Access and opportunities for all should be ensured and poverty and social exclusion, including that of children and Roma people, should be **reduced**, in particular by ensuring an effective functioning of labour markets and adequate and inclusive social protection systems ⁽³²⁾, and by removing barriers to inclusive and future-oriented education, training and labour-market participation, including through investments in early childhood education and care, and in digital and green skills. Timely and equal access to **affordable** long-term care and healthcare services, including prevention and healthcare promotion, are particularly **relevant**, also in light of the COVID-19 pandemic **that started in 2020** and in **a** context of ageing societies. The potential of persons with disabilities to contribute to economic growth and social development should be further realised. As new economic and business models take hold in workplaces throughout the Union, employment relationships are also changing. Member States should ensure that employment relationships stemming from new forms of work **maintain and strengthen Europe's social model**.

⁽³²⁾ Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed, 2019/C 387/01

Amendment

- (11) Discrimination in all its forms should be **eradicated**, gender equality ensured and employment of young people, **especially from disadvantaged backgrounds, actively promoted**. **Equal** access and opportunities for all should be ensured and poverty and social exclusion, including that of children, **older people, persons with disabilities** and Roma people, should be **eliminated**, in particular by ensuring an effective functioning of labour markets and adequate and inclusive social protection systems ⁽³²⁾, and by removing barriers to inclusive and future-oriented education, training, **lifelong learning, VET** and labour-market participation, including through investments in early childhood education and care, and in digital and green skills. Timely, **universal, effective** and equal access to long-term care and healthcare services, **in line with the European Parliament's European Parliament resolution of 5 July 2022 towards a common European action on care**, including prevention, **not least of mental health issues at the workplace in line with the European Parliament's resolution of 5 July 2022 on mental health in the digital world of work**, and healthcare promotion, are particularly **needed**, also in light of the COVID-19 pandemic and in **the** context of ageing societies. **Ensuring occupational health and safety and healthy work-life balance for workers throughout their careers, is a prerequisite for a decent working life and active and healthy ageing**. The potential of persons with disabilities to contribute to economic growth and social development should be further realised, **including through reasonable accommodation in the work place, in accordance with Council Directive 2000/78/EC ^(32a) and in line with the UN Convention on the Rights of Persons with Disabilities**. As new economic and business models take hold in workplaces throughout the Union, employment relationships are also changing. Member States should

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Text proposed by the Commission

Amendment

further strengthen the European social model by ensuring that all workers have the same rights, decent working and employment conditions, and decent wages. Everyone has the right to fair, just, healthy and safe working conditions and appropriate protection in the digital environment as in the physical workplace, regardless of their employment status, working arrangements, the duration of their employment relationship, or the size of their employer. Moreover, Member States should tackle the exploitation of workers and all forms of precarious employment, including bogus self-employment, undeclared work, the abuse of atypical contracts and zero-hour contracts, and should ensure that employment relationships stemming from new forms of work in accordance with Union and national law. Member States should also tackle the informal economy by transitioning informal workers to the formal economy. Entrepreneurship should be encouraged and occupational mobility facilitated, including via the portability of social security rights and the introduction of effective digital solutions.

⁽³²⁾ Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed, 2019/C 387/01 (OJ C 387, 15.11.2019, p. 1).

^(32a) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

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Amendment 17
Proposal for a decision
Recital 12

Text proposed by the Commission

- (12) The Integrated Guidelines should serve as a basis for country-specific recommendations that the Council may address to Member States. Member States are to make full use of their REACT-EU resources established by Regulation (EU) 2020/2221⁽³³⁾, which reinforces the 2014-2020 Cohesion Policy funds and the Fund for European Aid to the Most Deprived (FEAD) until 2023, and due to the current Ukrainian crisis, has been further enhanced by the Regulation on Cohesion's Action for Refugees in Europe (CARE)⁽³⁴⁾, and a further amendment to the Common Provisions Regulation⁽³⁵⁾ concerning increased pre-financing for REACT-EU and a new unit cost in order to help accelerate the integration of people leaving Ukraine into the EU⁽³⁶⁾. In addition, for the 2021-2027 programming period, Member States should fully utilise the European Social Fund Plus established by Regulation (EU) 2021/1057⁽³⁷⁾, the European Regional Development Fund established by Regulation (EU) 2021/1058⁽³⁸⁾, the Recovery and Resilience Facility, established by Regulation (EU) 2021/241⁽³⁹⁾, and other Union funds, including the Just Transition Fund established by Regulation (EU) 2021/1056⁽⁴⁰⁾ as well as the InvestEU established by Regulation (EU) 2021/523⁽⁴¹⁾, to foster employment, social investments, social **inclusion** **and** accessibility, and to promote upskilling and reskilling opportunities of the workforce, lifelong learning and high-quality education and training for all, **including** digital literacy and skills. Member States are also to make full use of the European Globalisation Adjustment Fund for Displaced Workers established by Regulation (EU) 2021/691 of⁽⁴²⁾ to support workers made redundant as a result of major restructuring events, such as the COVID-19 pandemic, socioeconomic transformations that are the result of **more** global trends, and technological and environmental **changes**. While the Integrated Guidelines are addressed to Member States and the Union, they should be implemented in partnership

Amendment

- (12) The Integrated Guidelines should serve as a basis for country-specific recommendations that the Council may address to Member States. Member States are to make full use of their REACT-EU resources established by Regulation (EU) 2020/2221⁽³³⁾, which reinforces the 2014-2020 Cohesion Policy funds and the Fund for European Aid to the Most Deprived (FEAD) until 2023, and due to the current Ukrainian crisis, has been further enhanced by the Regulation on Cohesion's Action for Refugees in Europe (CARE)⁽³⁴⁾, and a further amendment to the Common Provisions Regulation⁽³⁵⁾ concerning increased pre-financing for REACT-EU and a new unit cost in order to help accelerate the integration of people leaving Ukraine into the EU⁽³⁶⁾. In addition, for the 2021-2027 programming period, Member States should fully utilise the European Social Fund Plus established by Regulation (EU) 2021/1057⁽³⁷⁾, the European Regional Development Fund established by Regulation (EU) 2021/1058⁽³⁸⁾, the Recovery and Resilience Facility, established by Regulation (EU) 2021/241⁽³⁹⁾, and other Union funds, including the Just Transition Fund established by Regulation (EU) 2021/1056⁽⁴⁰⁾ as well as the InvestEU established by Regulation (EU) 2021/523⁽⁴¹⁾, to foster **sustainability and quality** employment **and** social investments, **to eradicate poverty, discrimination and** social **exclusion, to ensure** accessibility, and to promote upskilling and reskilling opportunities of the workforce, lifelong learning and high-quality education and training for all, **particularly** digital literacy and skills, **in order to empower them with the knowledge and qualifications required for a digital, greener and more circular economy**. Member States are also to make full use of the European Globalisation Adjustment Fund for Displaced Workers established by Regulation (EU) 2021/691 of⁽⁴²⁾ to support workers made redundant as a result of major restructuring events, such as the COVID-19 pandemic, socioeconomic transformations that are the

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Text proposed by the Commission

with all national, regional and local authorities, closely involving parliaments, as well as the social partners and representatives of civil society.

Amendment

result of global trends, **new global and financial and economic crisis**, and technological **changes** and environmental **challenges**. While the Integrated Guidelines are addressed to Member States and the Union, they should be implemented, **examined** in partnership with all national, regional and local authorities, closely **and actively** involving parliaments **at the respective level**, as well as the social partners and representatives of civil society.

⁽³³⁾ 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) (OJ L 437, 28.12.2020, p. 30).

⁽³³⁾ 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) (OJ L 437, 28.12.2020, p. 30).

⁽³⁴⁾ Regulation (EU) 2022/562 of the European Parliament and of the Council of 6 April 2022 amending regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards cohesion's action for refugees in Europe (CARE)

⁽³⁴⁾ Regulation (EU) 2022/562 of the European Parliament and of the Council of 6 April 2022 amending regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards cohesion's action for refugees in Europe (CARE) (OJ L 109, 8.4.2022, p. 1).

⁽³⁵⁾ 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. 159–706)

⁽³⁵⁾ 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).

⁽³⁶⁾ Regulation (EU) 2022/613 of the European Parliament and of the Council of 12 April 2022 amending Regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards increased pre-financing from REACT-EU resources and the establishment of a unit cost

⁽³⁶⁾ Regulation (EU) 2022/613 of the European Parliament and of the Council of 12 April 2022 amending Regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards increased pre-financing from REACT-EU resources and the establishment of a unit cost (OJ L 115, 13.4.2022, p. 38).

⁽³⁷⁾ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ L 231, 30.6.2021, p. 21).

⁽³⁷⁾ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ L 231, 30.6.2021, p. 21).

⁽³⁸⁾ 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 (OJ L 231, 30.6.2021, p. 60)

⁽³⁸⁾ 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 (OJ L 231, 30.6.2021, p. 60)

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Text proposed by the Commission	Amendment
(³⁹) Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17–75)	(³⁹) Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17)
(⁴⁰) Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231, 30.6.2021, p. 1).	(⁴⁰) Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231, 30.6.2021, p. 1).
(⁴¹) Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).	(⁴¹) Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).
(⁴²) 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 (OJ L 153, 3.5.2021, p. 48).	(⁴²) 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 (OJ L 153, 3.5.2021, p. 48).

Amendment 18

Proposal for a decision

Annex I — Guideline 5 — paragraph 1

Text proposed by the Commission	Amendment
Member States should actively promote a sustainable social market economy and facilitate and support investment in the creation of quality jobs, also taking advantage of the potential linked to the digital and green transitions, in light of the 2030 EU headline target on employment. To that end, they should reduce the barriers that businesses face in hiring people, foster responsible entrepreneurship and genuine self-employment and , in particular, support the creation and growth of small and medium-sized enterprises, including through access to finance. Member States should actively promote the development and tap the full potential of the social economy, foster social innovation and social enterprises, and encourage those business models creating quality job opportunities and generating social benefits at local level, in particular in the circular economy and in areas most affected by the transition to a green economy due to their sectoral specialisation.	Member States should actively promote full employment based on a competitive, innovative and sustainable social market economy and support investment in the creation of quality jobs. Member States should implement smart, ambitious and inclusive employment policies to anticipate labour market shortages, in order to take advantage of the potential linked to the digital and green transitions, and reaching the 2030 EU headline target on employment. Member States should support businesses in hiring people and foster VET , responsible entrepreneurship and genuine self-employment, including among women, young people, older people and other disadvantaged groups. They should in particular, support the creation and growth of small and medium-sized enterprises, including through access to finance, capacity building and guidance and targeted measures for hiring new and retaining existing staff. Members States should fully implement the Social Economy Action Plan and the European Green Deal and actively promote the development and tap the full potential of the social, green and digital economy, foster social innovation and strengthen social enterprises, and encourage business models, which create sustainable quality job opportunities, in particular for disadvantaged groups, and generate social benefits at local level, in particular in the circular economy and in sectors and areas where more support is needed for the transition to a green and digital economy.

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Amendment 19

Proposal for a decision

Annex I — Guideline 5 — paragraph 2

Text proposed by the Commission

Following the COVID-19 crisis, well-designed short-time work schemes and similar arrangements should also facilitate and support restructuring processes, **on top of preserving employment when appropriate**, helping **the modernisation of the** economy, including via associated skills development. Well-designed hiring and transition incentives and upskilling and reskilling measures should be considered in order to support job creation and transitions, **and** address labour and skill shortages, **also** in light of the digital and green transformations as well as **of** the impact of the Russian invasion of Ukraine.

Amendment

Following the COVID-19 crisis, well-designed short-time work schemes and similar arrangements should **preserve employment where possible and** also facilitate and support restructuring processes, helping **and empowering workers in the transition towards a sustainable** economy, including via associated skills development. Well-designed hiring and transition incentives, **lifelong learning, VET** and upskilling and reskilling measures should be considered in order to support job creation and **manage** transitions, **as well as to** address **and anticipate** labour and skill shortages **and close the gap between education and the labour market**, in light of the **necessary** digital and green transformations as well as **to limit** the impact of the Russian invasion of Ukraine **and the rising cost of living in Europe**. **Member States should adapt their employment policies and coordinate at Union level the implementation of best practices with regard to temporary measures that protect workers and labour markets in times of crisis and involve the social partners in that regard. Such measures could include wage subsidies, income support and extension of unemployment benefit schemes as well as the extension of paid sick leave, carers' leave and teleworking arrangements. Member States should support the transformation of crucial economic sectors ensuring self-sufficiency and strategic autonomy. In view of facilitating fair labour mobility, particular attention should be paid to safeguarding the rights and jobs of mobile workers, the recognition of diplomas and the strengthening of cross-border education and exchange programmes. The European Labour Authority plays an important role in helping Member States and the Commission to ensure that Union rules on labour mobility and social security coordination are enforced in a fair, simple and effective way.**

Tuesday 18 October 2022

Amendment 20

Proposal for a decision

Annex I — Guideline 5 — paragraph 3

Text proposed by the Commission

Taxation should ***be shifted away from labour to other sources more supportive of*** employment and inclusive growth ***and*** in line with climate and environmental objectives, ***taking*** account of ***the redistributive*** effect of the tax system, ***while protecting*** revenue for ***adequate*** social protection and ***growth-enhancing*** expenditure.

Amendment

National taxation should ***support*** employment and inclusive growth in line with ***the policy objectives outlined in Article 3 TEU, as well as the SDGs, the Paris Agreement and the*** climate and environmental objectives ***of the European Green Deal***. ***Tax reforms should take*** account of ***their distributive*** effect of the tax system ***and protect*** revenue for ***public investment, in particular quality public services,*** social protection and ***sustainable growth enhancing*** expenditure.

Tuesday 18 October 2022

Amendment 21

Proposal for a decision

Annex I — Guideline 5 — paragraph 4

Text proposed by the Commission

Member States, including those with statutory minimum wages, should promote collective bargaining with a view to wage setting and ensure an effective involvement of social partners in a transparent and predictable manner, allowing for an adequate responsiveness of wages to productivity developments and fostering fair wages that enable a decent standard of living, paying particular attention to lower and middle income groups with a view to strengthening upward socio-economic convergence. Wage-setting mechanisms should take into account socio-economic conditions, including regional and sectoral developments. Respecting national practices and the autonomy of the social partners, Member States and social partners should ensure that all workers have fair wages by benefitting, directly or indirectly, from collective agreements or adequate statutory minimum wages, taking into account their impact on competitiveness, job creation and in-work poverty.

Amendment

Policies to ensure that wages allow for a decent standard of living, including for disadvantaged groups, remain important to tackle in-work poverty. Member States, including those with statutory minimum wages, should promote collective bargaining with a view to wage setting and ensure an effective involvement of social partners in a transparent and predictable manner, allowing for an adequate responsiveness of wages to **long-term** productivity developments and fostering fair wages that enable a decent standard of living **for all workers**, paying particular attention to lower and middle income groups **and their purchasing power** with a view to strengthening upward socio-economic convergence. Wage-setting mechanisms should take into account socio-economic conditions, including regional and sectoral developments, **using, for example, a basket of goods and services at real prices established at national level or international or national reference values.** Respecting national practices and the autonomy of the social partners **in line with the treaties**, Member States and social partners should ensure that all workers have fair wages by benefitting, directly or indirectly, **either** from collective agreements or **from** adequate statutory minimum wages, taking into account their impact on competitiveness, job creation, **gender equality** and in-work poverty. **Without prejudice to the competence of Member States to set the statutory minimum wage and to allow for variations and deductions, it is important to avoid using variations and deductions widely, as they risk to negatively impact the adequacy of wages. They shall ensure that those variations and deductions respect the principles of non-discrimination and proportionality and pursue a legitimate aim in accordance with the Directive on adequate minimum wages in the European Union ^(1a).**

^(1a) Not yet published in the Official Journal of the European Union.

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Amendment 22

Proposal for a decision

Annex I — Guideline 5 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

Recipients of Union funds shall respect applicable Union and national law on social and labour rights and taxation. Member States should ensure that public financial support provided to firms in order to combat the economic effects of the pandemic and the Russian invasion of Ukraine is conditional upon the funding being used to benefit employees and the recipient firms refraining from paying bonuses to management, paying out dividends or offering share buy-back schemes for as long as they are receiving this support.

Amendment 23

Proposal for a decision

Annex I — Guideline 6 — paragraph 1

Text proposed by the Commission

Amendment

In the context of the digital and green transitions, demographic change and the **Ukrainian war**, Member States should promote sustainability, productivity, employability and **human capital**, fostering acquisition of skills and competences throughout people's lives and responding to current and future labour-market needs, in light of the 2030 EU headline target on skills. Member States should also adapt and invest in their education and training systems to provide high quality and inclusive education, **including** vocational education and training, access to digital learning, and language training (e.g. in the case of refugees including from Ukraine). Member States should work together with the social partners, education and training providers, enterprises and other stakeholders to address structural weaknesses in education and training systems and improve their quality and labour-market relevance, **also with a view to enabling** the green and digital transitions, addressing existing skills mismatches and preventing the emergence of new shortages, in particular for activities related to REPowerEU, such as renewable energy deployment **or buildings'** renovation. Particular attention should be paid to challenges faced by the teaching profession, including by investing in teachers' and trainers' digital competences. Education and training systems should equip all learners with key competences, including basic and digital skills as well as transversal competences, to lay the foundations for adaptability and resilience throughout life.

In the context of the digital and green transitions, demographic change and the **Russian invasion of Ukraine, as well as the rising cost of living**, Member States should promote **social rights**, sustainability, productivity, employability and **investments in workers and people by** fostering acquisition of skills and competences throughout people's lives and responding to current and future labour-market needs, in light of the 2030 EU headline target on skills, **in particular digital skills**. Member States should also adapt, **modernise** and invest in their education and training systems to provide high quality and inclusive education, **in particular** vocational education and training, **entrepreneurial knowledge, including social entrepreneurship**, access to digital learning, and language training (e.g. in the case of **all** refugees including **those** from Ukraine), **as well as formal and informal lifelong learning**. Member States should work together with the social partners, **regional and local authorities**, education and training providers, enterprises and other stakeholders to address structural **and emerging** weaknesses in education and training systems and improve their quality and labour-market relevance, **to further support and accelerate** the green and digital transitions, addressing existing skills mismatches, **skills obsolescence** and preventing the emergence of new shortages, in particular for activities related to REPowerEU, such as renewable energy deployment, **energy efficiency and deep** renovation **of buildings**. **Member States should address**

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Text proposed by the Commission

Member States should seek to strengthen the provision of individual training entitlements and ensure their transferability during professional transitions, including, where appropriate, through individual learning accounts, as well as a reliable system of training quality assessment. Member States should deliver on the potential of micro-credentials to support lifelong learning and employability. They should **enable everyone to anticipate and better adapt to labour-market needs, in particular through continuous upskilling and reskilling and the provision of integrated guidance and counselling**, with a view to supporting fair and just transitions for all, **strengthening social outcomes, addressing labour-market shortages and skills mismatches, improving** the overall resilience of the economy **to shocks and making** potential adjustments **easier**.

Amendment

the needs of sectors and regions with structural labour market and skills shortages, inter alia with a view to simultaneously enabling the green, technological and digital transitions. Member States should support and encourage undertakings to invest in the skills of their staff and to provide decent working and employment conditions to attract qualified workers. Moreover, Member States should use all available resources of the ESF+ and other Union programmes and instruments, such as the Next Generation EU, to strengthen the qualifications of young people and to promote dual education systems. Particular attention should be paid to challenges faced by the teaching profession, including by investing in teachers' and trainers' digital competences **as well as their knowledge regarding climate change and sustainable development.** Education and training systems should equip all learners with key competences, including basic and digital skills as well as transversal **formal and informal** competences, **such as communication and critical thinking**, to lay the foundations for adaptability and resilience throughout life **and should prepare teachers for being able to provide those competences to their learners. In order to foster learner's development and mobility in view of the 2030 target for increasing annual adult participation in training to 60 %,** Member States should seek to strengthen the provision of individual training entitlements and ensure their transferability during professional transitions, including, where appropriate, through individual learning accounts, as well as a reliable system of training quality assessment. Member States should deliver on the potential of micro-credentials to support lifelong learning and employability. They should **simultaneously ensure that the humanistic side of education is preserved and the aspirations of individuals respected.** With a view to supporting fair and just transitions for all, **as well as to anticipate and better adapt to labour market needs, it is crucial that Member States improve** the overall resilience of the economy. **They should facilitate decent working conditions and potential adjustments through continuous upskilling and reskilling, through strengthening of the social protection systems and services and through providing integrated guidance and counselling, as well as active labour market policies also in view of future economy shocks.**

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Amendment 24

Proposal for a decision

Annex I — Guideline 6 — paragraph 2

Text proposed by the Commission

Member States should foster equal opportunities for all by **addressing** inequalities in education and training systems. In particular, children should be provided access to **good** quality early childhood education and care, in line with the European Child Guarantee. Member States should raise overall qualification levels, reduce the number of early leavers from education and training, support access to education of children from **remoted areas**, increase the attractiveness of vocational education and training (VET), access to and completion of tertiary education, facilitate the transition from education to employment for young people through quality traineeships and apprenticeships, as well as increase adult participation in continuing learning, particularly among learners from disadvantaged backgrounds and the least qualified. Taking into account the new requirements of digital, green and ageing societies, Member States should strengthen work-based learning in their VET systems, including through quality and effective apprenticeships, and increase the number of science, technology, engineering and mathematics (STEM) graduates both in VET and in tertiary education, especially women. Furthermore, Member States should enhance the labour-market relevance of tertiary education and, where appropriate, research; improve skills monitoring and forecasting; make skills more visible and qualifications **comparable**, including those acquired abroad; and increase opportunities for recognising and validating skills and competences acquired outside formal education and training. They should upgrade and increase the supply and uptake of

Amendment

Member States should foster equal opportunities for all by **eradicating** inequalities in education and training systems. In particular, children should be provided **equal** access to **high** quality early childhood education and care, in line with the European Child Guarantee **and the Barcelona targets**. Member States should raise overall qualification levels, reduce the number of early leavers from education and training, support access to education of children from **disadvantaged groups and regions**, increase the attractiveness of vocational education and training (VET), **promote** access to and completion of tertiary education, facilitate the transition from education to employment for young people through **paid inclusive** quality traineeships and apprenticeships, as well as increase adult participation in continuing learning, particularly among learners from disadvantaged backgrounds and the least qualified. Taking into account the new requirements of digital, green and ageing societies, Member States should strengthen work-based learning in their VET systems, including through **paid inclusive** quality and effective apprenticeships, and **ensure continuous investment in lifelong learning**, increase the number of science, technology, engineering and mathematics (STEM) graduates both in VET and in tertiary education, especially women. Furthermore, Member States should enhance the labour-market relevance of tertiary education and, where appropriate, research; **strengthen dual training**, improve skills monitoring and forecasting; make skills more visible and **simplify the comparability and recognition of** qualifications, including those acquired abroad; and increase

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Text proposed by the Commission

flexible **continuous** VET. Member States should also support low-skilled adults to maintain or develop their long-term employability by boosting access to and uptake of quality learning opportunities, through the implementation of Upskilling Pathways Recommendation including a skills assessment, an offer of education and training matching labour-market opportunities, **and the validation and recognition of the skills acquired.**

Amendment

opportunities for recognising and validating skills and competences acquired outside formal education and training **also for third country nationals.** They should upgrade and increase the **continuous** supply and uptake of **more flexible and inclusive** VET. Member States should **support job creation and invest in social protection schemes, including for persons with disabilities and workers with difficulties in upskilling and reskilling, and** also support low-skilled adults **to gain access to the labour market and stable quality employment. It is important in this context** to maintain or develop their long-term employability by boosting access to and uptake of quality learning opportunities, through the implementation of Upskilling Pathways Recommendation including a skills assessment, an offer of education and training matching labour-market opportunities. **The right to paid educational leave for professional purposes should be encouraged, in line with relevant conventions of the International Labour Organization (ILO), which allow workers to attend training programmes during working hours. Member States should take the necessary measures to promote universal, effective and equal access to distance learning and training, taking full account of the needs of persons with disabilities, persons living in remote areas and parents, especially single parents.**

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Amendment 25

Proposal for a decision

Annex I — Guideline 6 — paragraph 3

Text proposed by the Commission

Member States should provide unemployed and inactive people with effective, timely, coordinated and tailor-made assistance based on support for job search, training, requalification and access to other enabling services, paying particular attention to **vulnerable** groups and people **particularly affected by** the green and digital transitions. Comprehensive strategies that include in-depth individual assessments of unemployed people should be pursued as soon as possible, at the latest after 18 months of unemployment, with a view to significantly reducing **and preventing** long-term and structural unemployment. Youth unemployment and the issue of young people not in employment, education or training (NEETs) should continue to be addressed through prevention of early school leaving and structural improvement of the school-to-work transition, including through the full implementation of the reinforced Youth Guarantee, which should also **importantly** support quality youth employment **opportunities** in the post-pandemic recovery. In addition, and in the light of the European Year of the Youth 2022, Member States should boost efforts **notably** at highlighting how the green and digital transitions offer a renewed perspective for the future and opportunities to counter the negative impact of the pandemic on young people.

Amendment

Member States should provide unemployed and inactive people **in working age, in particular the long-term unemployed**, with effective, timely, coordinated and tailor-made assistance **to improve their labour market prospects**, based on support for job search, training, requalification and access to other enabling services, **also in the areas of health and housing**, paying particular attention to **disadvantaged** groups and people **in need of extra support to manage** the green and digital transitions. Comprehensive strategies that include in-depth individual assessments of unemployed people should be pursued as soon as possible, at the latest after 18 months of unemployment with a view to significantly reducing long-term and structural unemployment **and at the latest after 8 months for newly unemployed workers to prevent the risk of long-term unemployment, with a special focus on persons with disabilities and other disadvantaged groups**. Member States should, **with the involvement of the social partners, facilitate job transitions, supported by the ESF+, the Just Transition Fund and initiatives such as RePowerEU**. Youth unemployment, **precarious employment of young people** and the issue of young people not in employment, education or training (NEETs) should continue to be addressed **as a priority** through prevention of early school leaving, **including paid inclusive apprenticeships** and structural improvement of the school-to-work transition, including through the full **and effective** implementation of the reinforced Youth Guarantee **and use of relevant Union funding such as from the ESF+ and the Recovery and Resilience Facility**, which should also support quality youth employment in the post-pandemic recovery. **Moreover, Member States should ensure decent working conditions and access to social protection for interns, trainees and apprentices**. In addition, and in the light of the European Year of the Youth 2022, Member States should boost efforts at highlighting how the green and digital transitions offer a renewed perspective for the future and opportunities to counter the negative impact of the pandemic on young people. **Member States should consider implementing a youth clause assessing the impact on young people for new initiatives across all policy areas.**

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Amendment 26

Proposal for a decision

Annex I — Guideline 6 — paragraph 4

Text proposed by the Commission

Member States should aim to remove barriers and disincentives to, and provide incentives for, **participation** in the labour market, in particular for **low-income earners, second earners** and those furthest away from the labour market including people with a migrant background and marginalised Roma. In view of high labour shortages in certain occupations and sectors, Member States should contribute to fostering labour supply, notably through promoting **adequate** wages and **decent** working conditions, as well as effective active labour market policies. Member States should also support an **adapted** work environment for persons with disabilities, including through targeted financial support **and** services that enable them to participate in the labour market and in society.

Amendment

Member States should aim to remove barriers and disincentives to, and provide incentives for **accessing and participating** in the labour market, in particular for **disadvantaged groups** and those furthest away from the labour market including **persons with disabilities**, people with a migrant background and marginalised Roma. In view of high labour shortages in certain occupations and sectors, Member States should contribute to fostering labour supply, notably through promoting **decent** wages and working conditions, as well as effective active labour market policies. Member States should also support an **accessible** work environment for persons with disabilities **and the provision of reasonable accommodation in the workplace**, including through targeted financial support, **products**, services **and an environment** that enable them to participate in the labour market and in society. **Regulated teleworking and new technologies can provide opportunities, in particular for disadvantaged groups, as long as the necessary digital infrastructure is in place, which is affordable and accessible for all. Teleworking, however, should not release employers from the obligation to provide reasonable accommodation in the workplace and to create inclusive workplace cultures for workers with disabilities.**

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Amendment 27

Proposal for a decision

Annex I — Guideline 6 — paragraph 5

Text proposed by the Commission

The gender employment **and pay** gaps should be **tackled**. Member States should ensure gender equality and increased labour market participation of women, including through ensuring equal opportunities and career progression and eliminating barriers to access to leadership at all levels of decision making. Equal pay for equal work, or work of equal value, and pay transparency should be ensured. The reconciliation of work, family and private life for both women and men should be promoted, in particular through access to **affordable**, quality **long-term** care and early childhood education and care services. Member States should ensure that parents and other people with caring responsibilities have access to suitable family-related leave and flexible working arrangements in order to balance work, family and private life, and promote a balanced use of those entitlements between women and men.

Amendment

The **existing** gender employment, **pay and pension** gaps should be **closed**. Member States should ensure gender equality and increased labour market participation of women, including through ensuring equal opportunities, **education** and career progression and eliminating barriers to access to leadership at all levels of decision making. **Member States should swiftly implement the Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures ^(1a). Member States should ensure that periods of maternity and parental leave are adequately valued in terms of both contributions and pension entitlements, to reflect the importance of raising future generations, especially in the context of an ageing society.** Equal pay for equal work, or work of equal value, and pay transparency should be **effectively** ensured **in line with the treaties, for example by establishing national wage equity indexes comparing men and women in all their diversity**. The reconciliation of work, family and private life for both women and men should be promoted, in particular through **universal and effective** access to quality **long-term** care and early childhood education and care services **as well as the equal sharing of care and domestic responsibilities**. Member States should ensure that parents and other people with caring responsibilities have access to suitable family-related leave and flexible working arrangements in order to balance work, family and private life, and promote a balanced use of those entitlements between women and men. **Moreover, they should ensure access to quality professional training for care workers, the recognition of their qualifications and support employers in the care sector to find and retain qualified staff, with a special focus on decent working conditions. Member States should progressively advance towards fully paid and equal length maternity and paternity leave.**

^(1a) Not yet published in the Official Journal of the European Union.

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Amendment 28

Proposal for a decision

Annex I — Guideline 7 — paragraph 1

Text proposed by the Commission

In order to benefit from a dynamic and productive workforce and new work patterns and business models Member States should work together with the social partners on fair, transparent and predictable working conditions, balancing rights and obligations. They should reduce and prevent segmentation within labour markets, fight undeclared work and bogus self-employment, and foster the transition towards open-ended forms of employment. Employment protection rules, labour law and institutions should all provide **both a suitable environment for recruitment and the necessary flexibility for employers to adapt swiftly to changes in the economic context, while protecting labour rights and ensuring social protection, an appropriate level of security and healthy, safe and** well-adapted working environments for all workers. Promoting the use of flexible working arrangements such as teleworking can contribute to higher employment levels and more inclusive labour markets in the context of the post-pandemic environment. At the same time, it is important to ensure that the workers' rights in terms of working time, working conditions, and work-life balance are respected. Employment relationships that lead to precarious working conditions should be **prevented**, including in the case of platform workers, especially if low-skilled, **and** by fighting abuse of atypical contracts. Access to effective, impartial dispute resolution and a right to redress, including adequate compensation, should be ensured in cases of unfair dismissal.

Amendment

In order to benefit from a dynamic and productive workforce and new work patterns and business models Member States should work together with the social partners on fair, transparent and predictable working conditions, balancing rights and obligations **for workers and employers. The Commission and the Member States should take concrete measures to promote and strengthen collective bargaining and social dialogue in this regard.** They should reduce and prevent segmentation within labour markets, fight undeclared work and bogus self-employment, and foster the transition towards open-ended forms of employment. Employment protection rules, labour law and institutions should all provide **for the protection of labour rights, a high level of social protection and secure employment, inclusive recruitment, health and safety at work, as well as** well-adapted working environments for all workers. **At the same time, Member States should ensure a suitable environment for undertakings to thrive and the flexibility for employers to adapt to changes.** Promoting the use of flexible working arrangements **agreed between employers and workers or their representatives**, such as teleworking, can contribute to higher employment levels and more inclusive labour markets in the context of the post-pandemic environment, **especially for single parents, persons with disabilities and persons living in rural and remote regions.** At the same time, it is important to ensure that the workers' rights in terms of working time, working conditions, **including occupational health and safety, as well as social protection** and work-life balance are respected. Employment relationships that lead to precarious working conditions **and unfair competition** should be **urgently tackled**, including in the case of platform workers, especially if low-skilled, by fighting abuse of atypical contracts. **Member States should ensure that all workers enjoy decent working conditions, social rights and access to adequate social protection. To that end, Member States should fully implement the ILO's Labour Inspection Convention No 81 and invest in effective labour inspections by empowering competent authorities and coordinate their efforts to combat cross-border abuse**

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Text proposed by the Commission

Amendment

in the framework of the European Labour Authority. Access to effective, impartial dispute resolution and a right to redress, including adequate compensation, should be ensured in cases of unfair dismissal. **Member States should draw on European agencies and the Union-wide network of public employment services (PES) to identify evidence-based best practices, encourage bench-learning and promote greater coordination of employment policies.**

Amendment 29

Proposal for a decision

Annex I — Guideline 7 — paragraph 2

Text proposed by the Commission

Policies should aim to improve and support labour-market participation, matching and transitions, **including** in disadvantaged regions. Member States should effectively **activate and** enable those who can participate in the labour market, especially **vulnerable** groups such as **lower-skilled** people, people with a migrant background, including persons under a temporary protection status, and marginalised Roma. Member States should strengthen the scope and effectiveness of active labour-market policies by increasing their targeting, outreach and coverage and by better linking them with social services, training and income support for the unemployed, whilst they are seeking **work and** based on their rights and responsibilities. Member States should enhance the capacity of public employment services to provide timely and tailor-made assistance to jobseekers, respond to current and future labour-market needs, and implement performance-based management, supported also via digitalisation.

Amendment

Policies should aim to improve and support labour-market participation, matching and transitions, **in particular the green and digital transition, also** in disadvantaged **regions and areas, including remote and rural regions, islands and outermost** regions. Member States should effectively enable those who can participate in the labour market **to find quality employment**, especially **disadvantaged** groups such as **young and older** people, **people with lower skills, informal workers, persons with disabilities**, people with a migrant background, including persons under a temporary protection status, and marginalised Roma. Member States should strengthen the scope and effectiveness of active labour-market policies by increasing their targeting, outreach and coverage and by better linking them with social services, training and **decent** income support for the unemployed, whilst they are seeking **quality employment**, based on their rights and responsibilities. Member States should enhance the capacity of public employment services to provide timely and tailor-made assistance to jobseekers, respond to current and future labour-market needs **as well as the aspirations of jobseekers**, and implement performance-based management, supported also via digitalisation. **Member States should ensure that these services and support are offered online and offline in order to be accessible for all, including for older people and persons with disabilities, to ensure that no one is left behind.**

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Amendment 30

Proposal for a decision

Annex I — Guideline 7 — paragraph 3

Text proposed by the Commission

Member States should provide the unemployed with adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules. **Unemployment** benefits ***should not disincentivise a prompt*** return to employment and should be accompanied by active labour market policies.

Amendment

Member States should provide the unemployed with adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules. **Such** benefits ***shall not constitute a disincentive for a quick*** return to employment ***as outlined in Principle No 13 of the Pillar*** and should be accompanied by active labour market policies.

Amendment 31

Proposal for a decision

Annex I — Guideline 7 — paragraph 4

Text proposed by the Commission

The mobility of learners and workers should be ***adequately*** supported ***with the aim of enhancing*** their skills and employability ***and exploiting the full potential of the European labour market, while also ensuring fair*** conditions for all those pursuing a cross-border activity ***and stepping up*** administrative cooperation between national administrations with regard to mobile workers, benefitting from the assistance of the European Labour Authority. The mobility of workers in critical occupations and of cross-border, seasonal and posted workers should be supported in the cases of temporary border closures ***triggered by public health considerations***.

Amendment

Member States should support labour mobility throughout the Union to overcome regional and sectoral labour market shortages and make use of the full potential of the Union's labour market, while effectively tackling the negative impact of the 'brain-drain' in certain regions. At the same time, the mobility of learners and workers should be supported ***to increase*** their ***knowhow***, skills and employability, ***in particular by further strengthening Erasmus +. Member States should ensure the rights and decent working and employment*** conditions for all those pursuing a cross-border activity, ***as well as the portability of social security rights and entitlements through improved*** administrative cooperation between national administrations with regard to mobile workers, benefitting ***as well*** from the assistance of the European Labour Authority. The ***fair labour*** mobility of workers in critical occupations and of cross-border ***workers, including frontier,*** seasonal and posted workers should be supported ***and their rights should be respected also*** in the cases of temporary border closures, ***for instance in terms of health and safety, tax residency and social security coordination***.

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Amendment 32

Proposal for a decision

Annex I — Guideline 7 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

Member States should cooperate in coordinating social security for mobile workers, including self-employed workers who work in another Member State. The modernisation of social security systems should be conducive to the principles of the Union's labour market providing for sustainable national social security systems that avoid any gaps in protection and ultimately ensures a productive workforce. To that end, Member States should enhance, through their national plans under the Recovery and Resilience Facility and other Union instruments, the digitalisation of public services in order to improve the quality of their work, in particular by fully implementing the system for electronic exchange of social security information. Member States should increase cross-border partnerships and better promote and use other relevant European tools, such as the European Employment Services Network (EURES) and the PES network, to support mobile workers, in particular by providing them with comprehensive information on job opportunities and social protection.

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Amendment 33

Proposal for a decision

Annex I — Guideline 7 — paragraph 5

Text proposed by the Commission

Member States should also strive to create the appropriate conditions for new forms of work, delivering on their job-creation potential while ensuring they are compliant with existing social rights. Member States should thus **provide advice and guidance on** the rights and obligations applying in the context of atypical contracts and new forms of work, such as work through digital platforms. In this regard, social partners can play an instrumental role and Member States should support them in reaching out and representing people in atypical and platform work. Member States should also provide support for enforcement – **such as** guidelines or dedicated trainings for labour inspectorates — concerning the challenges stemming from new forms of organising work, such as algorithmic management, data surveillance and permanent or semi-permanent telework.

Amendment

Member States should also strive to create the appropriate conditions for new forms of work, delivering on their job-creation potential while ensuring they are compliant with existing **labour law and** social rights. Member States should thus **ensure** the rights and obligations applying in the context of atypical contracts and new forms of work, such as work through digital platforms, **and provide advice and guidance where necessary. At the same time, Member States should foster the transition towards open-ended forms of employment in line with the Pillar.** In this regard, social partners can play an instrumental role and Member States should support them in reaching out and representing people in atypical and platform work **while facilitating collective representation and action for genuinely self-employed persons.** Member States should also provide support for enforcement, **including through the provision of adequate human and financial resources,** guidelines or dedicated trainings for labour inspectorates concerning the challenges stemming from new forms of organising work, such as algorithmic management, data surveillance and permanent or semi-permanent telework, **as well as effective, proportionate and dissuasive penalties.**

Amendment 34

Proposal for a decision

Annex I — Guideline 7 — paragraph 6

Text proposed by the Commission

Building on existing national practices, and in order to achieve more effective social dialogue and better socio-economic outcomes, including in crisis times like **with the war in Ukraine,** Member States should ensure **the** timely and meaningful involvement **of the social partners** in the design and implementation of employment, social and, where relevant, economic reforms and policies, **including by supporting increased capacity of the social partners.** Member States should foster social dialogue and collective bargaining. The social partners should be encouraged to negotiate and conclude collective agreements in matters relevant to them, fully respecting their autonomy and the right to collective action.

Amendment

Building on existing national practices, and in order to **promote and** achieve more effective **and intensive** social dialogue and better socio-economic outcomes, including in crisis times like **the Russian invasion of Ukraine, the rising cost of living and the accelerating climate change,** Member States should **support the strengthening of social partners at all levels and** ensure **their** timely and meaningful involvement in the design and implementation of employment, social and, where relevant, economic **and environmental** reforms and policies. Member States should foster **and promote** social dialogue and **the extension of** collective bargaining **coverage.** The social partners should be encouraged to negotiate and conclude collective agreements in matters relevant to them, fully respecting their autonomy and the right to collective action.

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Amendment 35

Proposal for a decision

Annex I — Guideline 7 — paragraph 7

Text proposed by the Commission

Where relevant, and building on existing national practices, Member States should take into account relevant civil society organisations' experience of employment **and** social issues.

Amendment

Where relevant, and building on existing national practices, Member States should take into account relevant civil society organisations' **expertise and** experience of employment, social **and environmental** issues, **including those representing and working closely with disadvantaged groups, facing barriers to the labour market and quality employment. Moreover, Member States should support civil society organisations that provide not-for-profit social and employment services.**

Amendment 36

Proposal for a decision

Annex I — Guideline 7 — paragraph 7 a (new)

Text proposed by the Commission

Amendment

A healthy and safe workplace is vital. Member States should support and ensure that employers comply with health and safety regulations and provide workers and their representatives with adequate information, make risk assessments and take preventive measures. This should include reducing to zero the number of fatal accidents at work and cases of occupational cancer by establishing, among others, binding occupational exposure limit values on hazardous substances in the workplace. In this regard, Member States should take into account the impact of occupational psychosocial risks, occupational diseases, as well as risks related to climate change, such as heatwaves, droughts or wildfires, on the health and safety of workers, in particular in the construction sector, the agricultural sector and public service sector. Member States should address and anticipate the impact of present and future crises on the labour market, also in the context of the climate emergency and Europe's open strategic autonomy, by supporting workers who are temporarily unemployed or on short-time work because employers are forced to suspend carrying out activities or providing services as well as by supporting self-employed workers and small businesses so that they are able to retain staff and maintain their activities or services.

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Amendment 37

Proposal for a decision

Annex I — Guideline 8 — paragraph 1

Text proposed by the Commission

Member States should promote inclusive labour markets, **open** to all, by putting in place effective measures to fight all forms of discrimination and promote equal opportunities for all, and in particular for groups that are under-represented in the labour market, with due attention to the regional and territorial dimension. They should ensure equal treatment regarding employment, social protection, health **and** long-term care, education and access to goods and services, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Amendment

Member States should promote **social rights and** inclusive labour markets, **accessible** to all, by putting in place effective measures to fight all forms of discrimination and **stereotypes and to** promote equal opportunities for all, and in particular for groups that are under-represented **or disadvantaged** in the labour market, with due attention to the regional and territorial dimension. They should ensure equal **pay for equal work or work of equal value, personalised support for jobseekers as well as equal treatment and rights** regarding employment, social protection, health **care, childcare**, long-term care, education and access to **housing**, goods and services, regardless of gender, racial or ethnic origin, **social background**, religion or belief, disability, age or sexual orientation.

Amendment 38

Proposal for a decision

Annex I — Guideline 8 — paragraph 2

Text proposed by the Commission

Member States should modernise social protection systems to provide adequate, effective, efficient and sustainable social protection for all, throughout all stages of life, fostering social inclusion and upward social mobility, incentivising labour market participation, supporting social investment, **fighting** poverty and addressing inequalities, including through the design of their tax and benefit systems and by assessing the distributional impact of policies. Complementing universal approaches with **selective** ones will **improve** the effectiveness of social protection **systems. The modernisation of** social protection systems **should also aim to improve their resilience** to multi-faceted challenges.

Amendment

Member States should modernise **and invest in** social protection systems to provide adequate, effective, efficient and sustainable social protection for all, throughout all stages of life, fostering social inclusion and upward social **convergence and** mobility, **supporting and** incentivising labour market participation **and access to quality employment**, supporting social investment, **eradicating** poverty, **including in-work poverty**, and addressing inequalities, including through the **progressive** design of their tax and benefit systems and by assessing the distributional impact of policies. Complementing universal approaches with **targeted** ones will **enhance** the effectiveness of social protection. **Member States should improve the resilience and sustainability of their** social protection systems to multi-faceted challenges.

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Amendment 39

Proposal for a decision

Annex I — Guideline 8 — paragraph 3

Text proposed by the Commission

Member States should develop and integrate the three strands of active inclusion: adequate income support, inclusive labour markets and access to quality **enabling** services, to meet individual needs. Social protection systems should ensure adequate minimum income benefits for everyone lacking sufficient resources and promote social inclusion by encouraging people to actively participate in the labour market and society, including through targeted provision of social services.

Amendment

Member States should develop and integrate the three strands of active inclusion: adequate income support, inclusive labour markets and access to quality services, to meet individual needs. Social protection systems should ensure adequate minimum income ^(1a) benefits **accessible** for everyone lacking sufficient resources **in order to ensure a life in dignity** and promote social inclusion by **supporting and** encouraging people to actively participate **and reintegrate** in the labour market and society, including through targeted provision of **and access to enabling goods and** social services. **Accessibility to social protection systems should be monitored and evaluated from a rights-based approach.**

^(1a) Commission proposal for a Council recommendation on adequate minimum income ensuring active inclusion, 28 September 2022 <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10417>.

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Amendment 40

Proposal for a decision

Annex I — Guideline 8 — paragraph 4

Text proposed by the Commission

The availability of affordable, accessible and quality services such as early childhood education and care, out-of-school care, education, training, housing, and health and long-term care is a necessary condition for ensuring equal opportunities. Particular attention should be given to fighting poverty and social exclusion, including in-work poverty, in line with the 2030 EU headline target on poverty reduction. Especially child poverty should be addressed by comprehensive and integrated measures, in particular through the full implementation of the European Child Guarantee.

Amendment

Taking into consideration the continuing alarming levels of poverty, the impact of the COVID-19 crisis, the Russian invasion of Ukraine, the rising cost of living, and the accelerating climate change, more efforts are necessary to fight poverty and social exclusion, through a horizontal strategy on in-work poverty, energy and mobility poverty, food poverty and homelessness. Particular attention should be paid to children, older people, single parents, in particular single mothers, ethnic minorities, migrants and persons with disabilities in this context. Especially child poverty should be addressed by comprehensive and integrated measures, in particular through the full implementation of the European Child Guarantee and an increase of the dedicated budget to at least EUR 20 billion, in line with the European Parliament resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine — reinforcing the EU's capacity to act. Member States should submit their European Child Guarantee national action plans to combat child poverty and fostering equal opportunities by guaranteeing for children in need effective and free access to healthcare, education and school-based activities, early childhood education and childcare, as well as effective access to adequate housing and healthy nutrition in line with the 2030 EU headline target to reduce the number of people at risk of poverty and social exclusion by at least 15 million, including at least 5 million children. All Member States should spend more than 5 % of their allocated funds under the ESF+ on fighting child poverty and promote children's well-being.

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Amendment 41

Proposal for a decision

Annex I — Guideline 8 — paragraph 5

Text proposed by the Commission

Member States should ensure that everyone, including children, has access to essential services. For those in need or in a vulnerable situation, Member States should guarantee access to **adequate** social housing or housing assistance. They should ensure a clean and fair energy transition and address energy poverty as an increasingly important form of poverty due to rising energy prices, **partly linked to the war in Ukraine**, including, where appropriate, via targeted temporary income support measures. Inclusive housing renovation policies should also be implemented. The specific needs of persons with disabilities, including accessibility, should be taken into account in relation to those services. Homelessness should be **tackled specifically**. Member States should ensure **timely** access to **affordable** preventive and curative health care and long-term care of **good** quality, **while safeguarding sustainability in the long term**.

Amendment

Member States should ensure that everyone, including children, has access to essential services **of good quality**. For those in need or in a vulnerable **or disadvantaged** situation, Member States should guarantee access to **decent** social housing or housing assistance, **tackle forced evictions and their consequences, invest in an accessible housing for persons with reduced mobility and take measures to ensure a fair and inclusive transition as regards improving the energy efficiency of the existing housing stock**. They should ensure a clean and fair energy transition and address energy poverty as an increasingly important form of poverty due to rising energy prices, including, where appropriate, via targeted temporary income support measures **and structural investments**. Inclusive housing renovation policies, **to ensure accessible, affordable and healthy housing**, should also be implemented **to prevent that the cost of living for tenants increases disproportionately**. The specific needs of persons with disabilities, including accessibility, should be taken into account in relation to those services. Homelessness should be **eradicated by 2030, in line with the European Parliament resolution of 24 November 2020 on tackling homelessness rates in the EU, taking the Housing First approach as a basis. The COVID-19 crisis demonstrates the need for more public investment to ensure sufficient levels of well-trained medical and care staff and access to healthcare for all, including disadvantaged groups. Therefore, Member States should ensure effective and equal access to sustainable preventive and curative public health care, particularly mental health care and long-term care of high quality**.

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Amendment 42

Proposal for a decision

Annex I — Guideline 8 — paragraph 6

Text proposed by the Commission

In line with the activation of the Temporary Protection Directive⁽⁴³⁾, Member States should offer an adequate level of protection to refugees from Ukraine, including residency rights, access and integration to the labour market, access to education, training and housing, as well as access to social security systems, medical **care** social welfare or other assistance, and means of subsistence. Children should be ensured access to childhood education and care and essential services **in line** with the European Child Guarantee. For unaccompanied children and teenagers, Member States should implement the right to legal guardianship.

⁽⁴³⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Amendment

In line with the activation of the Temporary Protection Directive⁽⁴³⁾, Member States should offer an adequate level of protection to refugees from Ukraine, including **Roma and third-country nationals legally residing in Ukraine and fleeing to Europe as a consequence of the Russian invasion of Ukraine**. Residency rights, access and integration to the labour market, access to education, **language support**, training and housing, as well as access to social security systems, medical **and psychosocial care**, social welfare or other assistance, and means of subsistence **should be provided in this regard**. Children should be ensured access to **free quality** childhood education and care and essential services **on equal basis with their peers in the host Member State in line** with the European Child Guarantee. For unaccompanied children and teenagers, Member States should implement the right to legal guardianship. **Member States should consider extending the protection offered by the Temporary Protection Directive to all refugees and address employers' concerns of hiring people with only a temporary status.**

⁽⁴³⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

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Amendment 43

Proposal for a decision

Annex I — Guideline 8 — paragraph 7

Text proposed by the Commission

In a context of increasing longevity and demographic change, Member States should secure the adequacy and sustainability of pension systems for workers and the self-employed, providing equal opportunities for **women and men** to acquire and accrue pension rights, **including through** supplementary schemes to ensure **an adequate** income **in old age**. Pension reforms should be **supported by policies that aim to reduce the gender pension gap and** measures **that extend** working lives, **such as by raising the effective retirement age, notably by facilitating labour market participation of older persons, and** should **be framed within active ageing strategies**. Member States should establish a constructive dialogue with social partners and other relevant stakeholders, and allow for an appropriate phasing in of the reforms.

Amendment

In a context of increasing longevity and demographic change, Member States should secure the adequacy and sustainability of pension systems for workers and the self-employed, providing equal opportunities for **individuals** to acquire and accrue pension rights **in public or occupational schemes or a mix along with** supplementary schemes **in order** to ensure **a decent retirement** income **above the poverty line**. Pension reforms should be **based on active ageing through optimising opportunities for workers of all ages to work in good quality, productive and healthy conditions until the statutory retirement age. At the same time workers who wish to remain active after they have reached the retirement age should have the possibility to do so. Specific measures should be identified in the field of workforce demography, health and safety at the workplace, education and training, skills and competence management, work organisation for healthy and productive working lives, with an inter-generational approach. Member States should facilitate youth employment and pre-retirement transition, together with the transfer of knowledge and experience from one generation to the next.** Member States should establish a constructive dialogue with social partners, **civil society organisations** and other relevant stakeholders and allow for an appropriate phasing in of reforms **as well as a change in the perception of older workers and their employability. Furthermore, Member States should draw up healthy ageing plans that cover access to health and care services, as well as strategies for health promotion and prevention.**

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P9_TA(2022)0365

Draft amending budget No 4/2022: Update of revenue (own resources) and other technical adjustments

European Parliament resolution of 19 October 2022 on the Council position on Draft amending budget No 4/2022 of the European Union for the financial year 2022: update of revenue (own resources) and other technical adjustments (12623/2022 — C9-0317/2022 — 2022/0211(BUD))

(2023/C 149/11)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽¹⁾, and in particular Article 44 thereof,
- having regard to the general budget of the European Union for the financial year 2022, as definitively adopted on 24 November 2021 ⁽²⁾,
- having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021-2027 ⁽³⁾ ('MFF Regulation'),
- having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources ⁽⁴⁾ ('IIA'),
- having regard to Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom ⁽⁵⁾,
- having regard to Draft amending budget No 4/2022, which the Commission adopted on 1 July 2022 (COM(2022)0350),
- having regard to the position on Draft amending budget No 4/2022 which the Council adopted on 20 September 2022 and forwarded to Parliament on the same day (12623/2022 — C9-0317/2022),
- having regard to Rules 94 and 96 of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A9-0240/2022),

A. whereas the main purpose of Draft amending budget No 4/2022 is to update the revenue side of the budget to take account of the latest developments, namely the updated own resources forecasts for the 2022 budget agreed by the Advisory Committee on Own Resources (ACOR) on 23 May 2022, and to update other revenues such as the United Kingdom contribution, fines and other;

⁽¹⁾ OJ L 193, 30.7.2018, p. 1.

⁽²⁾ OJ L 45, 24.2.2022, p. 1.

⁽³⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽⁴⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽⁵⁾ OJ L 424, 15.12.2020, p. 1.

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- B. whereas Draft amending budget No 4/2022 also includes two specific adjustments related to expenditure, corresponding to an adjustment of the budgetary nomenclature following the Commission proposal for REPowerEU on 18 May 2022 ⁽⁶⁾ and to the extension of the mandate of Eurojust to collect and preserve evidence of war crimes ⁽⁷⁾; whereas no additional commitment and payment appropriations are requested;
- C. whereas Parliament has repeatedly considered that a draft amending budget should have one purpose only;
1. Takes note of Draft amending budget No 4/2022 as submitted by the Commission;
 2. Points in particular to the increase of genuine own resources by EUR 3 573,9 million; recalls the need to speed up the introduction of new own resources in line with the roadmap set out in the IIA, namely that the additional revenue resulting from the new own resources will be sufficient to cover at least the repayment of costs of the Recovery Instrument;
 3. Underlines that the Parliament has not yet set out its position on the proposal for REPowerEU Chapter of the Recovery and Resilience Facility (RRF); stresses therefore that the proposed change of budget nomenclature is without prejudice to the legislative outcome;
 4. Regrets that the Commission decided, in spite of Parliament's insistence, to present together elements related to the update of revenue with other elements related to ongoing negotiations; reiterates that, to better respect the prerogative of the budgetary authority, the Commission should present a draft amending budget for one purpose only and refrain from combining several purposes in one draft amending budget;
 5. Commends the swift adoption of Regulation (EU) 2022/838 extending Eurojust's mandate to support Ukraine with the collection, preservation and analysis of evidence relating to war crimes as a consequence of the brutal and unjustified Russian aggression; objects, however, to the intended use of internal redeployments within the same policy area later in the year to finance the posts proposed under this Draft amending budget; underlines in that context that there are sufficient margins under Heading 2b; reaffirms, further, its long-standing position that increasing tasks and responsibilities for agencies must be accompanied by corresponding levels of fresh resources;
 6. Approves the Council position on Draft amending budget No 4/2022;
 7. Instructs its President to declare that Amending budget No 4/2022 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
 8. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

⁽⁶⁾ COM(2022)0231, 18.5.2022.

⁽⁷⁾ Regulation (EU) 2022/838 of the European Parliament and of the Council of 30 May 2022 amending Regulation (EU) 2018/1727 as regards the preservation, analysis and storage at Eurojust of evidence relating to genocide, crimes against humanity, war crimes and related criminal offences (OJ L 148, 31.5.2022, p. 1).

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P9_TA(2022)0366

General budget of the European Union for the financial year 2023 — all sections**European Parliament resolution of 19 October 2022 on the Council position on the draft general budget of the European Union for the financial year 2023 (12108/2022 — C9-0306/2022 — 2022/0212(BUD))**

(2023/C 149/12)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom ⁽¹⁾,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽²⁾ (the 'Financial Regulation'),
- having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 ⁽³⁾ (the 'MFF Regulation'), and to the joint declarations agreed between Parliament, the Council and the Commission in this context ⁽⁴⁾, as well as to the related unilateral declarations ⁽⁵⁾,
- 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 ⁽⁶⁾,
- having regard to Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (European Climate Law) ⁽⁷⁾,
- having regard to its resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine — reinforcing the EU's capacity to act ⁽⁸⁾,
- having regard to the Communication from the Commission of 11 December 2019 on 'The European Green Deal' (COM(2019)0640), and its resolution thereon of 15 January 2020 ⁽⁹⁾,

⁽¹⁾ OJ L 424, 15.12.2020, p. 1.

⁽²⁾ OJ L 193, 30.7.2018, p. 1.

⁽³⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽⁴⁾ OJ C 444 I, 22.12.2020.

⁽⁵⁾ European Parliament legislative resolution of 16 December 2020 on the draft Council regulation laying down the multiannual financial framework for the years 2021 to 2027, Annex 2: Declarations (Texts adopted, P9_TA(2020)0357).

⁽⁶⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽⁷⁾ OJ L 243, 9.7.2021, p. 1.

⁽⁸⁾ Texts adopted, P9_TA(2022)0219.

⁽⁹⁾ Texts adopted, P9_TA(2020)0005.

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- having regard to the Intergovernmental Panel on Climate Change's (IPCC) special report on global warming of 1,5 °C, its special report on climate change and land, and its special report on the ocean and cryosphere in a changing climate,
- 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 Special Report 22/2021 of the European Court of Auditors: 'Sustainable finance. More consistent EU action needed to redirect finance towards sustainable investment',
- having regard to Special Report 09/2022 of the European Court of Auditors: 'Climate spending in the 2014-2020 EU budget — Not as high as reported',
- having regard to Special Report 10/2021 of the European Court of Auditors: 'Gender mainstreaming in the EU budget: time to turn words into action',
- having regard to the UN Sustainable Development Goals,
- having regard to its resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area ⁽¹⁰⁾,
- having regard to the proposal of 22 April 2022 for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union (COM(2022)0184), and the report A9-0230/2022 thereon, adopted on 8 September 2022 by the Committee on Budgets and by the Committee on Budgetary Control and endorsed at Parliament's part-session of 12- 15 September 2022,
- having regard to the European Pillar of Social Rights and its resolution of 19 January 2017 thereon ⁽¹¹⁾,
- having regard to the EU Gender Equality Strategy 2020-2025,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹²⁾,
- having regard to its resolution of 5 April 2022 on general guidelines for the preparation of the 2023 budget, Section III — Commission ⁽¹³⁾,
- having regard to its resolution of 7 April 2022 on Parliament's estimates of revenue and expenditure for the financial year 2023 ⁽¹⁴⁾,
- having regard to the draft general budget of the European Union for the financial year 2023, which the Commission adopted on 1 July 2022 (COM(2022)0400) (the 'DB'), and to Amending Letter No 1 thereto (COM(2022)0670)),
- having regard to the position on the draft general budget of the European Union for the financial year 2023, which the Council adopted on 6 September 2022 and forwarded to Parliament on 9 September 2022 (12108/2022 — C9-0306/2022),
- having regard to Rule 94 of its Rules of Procedure,
- having regard to the opinions of the committees concerned,
- having regard to the report of the Committee on Budgets (A9-0241/2022),

⁽¹⁰⁾ OJ C 99, 1.3.2022, p. 158.

⁽¹¹⁾ Texts adopted, P8_TA(2017)0010.

⁽¹²⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽¹³⁾ Texts adopted, P9_TA(2022)0106.

⁽¹⁴⁾ Texts adopted, P9_TA(2022)0127.

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General overview of Section III

1. Recalls that, in its resolution of 5 April 2022 on general guidelines for the preparation of the 2023 budget, Parliament set clear political priorities for the 2023 budget; reaffirms its strong commitment to those priorities and sets out the following position to ensure an appropriate level of financing to deliver on them; believes that the Union must be equipped with all possible budgetary means to respond to current crises and focus on people's needs;

2. whereas the European Union budget should promote public investment by supporting productive and strategic sectors, public services, the creation of jobs with rights, the fight against poverty, social exclusion and inequalities, the protection of the environment and the full use of the potential of each country and region, together with the pursuit of external relations rooted in solidarity, cooperation, mutual respect and the promotion and safeguarding of peace;

3. Stresses that the Union faces an extraordinarily complex set of challenges, including the direct and indirect repercussions of the war in Ukraine, high inflation, increasing poverty, high energy prices and security of supply risks, a worsening economic outlook, in particular for small and medium enterprises (SMEs) and the most vulnerable households, the need to secure a just, inclusive and sustainable recovery from the pandemic, crises in many other parts of the world, technological change, including increasing digitalisation, gender inequality, as well as the growing urgency to tackle climate change and the biodiversity crisis and their consequences and the need to accelerate the just transition, including through investments in energy efficiency; considers that the Union budget should contribute to tackling those challenges and provide adequate support for all, while expressing concern at the exceptionally limited margins, which are about one third of last year's, or, in the case of Heading 6, the lack of margin, and the limited flexibility and crisis response capacity built into the budget; considers that it is indispensable, especially in a time of war, to boost investment and tackle unemployment and to lay the foundations for a more resilient and sustainable Union, while focusing on concrete actions to deal with the consequences of the war in the world as well; deplores the fact that the DB is an insufficient response to the current challenges; recalls that the multiannual financial framework (MFF) was not established to address a pandemic, a war, high inflation, high energy prices, high numbers of refugees, new accessions, food insecurity, and a humanitarian crises;

4. Regrets the Council position on the DB, which cuts EUR 1,64 billion in commitment appropriations and EUR 530 million in payment appropriations for the MFF headings compared to the Commission's proposal; considers that the cuts proposed by the Council neither reflect the seriousness of the above-mentioned challenges facing the Union and its citizens nor are driven by an objective assessment of either implementation trends or absorption capacities and run counter to core shared policy priorities, putting at risk the ability of the Union to successfully implement its key political objectives and priorities; considers that the Council should not target programmes that benefit from the adjustment provided for in Article 5 of the MFF Regulation for 'rebalancing and stabilisation', since that would contradict the objective of that Article, which was to strengthen specific political priorities; recalls in particular that that Article does not provide 'top ups', as suggested by the Council; concludes that the Council's position is far from Parliament's expectations; decides therefore, as a general rule, to restore appropriations on lines cut by the Council to the level of the DB, for both operational and administrative expenditure, and to take the DB as the starting point for Parliament's position;

5. Maintains the appropriations entered in the DB for the thematic special instruments, namely the Solidarity and Emergency Aid Reserve, the European Globalisation Adjustment Fund for Displaced Workers and the Brexit Adjustment Reserve; considers that, bearing in mind the unforeseen, extraordinary and unprecedented challenges faced by the Union, the full amount of the Flexibility Instrument should be used; considers, given the current grave interlocking crises, that it is necessary to mobilise the 2021 margins under compartment (a) of the Single Margin Instrument and additional appropriations under compartment (c) of that Instrument;

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6. Recalls its long-standing position that new policy priorities or tasks should be accompanied by fresh resources; intends to follow that approach for the proposal for a regulation of the European Parliament and of the Council establishing a framework of measures for strengthening Europe's semiconductor ecosystem (Chips Act) (COM(2022)0046) and the proposal for a regulation of the European Parliament and of the Council establishing the Union Secure Connectivity Programme for the period 2023-2027 (COM(2022)0057); welcomes in that sense the fact that the proposal for a regulation of the European Parliament and of the Council establishing the European defence industry reinforcement through common procurement act (COM(2022)0349) does not entail redeployments from, or earmarking within, other programmes;

7. Considers that the Union budget, on account of its size, structure and rules, has a very limited capacity to respond appropriately to the challenges facing the Union or to adequately finance and implement new shared Union policy ambitions or initiatives announced in the Commission's President's 2022 State of the Union address; recalls in particular that the Heads of State or Government have described the Russian war of aggression against Ukraine as a 'tectonic shift in European history' and that the Commission has stated that the 'unforeseen needs created by war in Europe are well beyond the means available in the current Multiannual Financial Framework', necessitating new financing sources; underlines that the Union should take a leading role in making available sufficient, timely and reliable support to Ukraine together with international partners; is of the view that this is a further demonstration of the urgent need for a substantial revision of the MFF, to be submitted as soon as possible and no later than the first quarter of 2023, including to make it more flexible, raise the ceilings where necessary to reflect emerging needs and new priorities and to address the problems generated by including the European Union Recovery Instrument (EURI) financing costs in Heading 2b;

8. Underlines the fact that real progress on new own resources is essential both for EURI repayments for NextGenerationEU (NGEU) implementation and for the financial robustness and implementation of the current and future multiannual financial frameworks; calls on the Commission to ensure timely introduction of new own resources, in line with the roadmap set out in the Interinstitutional Agreement of 16 December 2020, and to accelerate the proposal for the second basket; urges the Council to respect the agreed timing and to make necessary progress on the own resources contained in the first basket proposed by the Commission on 22 December 2021, with a view to their prompt implementation;

9. Stresses the need to respond to the consequences of Russia's war of aggression against Ukraine and the COVID-19 pandemic, rising inflation and increasing energy and food insecurity at Union level; stresses in particular the need for sufficient green investments to strengthen the Union's energy independence and implement the Green Deal; recalls that cohesion and agriculture policy cannot be the main source of the financing of urgent priorities, jeopardising the implementation of long-term objectives and highlights the need for support for regions badly hit by the pandemic and the energy crisis; calls on the Commission, in light of limited resources from the Union budget, to respond to high energy prices, to analyse potential flexibilities and additional resources, including any unused funds, including from the 2014-2020 MFF, in order to support SMEs and vulnerable households;

10. Considers that the Union should take concerted action to tackle the energy crisis and proposes very substantial additional investments in that field; recalls that further financial resources will be needed beyond the 2023 budget to achieve that objective; recalls, therefore, the importance of providing additional financial support through REPowerEU; calls for a prompt agreement on, and implementation of, REPowerEU so that funds can be released as soon as possible with a view to swiftly increasing the Union's energy independence through strategic investments, including support for SMEs and vulnerable households;

11. Welcomes the Commission's work on a new classification to measure the gender impact of Union spending; calls on the Commission to ensure that this classification focuses an accurate and comprehensive representation of the impact of programmes on gender equality, with a view to getting the best gender equality impact from programmes that are currently categorized as zero (star) and to learning lessons for the design of the programmes; moreover calls for an extension of that classification to all MFF programmes in order to demonstrate results for the 2023 budget; stresses, in this regard, the need for systematic collection and analysis of gender-disaggregated data; expects all gender-relevant reporting to be done on the basis of volumes and not number of actions;

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12. Expresses its deep concern that the Commission has recently financed or co-financed campaigns promoting the hijab, stating for example that ‘freedom is in hijab’; stresses that the Union budget should not finance any future campaign that may promote the hijab;

13. Expects climate and biodiversity mainstreaming targets to be achieved; in this regard welcomes efforts to achieve more transparent and comprehensive reporting and emphasises the need to carry out sufficient ex-post evaluations and to work on the granularity of the data available; calls again on the Commission to address the conclusions of the European Court of Auditors regarding overstated climate spending; welcomes as well the reporting on biodiversity-related expenditure; nevertheless expresses concern that the 2026 and 2027 targets might not be reached and calls on the Commission to enhance its efforts to reach the targets; calls on the Commission to publish the amounts and shares of expenditure that will contribute to both targets per programme when presenting the draft budget; calls on the Commission to monitor the implementation of the DNSH and to take necessary corrective measures if and when needed;

14. Reiterates the need for the 2023 budget to reflect the implementation of the recommendations endorsed by the Conference on the Future of Europe;

15. Sets, therefore, the overall level of appropriations for the 2023 budget (all sections) at EUR 187 293 119 206 in commitment appropriations, representing an increase of EUR 1 702 055 778 compared to the DB; decides in addition to make available an amount of EUR 836 090 000 in commitment appropriations further to decommitments under Article 15(3) of the Financial Regulation; sets the overall level of appropriations for the 2023 budget (all sections) at EUR 167 612 834 087 in payment appropriations;

Heading 1 — Single market, Innovation and Digital

16. Underlines the significant contribution of Heading 1 to addressing the consequences of the war in Ukraine as well as to reaching the Union's climate and energy targets, inter alia to reduce Union dependence on fossil fuels, including from Russia, by supporting research and investment in sustainable energy and transport sectors; reiterates the potential of the programmes of this heading in anchoring Ukraine in the Single Market, infrastructure network and research area;

17. Supports the proposal in the DB to make EUR 78,8 million available in decommitments for the three clusters referred to in the relevant Joint political statement attached to the Horizon Europe regulation⁽¹⁵⁾; notes, however, that the remaining 2021 and 2020 research decommitments amount to EUR 836,09 million; insists, against the backdrop of limited available resources and considerable needs, that this unexpectedly high amount of research decommitments, which was not forecast by the Commission during the MFF negotiations, should be made available in full for Horizon Europe, in compliance with Article 15(3) of the Financial Regulation; recalls the very high Union added value and excellent implementation rate of that programme; believes strongly, therefore, that the remaining amounts should provide significant increases for key research priorities, such as health (including Long Covid and Post Covid, such as for clinical trials), climate, mobility and energy, culture and creativity, including for the further development of the New European Bauhaus, and food, bioeconomy, natural resources and the environment, in order to tackle the pressing challenges faced by the Union and to provide additional support to researchers through the Marie Skłodowska-Curie actions, including researchers from Ukraine, with a specific focus on the European Green Deal, the Digital Agenda and making Europe stronger in the world;

18. Underlines its deep concern about the proposed management mode of the European Innovation Council Fund and calls on the Commission to engage in an open dialogue with Parliament on the management mode of the Fund to ensure proper budgetary implementation;

⁽¹⁵⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe — the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

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19. Reverses the redeployments proposed by the Commission to fund the Chips Act and the Secure Connectivity Programme, in line with its position that new initiatives should be funded using fresh money, and deletes the relevant Council reserves, thereby ensuring a proper level of funding for priorities in Horizon Europe, the Digital Europe Programme and the Union Space Programme; makes research decommitments available again to compensate for earmarking under Horizon Europe for the Chips Act and the Secure Connectivity Programme, so that those new proposals do not detract from existing research priorities; emphasises that the absorption of funds from NGEU cannot be used to justify not implementing Article 15(3) of the Financial Regulation and not using substantial amounts of decommitments in a time of crises;

20. Recalls that the Connecting Europe Facility (CEF) is key to spurring investment in the development of high performance and sustainable trans-European networks; stresses that CEF must play a crucial role in decarbonising the Union economy by supporting alternative fuel infrastructure and renewable energy, thereby accelerating the green transition and increasing the Union's energy independence and security, and promotes interconnectivity across the Union territory, including with the Iberian peninsula and with remote, sparsely populated regions; underlines that Russia's unprecedented and unprovoked military attack against Ukraine calls for urgent support to transport infrastructure in and towards Ukraine (solidarity lanes), to enable the transport of critical goods in both directions; proposes, therefore, to increase the funding of the Transport and Energy strands of CEF by a total amount of EUR 90 million in commitment appropriations above the level of the DB;

21. Stresses that a well-functioning Single Market is at the heart of Union's recovery and long-term competitiveness; underlines the importance of preserving and adapting it in the context of numerous challenges; calls on the Commission to make the necessary proposals, including in the frame of the amending letter, to bridge any possible gap between the entry into force of the Digital Services Act and the recovery of the supervisory fees;

22. Emphasises that businesses and, in particular, SMEs, which constitute the backbone of the European economy, have been severely hit by the current crises, including businesses in the tourism and cultural and creative sectors, which have suffered a severe contraction, and by the consequences of the Russian war of aggression against Ukraine, in particular high energy prices; supports an increase of EUR 10 million above the DB for the SME strand of the Single Market Cluster; proposes also an increase of EUR 1 million above the DB to support the ongoing work of the European Financial Reporting Advisory Group (EFRAG) in designing high-quality reporting standards, on the condition that EFRAG adopts a work plan outlining the measures to ensure a proper transparent due process and public oversight as well as a balanced representation of stakeholders;

23. Increases therefore the level of commitment appropriations for Heading 1 by EUR 663 650 000 above the DB (excluding pilot projects and preparatory actions), to be financed using the available margin and mobilising the special instruments; moreover, makes available to the heading an overall amount of EUR 836 090 000 in commitment appropriations corresponding to decommitments made under Article 15(3) of the Financial Regulation, thereby increasing by EUR 677 278 157 the decommitments made available again compared to the DB;

Sub-heading 2a — Economic, social and territorial cohesion

24. Underlines the pivotal role of cohesion policy as an essential Union investment policy and convergence instrument to promote sustainable growth and support the overall harmonious development of the Member States and their regions, including between and within regions; anticipates that, after a delayed start to the programming process in the first two years of the 2021-2027 MFF, implementation should gather pace in 2022; calls on the Member States and the Commission to accelerate the process of programming in order to allow 2023 to be the start of the implementation of the cohesion funds, which will help to address social, economic and territorial inequalities and boost the Union economy and help the public and private sectors, SMEs, and citizens during these difficult times; underlines the risk of projects being delayed due to the pandemic and the war in Ukraine; asks the Commission to assess and, where relevant, to propose the necessary policy adjustments and support measures to ensure continuation and full implementation of all projects;

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25. Calls for EU programmes to give priority to projects that promote and uphold the creation of jobs with rights, including stable and regulated pay levels and employment relationships;

26. Accepts the Council position with respect to Sub-heading 2a;

Sub-heading 2b — Resilience and values

27. Reiterates that, despite Parliament's demands to place the EURI over and above the ceilings, the refinancing costs are paid from within Sub-heading 2b; notes that, in the light of the unforeseen situation on financial markets due to Russia's war of aggression against Ukraine, which continues to negatively affect the Union economy, setting it on a path of lower growth, higher inflation and rising interest rates, the line dedicated to the EURI financing costs is likely to be needed in full and needs may well exceed the budgeted amount; deplores the fact that this has a de facto impact on programmes under the same heading by constraining the Commission's ability to propose above-financial programming reinforcements where they are needed; notes that EURI financing costs should not be taken from special instruments, which are intended to tackle unforeseen challenges, such as the consequences of the war in Ukraine and the energy crisis;

28. Proposes, therefore, EUR 200 million above the DB for the flagship Erasmus+ programme — focused on learning mobility in education and training — in line with the need identified by the Commission to provide support to Ukrainian students and teaching staff, as well as to all students to cope with high inflation; underlines that these appropriations will also help to flatten the heavily backloaded financial profile of Erasmus+, providing more consistent annual financing for a programme with stable year-on-year demand; stresses, furthermore, that increased resources will contribute to ongoing efforts to make the programme greener and more inclusive and enable legacy work following the 2022 European Year of Youth; points to the announcement made by President von der Leyen in her State of the Union address that 2023 should be the European Year of Skills, which would require support in the 2023 budget;

29. Recalls that, under the 'sport' strand, Erasmus+ supports not-for-profit sport events aimed at further developing the European dimension of sport and promoting issues of relevance to grassroots sport; underlines the vital role that sport plays in tackling discrimination and promoting social inclusion; supports, therefore, a necessary and targeted reinforcement of EUR 10 million for the 'sport' line to enable the programme to support the Special Olympics taking place in Berlin in 2023;

30. Underlines that the European Solidarity Corps (ESC) helps young people gain practical experience in another Member State, thereby increasing their employability and life chances; stresses, further, that the ESC finances voluntary humanitarian work carried out through the Humanitarian Aid Corps, which can provide important humanitarian assistance outside conflict zones; decides, therefore, to increase appropriations for the ESC by EUR 8 million above the DB;

31. Stresses that the COVID-19 pandemic is not yet over and emphasises the need to maintain support for health systems to improve their resilience and bolster preparedness through the EU4Health programme; underlines, further, the key role that the programme plays in supporting the Beating Cancer Plan, the Pharmaceutical Strategy for Europe and the newly created Health and Emergency Preparedness and Response Authority; reverses, therefore, the disproportionate and unjustified cut proposed by Council and reinforces the programme by EUR 25 million above the DB, including to support actions to achieve universal health coverage across the Union, encompassing quality access to sexual and reproductive health services;

32. Highlights the increasingly numerous and severe natural disasters in Europe, as evidenced most recently by the record wild fires in the summer of 2022; regrets that, owing to climate change, such extreme weather events resulting often in emergencies are going to intensify and multiply; decides, therefore and in line with the Commission President's pledge in her 2022 State of the Union address, to reinforce the Union Civil Protection Mechanism by EUR 20 million in order to enhance the Union's response capacity and better protect its citizens, including capacities for the mobilisation of medical units in emergencies, and underlines the need to invest in climate mitigation and adaptation for particularly vulnerable regions;

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33. Recalls that the cultural and creative sectors, often small businesses, individual artists and not-for-profit community organisations, have been badly affected by the COVID-19 pandemic and the related public health measures; emphasises the key role that Creative Europe plays in supporting European creations and Union values as well as the recovery of the cultural and creative sectors, fostering media literacy and combatting disinformation; decides, therefore, to increase the programme's 2023 appropriations by EUR 12 million above the DB;

34. Underlines the need to promote respect for the rule of law and fundamental rights; stresses the crucial role of the Citizens, Equality, Rights and Values Programme in strengthening Union values, Union citizenship and democracy, equality and gender equality and the rule of law in the Union, and in supporting victims of gender-based violence; reverses, therefore, the Council's cuts to the programme; decides, further, to increase the Daphne strand by EUR 2 million above the DB to tackle gender-based violence, which has worsened since the pandemic, as well as all forms of violence perpetrated against refugees, children, young persons and other groups at risk, such as LGBTIQ+ persons and persons with disabilities, and the 'citizens' engagement and participation' strand by EUR 1,5 million above the DB, in particular to ensure proper follow-up to the Conference on the Future of Europe;

35. Is deeply concerned about the multiple reports highlighting the financing of associations with links to radical religious and political organisations, such as the Muslim Brotherhood; calls on the Commission to guarantee that Union funds finance only organisations that strictly respect all European values, including the freedom of thought, the freedom of speech and equality between men and women, in particular through the programme Citizens, Equality, Rights and Values; asks the Commission, therefore, to impose to the beneficiary organisations the signature of a Charter committing them to respect those values before making funds available;

36. Recalls the importance of supporting social dialogue and workers' training and ensuring stable funding; calls on the Commission to ensure good absorption of the related budgets;

37. Considers that there should be sufficient appropriations for the Turkish Cypriot Community budget line for the purpose of contributing decisively to the continuation and intensification of the mission of the Committee on Missing Persons in Cyprus, and of supporting the bicomunal Technical Committee on Cultural Heritage;

38. Notes that many of the documents and communications of the Union's institutions, bodies and agencies are only available in English; notes also that working meetings are held without the possibility of interpretation; calls for the principles, rights and obligations laid down in the EU Charter of Fundamental Rights and Regulation No 1/1958 — as well as in internal guidelines and decisions, such as the Code of Good Administrative Behaviour — to be upheld; invites the Union's institutions, bodies and agencies, therefore, to provide the necessary human resources to ensure multilingualism, by increasing the number of staff responsible for translation and interpretation;

39. Underlines the importance of protecting the Union budget against fraud, corruption and other prohibited conduct, which adversely affect the Union and national budgets; stresses, in this regard, the central role that the European Public Prosecutor's Office (EPPO) plays in protecting the Union's financial interests, including with respect to the use of NGEU funds, and ensuring compliance with the rule of law; decides, therefore, to apply targeted reinforcements to the EPPO and increase its staffing levels to allow the body to fulfil its mandate, thereby reinforcing efforts against fraud, corruption, money laundering and organised crime; calls on all Member States to join the EPPO and ensure better protection of the Union financial interests; recalls the importance of compliance with the general regime of conditionality for the protection of the Union budget;

40. Considers it necessary to ensure adequate and stable funding for institutional communication, to enable the Union to engage with citizens, including at local level, counter disinformation and facilitate citizen's participation in democratic life, which is even more urgent in the light of Russia's war against Ukraine; restores, therefore, the level of the DB on the relevant lines;

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41. Reinforces Sub-heading 2b overall by EUR 272 821 707 above the DB in commitment appropriations (excluding pilot projects and preparatory actions), to be financed by using the available margin and mobilising the special instruments;

Heading 3 — Natural Resources and Environment

42. Expresses its grave concerns about the impact of Russia's war against Ukraine and its economic fallout as well as of the extreme weather events, including severe and prolonged droughts, on production and distribution in the agricultural sector and food markets; underlines the strategic role that agriculture plays in avoiding a food crisis by providing safe, high-quality food at affordable prices all over Europe; recalls that 2023 is the first year of the new common agricultural policy that will support Union farmers, who play a fundamental role in maintaining the economic resilience of rural areas, by easing the debt burden of young farmers and helping them with rising loan interest rates and higher input costs; believes that the crisis situation justifies the partial mobilisation of the new agricultural reserve by a minimum of EUR 10 million for young farmers; calls on the Commission to prepare pertinent exceptional measures in line with the relevant provisions in the basic act and to increase, as relevant, the amount to be mobilised;

43. Reiterates the importance of the LIFE programme in supporting climate action and environmental protection and its key role in designing exemplary intervention and catalysing measures towards climate mitigation and climate adaptation as well as towards halting biodiversity loss; calls for the level of budgetary support for LIFE to be increased across the various programme strands; highlights that any annual reinforcement for the LIFE programme will imply progress towards the mainstreaming targets and ambitions in the areas of climate and biodiversity; considers the present circumstances to justify a particular emphasis on the article covering the Clean Energy Transition;

44. Stresses the need to significantly increase the budget of the European Environment Agency to provide sufficient financial and staff resources to enable full implementation of the European Green Deal and its related policies as one of the main pillars for the transformation of the Union economy to a fair, inclusive, sustainable, resilient and carbon-neutral one; believes that the Commission should at all costs avoid putting at risk the implementation and enforcement of environmental policies and legislation;

45. Stresses the important role of the just transition plans and the need for their timely approval in the current economic and geopolitical situation to secure necessary investments and growth in the Union; emphasises the need to ensure the smooth implementation of the Just Transition Fund as an essential tool for increasing the Union's energy independence and innovative capacity and addressing socio-economic challenges and the energy transition in response to climate targets;

46. Reinforces Heading 3 by EUR 61 240 000 in commitment appropriations above the DB levels (excluding pilot projects and preparatory actions), to be financed using part of the available margin;

47. Recalls that, traditionally, an Amending Letter will still complete the picture regarding the availabilities for the EAGF and that the approach to amendments in Heading 3 can be adjusted accordingly in the course of the conciliation;

Heading 4 — Migration and Border Management

48. Notes that, in 2022, as a result of the war against Ukraine, it was necessary to provide additional financing of EUR 150 million to the Asylum, Migration and Integration Fund (AMIF) to support Member States receiving people fleeing the conflict; welcomes the decision to trigger the Temporary Protection Directive⁽¹⁶⁾, which, owing to the nature of the conflict and the efforts of Member States to protect women and children from human trafficking, including trafficking for the purpose of sexual exploitation, will entail a longer-term financial commitment and necessitate ongoing budgetary support to Member States; decides, therefore, to reinforce the AMIF by EUR 100 million above the DB in 2023;

⁽¹⁶⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

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49. Recalls that, in 2022, it was also necessary to provide top-up funding to the Border Management and Visa Instrument (BMVI) to enable additional support to be provided to frontline Member States in the context of the war, as well as to support the further integration of Romania, Bulgaria and Croatia in the Schengen area; regrets, further, that the Commission has repeatedly proposed to erode the agreed financial envelope for the BMVI so as to find resources for justice and home affairs agencies with expanded mandates, including Europol in the DB; decides, on the basis of the above considerations, to increase the BMVI by EUR 25 million above the DB in 2023;

50. Recalls the vital role that the European Union Asylum Agency plays in supporting Member States with respect to asylum and international protection procedures and notes that the agency's workload has increased, both as a result of the war against Ukraine and owing to the new tasks entrusted to it under its enhanced mandate; decides, therefore, to increase the agency's staffing;

51. Highlights the need for a further increase in commitment appropriations and staff for eu-LISA in line with the agency's identified needs, thus enabling it to continue implementing a number of critical Union projects for internal security and border management in 2023;

52. Highlights the importance of an effective European Border and Coast Guard Agency (Frontex) to assist Member States in managing the common external borders of the Union and to ensure integrated border management in full compliance with fundamental rights; notes that Frontex continues to have difficulty in absorbing the steep year-on-year increase in appropriations and recruiting the additional operational staff required; calls on the Commission to conduct an in-depth analysis of the matter to improve implementation under Parliament's scrutiny; decides therefore to support Council's proposed cut of EUR 50 million for Frontex in 2023; underlines nevertheless the need to ensure that Frontex has the necessary budgetary means to fulfil its mandate and obligations;

53. Reinforces Heading 4 overall by EUR 130 430 664 above the Council position and EUR 80 430 664 above the DB, to be financed by using part of the available margin;

Heading 5 — Security and Defence

54. Underlines the importance of enhancing European cooperation in defence matters taking into account the Russian war of aggression against Ukraine and the highly unstable international environment; considers that such cooperation not only makes Europe and its citizens safer but also leads to greater efficiency and potential savings; calls in that connection for increased funding for the capability development strand of the European Defence Fund in order to foster an innovative and competitive defence industrial base that will contribute to the strategic autonomy of the Union;

55. Proposes also to increase funding for military mobility with the aim of helping Member States act faster and more effectively; notes that sufficient funding is needed to support missions and operations under the common security and defence policy, including by measures such as funding dual-use transport infrastructure and simplifying diplomatic clearances and customs rules; notes that military mobility could also be boosted by the urgent accession to the Schengen Area of Romania, Bulgaria and Croatia; recalls that the failure to resolve that matter has a detrimental economic and geostrategic impact; underlines, the need to restore the level of the DB of the Internal Security Fund to ensure sufficient funding for the fight against serious and organised crime with a cross-border dimension and cybercrime;

56. Reinforces Heading 5 overall by EUR 81 192 700 above the DB, to be financed using the available margin and mobilising special instruments;

Heading 6 — Neighbourhood and the World

57. Notes with deep concern that the Russian aggression against Ukraine and its worldwide effects have dramatically increased humanitarian assistance needs, which were already under pressure because of funding gaps and the multiplication of crises and conflicts in the world; asks to significantly increase humanitarian aid to address the unprecedented gap between needs and available resources; deplores the fact that Heading 6 has no margin and is therefore not fit for the current situation or for tackling possible new emergencies; considers that the Heading 6 ceiling should be increased as

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a matter of urgency; regrets that the DB is not able to at least sustain the current level of response while humanitarian needs and emergencies are steeply increasing around the globe, notably worsening food insecurity on account of the impact of the Russian war of aggression against Ukraine, intensifying the impacts of climate change and increasingly severe climate-induced disasters and newly emerging conflicts; is deeply concerned that, even with the increases proposed by Parliament, there would be insufficient resources to address the humanitarian aid needs in 2023;

58. Calls for continued and substantial support for the Eastern Neighbourhood, especially for countries helping refugees that are fleeing Ukraine and facing inflation and high energy and food prices; considers it necessary to support political, economic and social reforms and civil society actors, in particular human rights and democracy activists, civil society organisations defending women's rights and the rights of the LGBTIQ+ community or providing assistance to persecuted persons and political prisoners, together with Ukrainian and Moldovan organisations which have been forced to restructure their activities as a result of Russia's war of aggression, organisations contributing to the fight against corruption, and independent media which help expose disinformation and propaganda;

59. Asks for additional resources to be allocated to the Southern Neighbourhood in order to support political, economic and social reforms; welcomes the recent announcement of the Union's continued commitment to multiannual funding to UNRWA; underlines that the increase in appropriations for the Southern Neighbourhood is notably intended to provide predictable funding for UNRWA, in the light of the crucial role it plays in protecting and ensuring the essential needs of Palestinian refugees as well as contributing to their human development;

60. Reinforces thematic programmes and rapid response actions of the NDICI-Global Europe (NDICI-GE), in particular through the 'People' programme, to address the consequences of the war in Ukraine, develop more robust health systems and close access gaps to essential health services as well as to finance climate change adaptation and mitigation measures through the 'Planet' programme, and through the use of the Resilience line to foster synergies between humanitarian, development, public investments and peace actions, especially in countries that are candidates for accession but do not benefit yet from the Instrument for Pre-Accession Assistance (IPA);

61. Emphasises the need to increase funding for Western Balkan countries in the framework of the IPA to support economic growth and employment and also as a geopolitical priority, especially in the context of Russia's unprovoked war of aggression against Ukraine, which resonated strongly across the region, but insists on the conditionality requirements regarding rule of law for every euro committed in the 2023 budget; in this context, calls on the Commission to use a share of the additional funding for the Erasmus+ programming for increased funding to institutions of higher education for the purpose of a new scholarship programme for students from Western Balkan countries;

62. Calls for Ukraine and the Republic of Moldova to be included as soon as possible within the scope of the IPA and for the financial envelope of the programme to be increased accordingly; considers that it is necessary to provide support to Ukraine and Moldova, as new Union candidate countries, and to Georgia, as an aspiring applicant, on their path to Union membership; calls for the provision of further financial assistance under IPA III in order to promote the international dimension of the Erasmus+ programme;

63. Decides to increase support for strategic communication, especially to measures aimed at countering global disinformation through the systematic tracking and exposing of disinformation spread by state and other actors;

64. Underlines the key role of the EU Macro-Financial Assistance to Moldova, Albania, Bosnia-Herzegovina, Georgia, Kosovo, Montenegro, North Macedonia, and Ukraine to promote investments, support recovery from the COVID-19 crisis and the consequences of the war;

65. Reinforces Heading 6 overall by EUR 465 000 000 above the DB, to be financed by mobilisation of special instruments;

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Heading 7 — European Public Administration

66. Considers that the Council's cuts in this heading — which are designed to obviate recourse to the Flexibility Instrument, as proposed in the DB — are unjustified and would not allow the Commission to fulfil its tasks; restores therefore the DB for the Commission administrative expenditure, including with respect to its Offices;

67. Highlights the risks to the internal security of the Union stemming from Russia's invasion of Ukraine; in that context, welcomes the launch of the Support Hub for Internal Security and Border Management in Moldova and calls on the Commission to facilitate and accelerate the full operability of the Hub by providing logistical and financial support through cooperation with DG Home and DG Just, as well as with Union's experts from relevant Union's JHA agencies deployed in Moldova;

68. Emphasises the importance of ensuring that the Commission has sufficient staff to fulfil its tasks, including those relating to new initiatives and newly adopted legislation; calls, therefore, on the Commission to ensure that it has the additional staff necessary for efficient and effective implementation; highlights in that context the impact of the legislative proposals under the European Green Deal, the Digital Markets Act and the Digital Services Act, and increased Union spending owing to NGEU and the Recovery and Resilience Facility, on staff needs in certain services, in particular the Commission's Directorate-General for Environment (DG ENV), the Directorate-General for Competition (DG COMP), the Directorate-General for Communications Networks, Content and Technology (DG CNECT) and the European Anti-Fraud Office (OLAF); expresses concern that the Commission does not have the staff necessary for the work required; asks the Commission to take account of those staff needs, without undermining staff levels in other parts of the institution;

69. Calls for the swift adoption of the targeted revision of the Financial Regulation proposed by the Commission in relation to the handling of default interest for the late repayment of cancelled or reduced competition fines, so as to avoid pressure on spending under Heading 7;

Pilot projects and preparatory actions (PP-PAs)

70. Recalls the importance of pilot projects and preparatory actions (PP-PAs) as tools for the formulation of political priorities and the introduction of new initiatives that have the potential to turn into standing Union activities and programmes; adopts, following a careful analysis of all the proposals submitted and taking fully into account the Commission's assessment of their respect of legal requirements and implementability, a balanced package of PP-PAs that reflects Parliament's political priorities; calls on the Commission to swiftly implement PP-PAs and provide feedback on their performance and results delivered on the ground;

Payments

71. Underlines the need to provide a sufficient level of payment appropriations in the 2023 budget and decides, as a general rule, to reverse Council's cuts and to reinforce payment appropriations on those lines which are amended in commitment appropriations; emphasises that it is necessary to accelerate programme implementation to avoid a backlog of payments in the second half of the MFF period;

Other Sections

Section I — European Parliament

72. Maintains unchanged the overall level of its budget for 2023 set at EUR 2 268 777 642, in line with its estimates of revenue and expenditure adopted by the Plenary on 7 April 2022 and updated on 3 May 2022 at the request of the Commission due to a change in the estimated indexation rate; decides to include artificially and in a budgetary neutral way 98 posts in its establishment chart for one year only in order to allow for the integration of the laureates of an internal competition in the light of the application of Article 29(4) of the Staff Regulations, similarly to what has been done in the 2020 budget; updates the remarks of five budgetary lines, also to add the possibility to reimburse the costs of participation of petitioners, including travel, subsistence and incidental expenses, during the official missions of the Committee on Petitions outside of Parliament's premises;

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73. Acknowledges the important role that the Authority for European Political Parties and European Political Foundations (EPP/Fs) plays for the transparency, sound financial management and diversity of the political system by ensuring the application of common rules by the EPP/Fs; notes that, while its budget is included under Section I — European Parliament, the Authority is an independent Union body; decides therefore to create a separate item for the remunerations and allowances of the staff working for the Authority and a separate line in the establishment chart of the Parliament covering its posts, without additional appropriations to the DB;

74. Asks the Bureau to provide sufficient means to Article 3 2 3 — Support for democracy and capacity-building for the parliaments of third countries in order for the Parliament to contribute efficiently to the organisation of the third edition of the high-level conference of the Global Campus of Human Rights, if needed and possible, including by way of a transfer request from Parliament's administration during the budget execution year;

75. In line with its above-mentioned resolution of 7 April 2022 on its estimates of revenue and expenditure for the financial year 2023 and taking into account the answers provided by the Secretary-General on 20 July 2022:

- (a) recalls that weaknesses in the fight against cyber and hybrid security in one institution can impact all; reiterates therefore the importance of Parliament's budget to be adequately equipped to strengthen its capabilities against cyber and hybrid threats for the benefit of all institutions, especially in light of the Russian war of aggression against Ukraine, the increasing amount of attacks in recent years and the upcoming 2024 European elections;
- (b) takes note of the ongoing measures taken by the administration to counter disinformation or any actions aimed at misrepresenting positions of Members, in particular in view of the 2024 European elections; reiterates its calls for enhanced cooperation between all the players involved at inter-institutional level;
- (c) notes the support given to the Democracy Support and Coordination Group and its Lead Members in carrying out democracy support activities; welcomes the enhanced activities and calls for continuing support on communication with the citizens by providing information also in the languages of linguistic minorities, regions and communities where appropriate and fighting disinformation with special emphasis on the new priority countries;
- (d) reiterates, in the context of the ongoing revision of the general implementing provisions concerning the reimbursement of mission and duty travel expenses and the internal rules governing missions and duty travel by officials and other servants of the European Parliament, the will of the Plenary expressed on several occasions, namely that the Bureau should ensure that accredited parliamentary assistants (APAs) receive the same allowances for the missions that they carry out between Parliament's three places of work as for civil servants and other agents;
- (e) calls on the Conference of Presidents and the Bureau, once again, to revise the implementing provisions governing the work of delegations and missions outside the Union and the decision on 'Committee missions outside the three places of work'; underlines that such a revision should consider the possibility for APAs, subject to certain conditions, to accompany Members on official Parliament delegations and missions, striking the right balance between the high added value for Members and the environmental and logistical and budgetary constraints;
- (f) underlines the need for Parliament's Committee on Budgets to receive all relevant information relating to Parliament's budget in a timely and intelligible manner to be able to take informed decisions; while recognising the importance of the establishment of Europa Experiences in all Member States as a way to bring the Union closer to the people, requests an update of the running costs of the Europa Experience centres, given the context of high inflation; requests also an update on the EUR 37,9 million loan proposed to finance the purchase of the building of the Europa Experience in Dublin as required by Article 266(6) of the Financial Regulation;
- (g) recalls the importance of a transparent and fair decision-making process in the field of building policy, having due regard to Article 266 of the Financial Regulation, in relation to Parliament's building policy;

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- (h) reminds the Bureau that proper information and consultation with the Committee on Budgets before adopting any major decision on building related issues is needed due to their important budgetary implications; asks the Bureau to explore savings opportunities and totally reconsider the project on the future of the Spaak building in Brussels;
- (i) considers that in times where Union citizens face dramatic rises on their daily cost of living, Union institutions without exception should demonstrate solidarity and lead by example, notably in relation to reducing energy consumption; notes that inflation and increasing energy prices have put immense pressure on Parliament's budget; takes note of the Bureau decisions on 2 May 2022 and 3 October 2022 on short-term measures aiming at lowering Parliament's energy consumption; asks that users be able to fine-tune the temperature in the offices and meeting rooms themselves while remaining in the agreed frame to perform savings; calls on Parliament to take all the necessary steps to decrease medium and long-term energy consumption in order to reduce the energy bills in the upcoming revision of the current approach on energy saving activities; given the energy crisis and geopolitical context, welcomes and encourages the investments in renewable energy and for phasing-out of fossil fuels and in particular the installation of heat pumps; calls to upscale on sight energy production, in particular by installing of state of the art rooftop photovoltaics for the maximum potential in Brussels and Strasbourg as soon as possible, and welcomes the new study on the more cost efficient photovoltaic panels which is currently underway; welcomes the building energy management system established in EMAS and calls for the yearly audit to be part of the draft estimates presented by the services; requests the Bureau to trigger the launch of an exchange of good practices between governing bodies of Union institutions in revising their multi annual spending strategies in order to find ways to make further savings; encourages further exchange of views on best practices of energy consumption policies beyond the Union institutions, for example with local authorities;
- (j) welcomes the preliminary steps taken towards formulating a carbon neutrality target; reminds and calls on Members and political groups to contribute to the ongoing reduction of trunk shipping between Brussels and Strasbourg at plenary sessions, as committed to by the Bureau; calls for the relevant investments to be planned in the forthcoming budgets on the recovery and reuse of rainwater and a more rational use of water;

76. Calls on the Parliament to continue conducting regular assessments of the organisation of its personnel needs, to reallocate posts between directorates in accordance with evolving priorities in order to carry out new tasks as much as possible at constant staffing levels and to assess the risks related to employing growing numbers of contract agents, including the danger of creating a two-tier staffing structure within Parliament; considering Parliament's legal obligations, underlines that reprioritisation of resources becomes increasingly important in an inflationary environment;

Other Sections (Sections IV-X)

77. Stresses the pressure that the high inflationary context has on expenditure for the other institutions; highlights that the largest parts of their budgets are fixed by statutory or contractual obligations impacted by inflation and that they have no control over inflation rates and increasing energy prices; points out the need for the institutions to have sufficient staff in order to fulfil their mandate; welcomes the continuous efforts made by the institutions to redeploy staff and find additional efficiency gains but recognises the limits of this approach in the current context when paired simultaneously with increasing responsibilities; regrets that the Commission did not grant any of the additional posts requested by the other institutions, irrespective of their new tasks; condemns the horizontal approach taken by the Council to increase the abatement rate by 1,8 percentage points in each institution and considers that it is not justified; recalls that increasing the abatement rate would oblige the other institutions to keep a higher number of posts vacant, hence decreasing their workforce, their capabilities to answer to citizens' concerns and fulfil their mandate;

78. Decides therefore to restore the level of the DB for the European Committee of the Regions; in line with the gentlemen's agreement, does not modify the Council's reading concerning the Council and the European Council;

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79. Increases, for the following duly justified cases, the level of appropriations or staff above the DB in order to give the institutions enough resources to perform adequately, efficiently and effectively the growing number of tasks from their mandate and be equipped for the upcoming challenges, in particular as regards cybersecurity; underlines in that respect that the Union is not prepared enough to fight cyber threats that are, over the years, increasing in frequency and complexity; believes that appropriate means and staff should be granted to all Union institutions in order to tackle those threats both internally and in the context of inter-institutional cooperation; proposes therefore to:

- (a) restore the level of appropriations in line with the estimates of the Court of Justice of the European Union and the European Ombudsman, by increasing the level of appropriations above the DB for budgetary lines that cover appropriations in relation to the new staff, as well as the number of posts in their establishment plans;
- (b) restore the level of appropriations partially in line with the estimates of the European Court of Auditors, the European Economic and Social Committee, the European Data Protection Supervisor and the European External Action Service by increasing the appropriations above the DB for budgetary lines that cover appropriations in relation to the new staff as well as the number of posts in their establishment plans;
- (c) reinforce several operational lines, in line with the European Data Protection Supervisor's request, in order for the 2023 budget to reflect the unexpected high costs of living that were not taken in account when preparing their estimates.

Assessment of the Amending Letter

80. Takes note of the fact that Amending Letter No 1 to the draft general budget 2023, which has an overall net impact on expenditure of an additional EUR 758,3 million in commitment appropriations and EUR 2 394,9 million in payment appropriations, including a very significant increase in payment appropriations as a consequence of FAST-CARE; also takes note of the fact that, overall, the Commission proposes to mobilise the Flexibility Instrument for an amount of EUR 822,1 million for headings 2b, 5 and 6;

81. Notes that the Amending Letter includes only some of Parliament's concerns and priorities as set out in this resolution, such as the reinforcements for humanitarian aid, the UCPM and Erasmus+ and greater support for defence; expresses nonetheless concern that the reinforcements proposed are insufficient and some of the reinforcements proposed are frontloading rather than additional appropriations;

82. Notes the measures and actions taken to support Ukraine so far since the beginning of the war, and encourages the Commission to propose further measures; regrets that the Commission's budgetary proposals for 2023 do not provide an appropriate response to the broad consequences of Russia's war of aggression against Ukraine; believes that the needs for 2023 are much higher than what is proposed in the Amending Letter;

83. Notes the proposal to mobilise the Single Margin Instrument for an amount of EUR 450 million to cover the financing costs of EURI; highlights the fact that the actual amounts required for EURI financing costs in any given annual budget depend on the interest rates on borrowings which introduces a significant level of uncertainty into the annual budget negotiations; stresses that those costs should never come at the expense of funding for programmes; emphasises that using the SMI for EURI financing costs also curtails the budget's already very limited flexibility and narrow margins and therefore ability to respond to current and emerging needs; recalls the urgency to substantially revise the MFF and the Parliament's demands to place the EURI over and above the MFF ceilings;

84. Notes the adjusted level of appropriations for the Other sections taking into account the current estimate of the salary adjustment for 2022 that is lower than forecast in the DB 2023 and the transfer of appropriations from the Other institutions to CERT-EU in order to enhance the Union's cyber security capabilities, reducing therefore the level of Other institutions' level of appropriations by EUR 45 million;

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85. Instructs its President to forward this resolution, together with the amendments to the draft general budget, to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

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P9_TA(2022)0367

Sustainable maritime fuels (FuelEU Maritime Initiative) *I**

Amendments adopted by the European Parliament on 19 October 2022 on the proposal for a regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC (COM(2021)0562 — C9-0333/2021 — 2021/0210(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2023/C 149/13)

Amendment 1**Proposal for a regulation****Recital 1***Text proposed by the Commission*

- (1) Maritime transport accounts for around 75 % of EU external trade and 31 % of EU internal trade in terms of volume. **At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11 % of all EU CO₂ emissions from transport and 3-4 % of total EU CO₂ emissions.** 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, this can result in a loss of competitiveness of the maritime transport industry, and a loss of connectivity for citizens and businesses

Amendment

- (1) Maritime transport accounts for around 75 % of EU external trade and 31 % of EU internal trade in terms of volume. 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a **global** level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, this can result in a loss of competitiveness of the maritime transport industry, **fewer jobs** and a loss of connectivity for citizens and businesses.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0233/2022).

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Amendment 2
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The maritime sector employs 2 million Europeans and contributes EUR 149 billion to the economy. For every EUR 1 million generated in the shipping industry, EUR 1,8 million are generated elsewhere in the EU economy. ^(1a)*

^(1a) *European Community Shipowners' Association report 'The Economic Value of the EU Shipping Industry', 2020.*

Amendment 3
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *Maritime transport is the most environmentally friendly transport mode with significantly lower greenhouse gas emissions per tonne of goods transported compared to other modes ^(1a). At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11 % of all EU CO₂ emissions from transport and 3 to 4 % of total EU CO₂ emissions. CO₂ emissions from maritime transport are expected to increase, unless further action is taken. All sectors of the economy must contribute to the swift reduction of GHG emissions towards net-zero GHG emissions by 2050 at the latest as enshrined in Regulation (EU) 2021/1119. It is therefore essential for the Union to set out an ambitious pathway for the swift ecological transition of the maritime sector, which would also contribute to maintaining and further promoting its global leadership in the green technologies, services and solutions, and to further stimulating job creation in the related value chains while retaining competitiveness.*

^(1a) *European Environment Agency study, 2020, <https://www.eea.europa.eu/publications/rail-and-waterborne-transport>*

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Amendment 4
Proposal for a regulation
Recital 2

Text proposed by the Commission

- (2) To enhance the Union's climate commitment under the Paris Agreement and set out the steps to be taken to achieve climate neutrality by 2050, and to translate the political commitment into a legal obligation, the Commission adopted the (amended) proposal for a Regulation of the European Parliament and of the Council on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law) ⁽¹⁹⁾ as well as the Communication 'Stepping up Europe's 2030 climate ambition' ⁽²⁰⁾. This also integrates the target of reducing greenhouse gas (GHG) emissions by at least 55 % compared to 1990 levels by 2030. Accordingly, various complementary policy instruments are needed to ***motivate*** the use of sustainably produced renewable and low-carbon fuels, included in the maritime transport sector. The necessary technology development and deployment ***has to happen*** by 2030 to prepare for much more rapid change thereafter.

⁽¹⁹⁾ COM(2020)0563

⁽²⁰⁾ COM(2020)0562

Amendment

- (2) To enhance the Union's climate commitment under the Paris Agreement and set out the steps to be taken to achieve climate neutrality by 2050 ***at the latest***, and to translate the political commitment into a legal obligation, the Commission adopted the (amended) proposal for a Regulation of the European Parliament and of the Council on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law) ⁽¹⁹⁾ as well as the Communication 'Stepping up Europe's 2030 climate ambition' ⁽²⁰⁾. This also integrates the target of reducing greenhouse gas (GHG) emissions by at least 55 % compared to 1990 levels by 2030. Accordingly, various complementary policy instruments are needed to ***promote and speed up a large-scale production and*** the use of sustainably produced renewable and low-carbon fuels, included in the maritime transport sector, ***whilst respecting the principle of technological neutrality***. The necessary technology development and deployment ***should be supported as soon as possible and must be under way*** by 2030 to prepare for much more rapid change thereafter. ***It is also essential to foster innovation and to support research for emerging and future innovation such as emerging alternative fuels, eco-design, bio based materials, wind propulsion and wind-assisted propulsion.***

⁽¹⁹⁾ COM(2020)0563

⁽²⁰⁾ COM(2020)0562

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Amendment 5
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) *LNG is likely to play a transitional role in maritime transport, enabling a gradual transition towards zero-emission alternatives, especially where there is currently no economically viable zero-emission power-train technology available. The Communication on the Smart and Sustainable Mobility Strategy points to zero-emission seagoing ships becoming market ready by 2030. Fleet conversion should take place gradually due to the long lifespan of the ships. Transport fuels such as LNG need increasingly to be decarbonised by blending with liquefied biomethane (bio-LNG) or renewable and low-carbon synthetic gaseous e-fuels (e-gas) for instance.*

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Amendment 6
Proposal for a regulation
Recital 3

Text proposed by the Commission

- (3) In the context of fuel transition to renewable and low carbon fuels and substitute sources of energy, it is essential to ensure the proper functioning of and fair competition in the EU maritime transport market regarding marine fuels, which account for a substantial share of ship operators' costs. Differences in fuel requirements across Member States of the Union can significantly affect ship operators' economic performance and negatively impact competition in the market. Due to the international nature of shipping, ship operators may easily bunker in third countries and carry large amounts of fuel. This may lead to carbon leakage and detrimental effects on the competitiveness of the sector if the availability of renewable and low carbon fuels in maritime ports under the jurisdiction of a Member State is not accompanied by requirements for their use that apply to all ship operators arriving at and departing from ports under the jurisdiction of Member States. This Regulation should lay down measures to ensure that the penetration of renewable low-carbon fuels in the marine fuels market takes place under the conditions of fair competition on the EU maritime transport market.

Amendment

- (3) In the context of fuel transition to renewable and low carbon fuels and substitute sources of energy, it is essential to ensure the proper functioning of and fair competition in the EU maritime transport market regarding marine fuels, which account for a substantial share of ship operators' costs - **typically between 35 % and 53 % of shipping freight rates. Policy measures must therefore be cost-effective and aim to generate the largest possible decarbonisation at the lowest possible cost.** Differences in fuel requirements across Member States of the Union can significantly affect ship operators' economic performance and negatively impact competition in the market. Due to the international nature of shipping, ship operators may easily bunker in third countries and carry large amounts of fuel, **which could also contribute to a risk of loss of competitiveness of Union ports vis-à-vis non-Union ports.** This may lead to carbon **leakage and business** leakage and detrimental effects on the competitiveness of the sector if the availability of renewable and low carbon fuels in maritime ports under the jurisdiction of a Member State is not accompanied by requirements for their use that apply to all ship operators arriving at and departing from ports under the jurisdiction of Member States. This Regulation should lay down measures to ensure that the penetration of renewable **and** low-carbon fuels in the marine fuels market takes place under the conditions of fair competition on the EU maritime transport market, **leaving shipping operators a lower abatement cost option. The availability of such an option is essential to guarantee the competitiveness of European shipping industries and the relevance of logistic routes linking European ports with global trade.**

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Amendment 7
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) *The maritime sector is characterised by fierce international competition. Major differences in regulatory burdens across flag states have exacerbated unwanted practices such as the reflagging of vessels. The sector's intrinsic global character underlines the importance of a flag-neutral approach and of a favourable regulatory environment, which is a precondition for attracting new investment and safeguarding the competitiveness of European ports, ship owners and operators.*

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Amendment 8
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) In order to produce an effect on all the activities of the maritime transport sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. **Simultaneously, such framework limits** the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime transport operators and among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation.

Amendment

- (4) In order to produce an effect on all the activities of the maritime transport sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. **This framework should limit** the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime transport operators and among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation. **The Commission should set up a monitoring scheme specifically to assess carbon leakage and business leakage, as well as potential evasive practices, and draft a list of potential business activities that do not fall under significant business activities performed at neighbouring EU port calls. In doing so, if significant carbon leakage and business leakage as well as evasive practices are reported, the Commission should propose measures to tackle these issues.**

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Amendment 9
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) Given that this Regulation will impose additional compliance costs on the sector, compensatory actions need to be taken in order to prevent the total level of regulatory burden from increasing. Before the application of this Regulation, the Commission should therefore present proposals offsetting the regulatory burdens introduced by this Regulation, through the amendment or repeal of provisions in other Union legislative acts that generate regulatory burdens in the maritime sector.

Amendment 10
Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) In order to ensure the necessary degree of legal and investment certainty, this Regulation should be closely aligned to and consistent with Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation), the Directive 2003/87/EC (EU ETS), Directive XXXX-XXX (Renewable Energy Directive), and Directive 2003/96/EC (Energy Taxation Directive). Such alignment should result in a coherent legislative framework for the shipping sector, that contributes to significantly increasing the production of sustainable alternative fuels, ensures the deployment of the necessary infrastructure and incentivises the use of these fuels in a steadily growing share of vessels. In order to ensure overall consistency with the Union's climate, competitiveness and 'sustainable economic growth' targets the overarching, combined and cumulative climate and economic impacts of those legislative acts should be evaluated comprehensively and continuously.

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Amendment 11
Proposal for a regulation
Recital 4 c (new)

Text proposed by the Commission

Amendment

- (4c) *The obligation for ports to provide an on-shore power supply should be matched by a corresponding obligation for ships to connect to the charging infrastructure designed to deliver that power supply while at berth, in order to ensure the effectiveness of that infrastructure and avoid the risk of stranded assets. Furthermore, efforts should be made to reduce the costs associated with on-shore charging by permanently exempting electricity supplied to vessels in port from taxation through amendments to Directive XXXX-XXXX (Energy Taxation Directive).*

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Amendment 12
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) With the increased costs of shipping for the vessels which do not comply with the requirements of this Regulation, the risk of evasive behaviour and circumvention of the provisions of this Regulation, in particular on the segment of liner container trade, should be addressed. Port calls to ports in the Union's vicinity in order to limit the costs of compliance with this Regulation would not only diminish the environmental benefits expected and significantly undermine the objectives pursued by this Regulation, but could lead to additional emissions, due to the extra distance travelled to evade the application of this Regulation. It is therefore appropriate to exclude from the concept of port of call certain stops at non-Union ports. That exclusion should target ports in the Union's vicinity where the risk of evasion is the greatest. A limit of 300 nautical miles constitutes a proportionate response to that risk, balancing the additional burden and the risk of evasion. Moreover, the exclusion from the concept of port of call should only target containerships and ports the main activity of which is the transshipment of containers. For such shipments, the risk of evasion also consists in a shift of port hub to ports outside the Union aggravating the effects of the evasion. For this reason, and in the absence of an IMO mandatory scheme on the use of renewable and low carbon fuels for international voyages at the global level that has a similar level of ambition to that of the requirements set out in this Regulation, stops of containerships in a neighbouring container transshipment port should not be considered to be stops in ports of calls within the meaning of this Regulation. In order to ensure that the measure is proportional to the objectives pursued and results in equal treatment, measures in third countries that have an effect equivalent to this Regulation should be taken into account.

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Amendment 13
Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) *In order to take into account the specific situation of island regions, as underlined in Article 174 of the Treaty, and the need to preserve connectivity between islands and peripheral regions with central regions of the Union, temporary exemptions should be allowed for voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an island with fewer than 100 000 permanent residents.*

Amendment 14
Proposal for a regulation
Recital 5 c (new)

Text proposed by the Commission

Amendment

- (5c) *Taking into account the special characteristics of the outermost regions of the Union, notably their remoteness and insularity, and the constraints to which they are subject, special consideration should be given to preserving their accessibility, and the ability to connect to them efficiently by means of maritime transport. Therefore, only half of the energy used on voyages departing from or arriving to a port of call located in an outermost region should be included in the scope of this Regulation. For the same reason, temporary exemptions should be allowed for voyages between a port of call located in an outermost region and another port of call located in an outermost region, and to the energy used during their stay within the port of calls of the corresponding outermost regions.*

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Amendment 15
Proposal for a regulation
Recital 5 d (new)

Text proposed by the Commission

Amendment

- (5d) *To ensure a level playing field for ships, including those built to operate in ice-covered waters on their way to, from or between Member State ports, specific information relating to a ship's ice class, and to its navigation through ice, should be considered when calculating GHG emission reductions on a vessel basis, as well as in the data monitored and reported on the basis of the Regulation (EU) 2015/757.*

Amendment 16
Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

- (6) The person or organisation responsible for the compliance with this Regulation should be the shipping company, defined as the **shipowner** or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the **shipowner** and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of 'company' in Article 3, point (d) of Regulation (EU) 2015/757 of the European Parliament and of the Council⁽²¹⁾, and in line with the global data collection system established in 2016 by the International Maritime Organization (IMO). In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold the entity that is directly responsible for the decisions affecting the greenhouse gas intensity of the energy used by the ship accountable for the compliance costs under this Regulation. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship.

- (6) The person or organisation responsible for the compliance with this Regulation should be the shipping company, defined as the **ship-owner** or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the **ship-owner** and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of 'company' in Article 3, point (d) of Regulation (EU) 2015/757 of the European Parliament and of the Council⁽²¹⁾, and in line with the global data collection system established in 2016 by the International Maritime Organization (IMO). In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold the entity that is directly responsible for the decisions affecting the greenhouse gas intensity of the energy used by the ship accountable for the compliance costs under this Regulation. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship.

⁽²¹⁾ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

⁽²¹⁾ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

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Amendment 17
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) In order to limit the administrative burden, in particular that of smaller operators, this Regulation should not apply to wooden ships of a primitive build **and ships not propelled by mechanical means** and focus on ships with a gross tonnage above 5 000. Even though these latter ships represent only approximately 55 % of all ships calling at ports under the Regulation (EU) 2015/757 of the European Parliament and of the Council, they are responsible for 90 % of the carbon dioxide (CO₂) emissions from the maritime sector.

Amendment

- (7) In order to limit the administrative burden, in particular that of smaller operators, this Regulation should not apply to wooden ships of a primitive build and focus on ships with a gross tonnage above 5 000. Even though these latter ships represent only approximately 55 % of all ships calling at ports under the Regulation (EU) 2015/757 of the European Parliament and of the Council, they are responsible for 90 % of the carbon dioxide (CO₂) emissions from the maritime sector.

Amendment 18
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *In order to ensure the continuing effectiveness of this Regulation, the Commission should monitor its functioning, carrying out impact assessments in respect of the gross tonnage threshold and the ship types covered by this Regulation. The Commission should, in particular, decide whether there are significant reasons to encompass smaller ships and additional ship types within the scope of this Regulation. The Commission should in particular take into account considerations such as the availability of relevant data, the potential GHG emissions reduction and the effectiveness of a scope widening in terms of climate impact, the scale of administrative burden, as well as financial and social consequences thereof.*

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Amendment 19
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon marine fuels and substitute sources of energy, such as wind or electricity, is therefore necessary.

Amendment

- (9) While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon marine fuels and substitute sources of energy, such as wind or electricity, is therefore necessary. ***That approach should be implemented in a goal-based, technology-neutral and cost-effective manner.***

Amendment 20
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) Policy intervention to stimulate demand of renewable and low-carbon maritime fuels should be goal-based and respect the principle of technological neutrality. Accordingly, limits should be set on the greenhouse gas intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology.

Amendment

- (10) Policy intervention to stimulate demand of renewable and low-carbon maritime fuels should be goal-based and respect the principle of technological neutrality. Accordingly, ***ambitious*** limits, ***in line with the goals of the Paris Agreement***, should be set on the greenhouse gas intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology.

Amendment 21
Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

- (10a) ***A dedicated Ocean Fund should be established, channelling revenues generated from the auctioning of maritime allowances within the ETS back to the maritime sector. Funds provided under the Ocean Fund should be used to support projects and investments related to the improvement of the energy efficiency of ships and ports, to innovative technologies and infrastructure for decarbonising maritime transport, to the production and deployment of sustainable alternative fuels and to the development of zero-emission propulsion technologies.***

Wednesday 19 October 2022

Amendment 22
Proposal for a regulation
Recital 11

Text proposed by the Commission

- (11) Development and deployment of renewable and low carbon fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise **maritime** transport already in the short term.

Amendment

- (11) Development and deployment of renewable and low carbon fuels **and propulsion technologies** with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise **maritime** transport already in the short term.

Wednesday 19 October 2022

Amendment 23
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11a) *In order to encourage the early market development and deployment of the most sustainable and innovative fuel technologies with growth potential to meet future needs, a dedicated incentive for renewable fuels of non-biological origin (RFNBO) is necessary. This family of fuels has high potential to introduce renewable energy into the marine bunker fuel mix. In view of significantly higher production costs for RFNBOs in the short and medium terms, it is important to ensure a degree of demand that supports investment in such family of fuels. This Regulation introduces a combination of measures to ensure the support to the uptake of sustainable RFNBOs. These include (a) a multiplier until 2035 to reward companies that decide to opt for these fuels despite their relatively high price, and (b) from 2030 a fixed minimum share of RFNBOs in the fuel energy mix. To facilitate compliance with the minimum share of RFNBOs, flexibility measures according to Articles 17 and 18 of this Regulation should apply. Companies can, by means of contractual arrangements, hold the fuel suppliers accountable for the compliance costs under this Regulation, if RFNBOs were not delivered according to agreed conditions.*

Wednesday 19 October 2022

Amendment 24
Proposal for a regulation
Recital 13

Text proposed by the Commission

- (13) However, this approach must be stricter in the maritime sector. The maritime sector has currently insignificant levels of demand for food and feed crops-based biofuels, bioliquids and biomass fuels, since over 99 % of currently used marine fuels are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation of the transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses **predominanetly** fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. Accordingly, the additional greenhouse gas emissions and loss of biodiversity caused by all types of feed and food crop-based fuels require that these fuels be considered to have the same emission factors as the least favourable pathway.

Amendment

- (13) However, this approach must be stricter in the maritime sector. The maritime sector has currently insignificant levels of demand for food and feed crops-based biofuels, bioliquids and biomass fuels, since over 99 % of currently used marine fuels are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation of the transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses **predominantly** fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. Accordingly, the additional greenhouse gas emissions and loss of biodiversity caused by all types of feed and food crop-based fuels require that these fuels be considered to have the same emission factors as the least favourable pathway.

Wednesday 19 October 2022

Amendment 25
Proposal for a regulation
Recital 14

Text proposed by the Commission

- (14) The long lead times associated **to** the development and deployment of new fuels and energy solutions for maritime transport require rapid action and the establishment of a clear and predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. A clear and stable long-term regulatory framework will facilitate the development and deployment of new fuels and energy solutions for maritime transport, and encourage investment from stakeholders. Such framework should define limits for the greenhouse gas intensity of the energy used on-board by ships until 2050. Those limits should become more ambitious over time to reflect the expected technology development and increased production of marine renewable and low carbon fuels.

Amendment

- (14) The long lead times associated **with** the development and deployment of new fuels and energy solutions for maritime transport, **as well as the long average lifespan of ships, which typically range between 25 and 30 years,** require rapid action and the establishment of a clear and predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. A clear and stable long-term regulatory framework will facilitate the development and deployment of new fuels and energy solutions for maritime transport, and encourage investment from stakeholders. Such framework should define limits for the greenhouse gas intensity of the energy used on-board by ships, **both during navigation and at berth,** until 2050. Those limits should become more ambitious over time to reflect the expected technology development and increased production of marine renewable and low carbon fuels. **To ensure legal certainty and to allow sufficient time for the sector to plan and prepare for the long-term, as well as to avoid the risk of stranded assets, any future proposals to amend this Regulation should be limited in scope and should avoid significant changes to the requirements.**

Amendment 26
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or electricity, should also be reflected in the methodology.

Amendment

- (15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or **solar power, generated on-board, or electricity provided at berth,** should also be reflected in the methodology.

Wednesday 19 October 2022

Amendment 27
Proposal for a regulation
Recital 16

Text proposed by the Commission

- (16) In order to provide a more complete picture of the environmental performance of the various energy sources, the GHG performance of fuels should be assessed on a well-to-wake basis, taking into account the impacts of energy production, transport, distribution and use on-board. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels.

Amendment

- (16) In order to provide a more complete picture of the environmental performance of the various energy sources, the GHG performance of fuels should be assessed on a well-to-wake basis, taking into account the impacts of energy production, transport, distribution and use on-board, **accounting for the footprints of the various stages of the fuel lifecycle**. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels.

Amendment 28
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) The well-to-wake performance of **renewable and low-carbon** maritime fuels should be established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions. **The performance of fossil fuels should however only be assessed through the use of default emission factors as provided for by this Regulation.**

Amendment

- (17) The well-to-wake performance of maritime fuels should be established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions.

Wednesday 19 October 2022

Amendment 29
Proposal for a regulation
Recital 21

Text proposed by the Commission

- (21) The use of on-shore power supply (OPS) abates air pollution produced by ships as well as reduces the amount of GHG emissions generated by maritime transport. OPS represents an increasingly clean power supply available to ships at berth, in view of the growing renewables **share** in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU (Alternative Fuels Infrastructure Directive — AFID), the demand for and, as a result, the deployment of this technology has remained limited. **Therefore** specific rules should be established to mandate the use of OPS by the most polluting ships.

Amendment

- (21) The use of on-shore power supply (OPS) abates air pollution produced by ships **at berth** as well as reduces the amount of GHG emissions generated by maritime transport **when at berth**. OPS represents an increasingly clean power supply available to ships at berth, in view of the growing **shares of renewables and fossil free energy sources** in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU (Alternative Fuels Infrastructure Directive — AFID), the demand for and, as a result, the deployment of this technology has remained limited. **To ensure that air pollution at berth is abated and that OPS infrastructure is economically viable and delivers a return on investment**, specific rules should be established to mandate the use of OPS by the most polluting ships **in situations where that use would effectively reduce emissions at a reasonable cost**.

Amendment 30
Proposal for a regulation
Recital 22

Text proposed by the Commission

- (22) In addition to OPS, other technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, a ship should be exempted from its use of OPS.

Amendment

- (22) In addition to OPS, other **zero emission** technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, **in terms of air pollution and GHG emissions reduction**, a ship should be exempted from its use of OPS.

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Amendment 31
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) Exceptions to the use of OPS should also be provided for a number of objective reasons, certified by the managing body of the port of call **and** limited to unscheduled port calls for reasons of safety or saving life at sea, for short stays of ships at berth of less than two hours as this is the minimum time required for connection, and for the use of on-board energy generation under emergency situations.

Amendment

- (23) Exceptions to the use of OPS should also be provided for a number of objective reasons, certified by the managing body of the port of call, **the terminal operator or the competent authority, depending on the governance model for ports in the different Member States. Those exceptions should be** limited to unscheduled port calls for reasons of safety or saving life at sea, for short stays of ships at berth of less than two hours as this is the minimum time required for connection, and for the use of on-board energy generation under emergency situations. **If it is impossible to supply sufficient on-shore power, due to insufficient capacity in the local grid connected to the port, this should not be considered to be a failure by the port or by the ship owner or operator to comply with the requirements of this Regulation, provided that the insufficient local grid capacity is duly attested by the grid manager to the verifiers.**

Wednesday 19 October 2022

Amendment 32
Proposal for a regulation
Recital 24

Text proposed by the Commission

- (24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. **As of 2035**, ship operators should plan carefully their **port** calls to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS **should** be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment.

Amendment

- (24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. **In order to ensure full interoperability, ports should equip their berths, and ship owners their vessels, with power installations that comply with applicable standards. From 2035**, ship operators should plan carefully their calls **at TEN-T ports covered by the Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)** to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS **should** be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment. **In order to mitigate the risk of stranded assets, incompatibility of OPS infrastructure on board and at berth as well as alternative fuel demand and supply imbalances, frequent consultation meetings between relevant stakeholders should be organised to discuss and take decisions on requirements and future plans.**

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Amendment 33
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24a) *The targets for provision of OPS laid down in Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation) take into account the types of vessels served and the respective traffic volumes of maritime ports. The requirement for ships to connect to OPS while at berth should not apply to vessels when calling at ports outside the scope of the OPS requirement by that Regulation, unless the port has OPS installed and available at the visited berth. If a ship calls at a non-TEN-T port at which OPS is available, that ship should connect to the OPS while at berth.*

Amendment 34
Proposal for a regulation
Recital 24 b (new)

Text proposed by the Commission

Amendment

- (24b) *Even if OPS is an important tool to reduce local emissions of air pollutants, its potential to reduce greenhouse gas emissions depends entirely on the energy mix that is fed through the cables. To realise the full climate and environmental potential of OPS, Member States should increase the capacity and connectivity of electricity grids and continue to reduce the GHG intensity of their energy mixes, so as to provide ports with affordable, plannable and fossil free electricity.*

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Amendment 35
Proposal for a regulation
Recital 24 c (new)

Text proposed by the Commission

Amendment

- (24c) *The implementation of this Regulation should take due account of the diverse governance models for ports across the Union, in particular as regards the responsibility for issuing a certificate exempting a vessel from the obligation to connect to OPS.*

Amendment 36
Proposal for a regulation
Recital 24 d (new)

Text proposed by the Commission

Amendment

- (24d) *Coordination between ports and ship operators is crucial to ensure smooth connection procedures to on-shore power in ports. Ship operators should inform the ports they call at about their intentions to connect to on-shore power and the amount of power needed during the given call, in particular when it exceeds the estimated needs for this ship category.*

Amendment 37
Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

- (25) A robust monitoring, reporting and verification system should be put in place by this Regulation in order to trace compliance with its provisions. Such system should apply in a non-discriminatory way to all ships and require third party verification in order to ensure the accuracy of the data submitted within this system. In order to facilitate achieving the objective of this Regulation, any data already reported for the purpose of Regulation (EU) 2015/757 should be used, when necessary, for verifying compliance with this Regulation in order to limit administrative burden imposed on companies, verifiers and maritime authorities.

- (25) A robust **and transparent** monitoring, reporting and verification system should be put in place by this Regulation in order to trace compliance with its provisions. Such system should apply in a non-discriminatory way to all ships and require third party verification in order to ensure the accuracy of the data submitted within this system. In order to facilitate achieving the objective of this Regulation, any data already reported for the purpose of Regulation (EU) 2015/757 should be used, when necessary, for verifying compliance with this Regulation in order to limit administrative burden imposed on companies, verifiers and maritime authorities.

Wednesday 19 October 2022

Amendment 38
Proposal for a regulation
Recital 26

Text proposed by the Commission

- (26) Companies should be responsible for monitoring and reporting the amount and type of energy used on-board by ships in navigation and at berth, as well as other relevant information, such as information on the type of engine on board **or presence of** wind assisting technologies, with a view to showing compliance with the limit on the greenhouse gas intensity of the energy used on-board by a ship set out by this Regulation. To facilitate the fulfilment of these monitoring and reporting obligations and the verification process by the verifiers, similarly to Regulation (EU) 2015/757, companies should document the envisaged monitoring method and provide further details on the application of the rules of this Regulation in a monitoring plan. The monitoring plan, as well as its subsequent modifications, if applicable, should be submitted to the verifier.

Amendment

- (26) Companies should be responsible for monitoring and reporting the amount and type of energy used on-board by ships in navigation and at berth, as well as other relevant information, such as information on the type of engine on board **and the technical specification of the** wind assisting technologies, **or any other alternative source of energy present on-board**, with a view to showing compliance with the limit on the greenhouse gas intensity of the energy used on-board by a ship set out by this Regulation. To facilitate the fulfilment of these monitoring and reporting obligations and the verification process by the verifiers, similarly to Regulation (EU) 2015/757, companies should document the envisaged monitoring method and provide further details on the application of the rules of this Regulation in a monitoring plan. The monitoring plan, as well as its subsequent modifications, if applicable, should be submitted to the verifier.

Wednesday 19 October 2022

Amendment 39
Proposal for a regulation
Recital 27

Text proposed by the Commission

- (27) Certification of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector. Such certification should be undertaken by means of a transparent and non-discriminatory procedure. With a view to facilitating certification and limiting the administrative burden, the certification of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel should rely on the rules established by Directive (EU) 2018/2001. This approach of certification should also apply to fuels bunkered outside the Union, which should be considered as imported fuels, in a similar way as Directive (EU) 2018/2001. When companies intend to depart from the default values provided for by that Directive or this new framework, this should only be done when values can be certified by one of the voluntary schemes recognised under Directive (EU) 2018/2001 (for well-to-tank values) or by means of **laboratory testing or** direct emissions measurements (tank-to-wake).

Amendment

- (27) **A robust certification and monitoring** of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector. Such certification should be undertaken by means of a transparent and non-discriminatory procedure. With a view to facilitating certification and limiting the administrative burden, the certification of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel should rely on the rules established by Directive (EU) 2018/2001. This approach of certification should also apply to fuels bunkered outside the Union, which should be considered as imported fuels, in a similar way as Directive (EU) 2018/2001. When companies intend to depart from the default values provided for by that Directive or this new framework, this should only be done when values can be certified by one of the voluntary schemes recognised under Directive (EU) 2018/2001 (for well-to-tank values) or by means of direct emissions measurements (tank-to-wake).

Amendment 40
Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

- (27a) **The reliability and accuracy of the information concerning the characteristics of fuels is essential for the enforcement of this Regulation. Fuel suppliers that have been proven to have provided misleading or inaccurate information about the greenhouse gas intensity of the fuels they supply should be subject to a penalty. Fuel suppliers who have repeatedly provided false or misleading information should be blacklisted from the certification schemes laid down in Directive (EU) 2018/2001 (Renewable Energy Directive). In such cases, any fuels bunkered from its facilities should be considered to have the same emission factor as the least favourable fossil fuel.**

Wednesday 19 October 2022

Amendment 41
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Verification by accredited verifiers should ensure the accuracy and completeness of the monitoring and reporting by companies and the compliance with this Regulation. In order to ensure impartiality, verifiers should be independent and competent legal entities and should be accredited by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council ⁽²⁴⁾ .

⁽²⁴⁾ 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 (OJ L 218, 13.8.2008, p. 30).

Amendment

(28) Verification by accredited verifiers should ensure the accuracy and completeness of the monitoring and reporting by companies and the compliance with this Regulation. In order to ensure impartiality **and effectiveness**, verifiers should be independent and competent legal entities and should be accredited **and overseen** by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council ⁽²⁴⁾.

⁽²⁴⁾ 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 (OJ L 218, 13.8.2008, p. 30).

Amendment 42
Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) ***Companies and fuel suppliers could, by means of contractual arrangements, agree on mutual commitments to produce, supply and purchase predetermined quantities of certain fuels. Such contractual arrangements should also cover liability and establish conditions for financial compensation in cases where fuels are not made available as agreed.***

Wednesday 19 October 2022

Amendment 43
Proposal for a regulation
Recital 36

Text proposed by the Commission

- (36) The penalty imposed for each non-compliant port call should be proportionate to the cost of using the electricity and at sufficient level to have a dissuasive effect from the use of more polluting energy sources. The penalty should be based on the power installed on board the vessel, expressed in megawatts, multiplied by a fixed penalty in EUR per hour of stay at berth. Due to lack of accurate figures on the cost of providing OPS in the Union, this rate should be based on the EU average electricity price for non-household consumers multiplied by a factor of two to account for other charges related to the provision of the service, including among others connection costs and investment recovery elements.

Amendment

- (36) The penalty imposed for each non-compliant port call should be proportionate to the cost of using the electricity and at sufficient level to have a dissuasive effect from the use of more polluting energy sources. The penalty should be based on the power installed on board the vessel, expressed in megawatts, multiplied by a fixed penalty in EUR per hour of stay at berth. Due to lack of accurate figures on the cost of providing OPS in the Union, this rate should be based on the **most updated** EU average electricity price for non-household consumers multiplied by a factor of two to account for other charges related to the provision of the service, including among others connection costs and investment recovery elements.

Amendment 44
Proposal for a regulation
Recital 37

Text proposed by the Commission

- (37) The revenues generated from the payment of penalties should be **used to promote the distribution and use of renewable and low-carbon fuels in the maritime sector and help maritime operators to meet their climate and environmental goals**. For this purpose these revenues should be allocated to the the **Innovation** Fund referred to in Article **10a(8)** of Directive 2003/87/EC.

Amendment

- (37) The revenues generated from the payment of penalties should be **earmarked for the maritime sector and used to promote its decarbonisation, including support for alternative fuels development, production and deployment, alternative fuels infrastructure and OPS infrastructure, as well as new innovative technologies** For this purpose these revenues should be allocated to the the **Ocean** Fund referred to in Article **3gab** of Directive 2003/87/EC.

Wednesday 19 October 2022

Amendment 45
Proposal for a regulation
Recital 39

Text proposed by the Commission

- (39) Given the importance of consequences that the measures taken by the verifiers under this Regulation may have for the companies concerned, in particular regarding the determination of non-compliant port calls, calculation of the amounts of penalties and refusal to issue a FuelEU certificate of compliance, those companies should be entitled to apply for a review of such measures to the competent authority in the Member State where the verifier was accredited. In the light of the fundamental right to an effective remedy, enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, decisions taken by the competent authorities and the managing bodies of the port under this Regulation should be subject to judicial review, carried out in accordance with the national law of the Member State concerned.

Amendment

- (39) Given the importance of consequences that the measures taken by the verifiers under this Regulation may have for the companies concerned, in particular regarding the determination of non-compliant port calls, **the compiling of information for the** calculation of the amounts of penalties and refusal to issue a FuelEU certificate of compliance, those companies should be entitled to apply for a review of such measures to the competent authority in the Member State where the verifier was accredited. In the light of the fundamental right to an effective remedy, enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, decisions taken by the competent authorities and the managing bodies of the port under this Regulation should be subject to judicial review, carried out in accordance with the national law of the Member State concerned.

Amendment 46
Proposal for a regulation
Recital 40

Text proposed by the Commission

- (40) In order to maintain a level playing field through the efficient functioning of this Regulation, 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 amendment of the list of well-to-wake emission factors, amendment of the list of the applicable zero-emission technologies or criteria for their use, to establish the rules on conducting **the laboratory testing and** direct emissions measurements, adaptation of the penalty factor, accreditation of verifiers, adaptation of the penalty factor, and modalities for the payment of penalties. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

- (40) In order to maintain a level playing field through the efficient functioning of this Regulation, 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 amendment of the list of well-to-wake emission factors, amendment of the list of the applicable zero-emission technologies or criteria for their use, to establish **the rules on certifying actual well-to-tank emissions**, the rules on conducting direct emissions measurements, adaptation of the penalty factor, accreditation of verifiers, adaptation of the penalty factor, and modalities for the payment of penalties. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Wednesday 19 October 2022

Amendment 47
Proposal for a regulation
Recital 42

Text proposed by the Commission

- (42) Given the international dimension of the maritime sector, a global approach to limiting the greenhouse gas intensity of the energy used by ships is preferable as it **could be regarded as** more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the International Maritime Organisation (IMO), the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies and relevant submissions should be made to the IMO. Where an agreement on a global **approach** is reached on matters of relevance to this Regulation, the Commission should review the present Regulation **with a view to aligning it, where appropriate**, with the international rules.

Amendment

- (42) Given the international dimension of the maritime sector, a global approach to limiting the greenhouse gas intensity of the energy used by ships is preferable as it **would be significantly** more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the International Maritime Organisation (IMO), the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies and relevant submissions should be made to the IMO, **continuing the EU's efforts to promote ambitious maritime decarbonisation targets on an international level**. Where an agreement on a global **approach** is reached on matters of relevance to this Regulation, the Commission should review the present Regulation **to align it** with the international rules.

Amendment 48
Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

- (42a) **To ensure an international level playing field and maximise the environmental impact of legislation on renewable and low-carbon fuels, the Commission and Members States should promote within the IMO and other international organisations robust certification and monitoring systems for renewable fuels.**

Amendment 49
Proposal for a regulation
Recital 42 b (new)

Text proposed by the Commission

Amendment

- (42b) **The Commission should ensure implementation and availability of tools for collaboration and exchange of best practices for the maritime transport sector, as defined in the 'Better Regulation Guidelines' ^(1a).**

^(1a) European Commission, Brussels, Commission Staff Working Document, Better Regulation Guidelines, 3.11.2021 SWD(2021)0305.

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Amendment 50
Proposal for a regulation
Recital 43

Text proposed by the Commission

- (43) The uptake of renewable and low-carbon fuels and substitute sources of energy by ships arriving at, within or departing from ports under the jurisdiction of a Member State across the Union, is not an objective that can be sufficiently achieved by the Member States without risking to introduce barriers to the internal market and distortions of competition between ports and between maritime operators. This objective can be better achieved by introducing uniform rules at Union level that create economic incentives for maritime operators to continue operating unimpededly while meeting obligations on the use of renewable and low-carbon fuels. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment

- (43) The **development and large-scale** uptake of renewable and low-carbon fuels and substitute sources of energy by ships arriving at, within or departing from ports under the jurisdiction of a Member State across the Union, is not an objective that can be sufficiently achieved by the Member States without risking to introduce barriers to the internal market and distortions of competition between ports and between maritime operators. This objective can be better achieved by introducing uniform rules at Union level that create economic incentives for maritime operators to continue operating unimpededly while meeting obligations on the use of renewable and low-carbon fuels. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment 51
Proposal for a regulation
Article 1 — paragraph 1 — point a

Text proposed by the Commission

- (a) **the** limit on the greenhouse gas ('GHG') intensity of energy used on-board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State and

Amendment

- (a) **a** limit on the greenhouse gas ('GHG') intensity of energy used on-board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State and

Amendment 52
Proposal for a regulation
Article 1 — paragraph 1 — point b

Text proposed by the Commission

- (b) **the** obligation to use on-shore power supply or zero-emission technology in ports under the jurisdiction of a Member State,

Amendment

- (b) **an** obligation to use on-shore power supply or zero-emission technology in ports under the jurisdiction of a Member State.

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Amendment 53

Proposal for a regulation

Article 1 — paragraph 1 — final part

Text proposed by the Commission

in order to increase consistent use of renewable and low-carbon fuels and substitute sources of energy across the Union, while ensuring the smooth operation of maritime traffic and avoiding distortions in the internal market.

Amendment

Its purpose in doing so is to increase consistent use of renewable and low-carbon fuels and substitute sources of energy ***in maritime transport*** across the Union, ***in line with the Union's objective of reaching climate neutrality at the latest by 2050 and the goals of the Paris Agreement***, while ensuring the smooth operation of maritime traffic, ***creating development opportunities for the maritime industry*** and avoiding distortions in the internal market.

Amendment 54

Proposal for a regulation

Article 2 — paragraph 1 — introductory part

Text proposed by the Commission

This Regulation applies to all ships above a gross tonnage of 5 000, regardless of their flag in respect **to**:

Amendment

This Regulation applies to all ships above a gross tonnage of 5 000, regardless of their flag in respect **of**:

Amendment 55

Proposal for a regulation

Article 2 — paragraph 1 — point b

Text proposed by the Commission

(b) the entirety of the energy used on voyages from a port of call under the jurisdiction of a Member State to a port of call under the jurisdiction of a Member State, **and**

Amendment

(b) the entirety of the energy used on voyages from a port of call under the jurisdiction of a Member State to a port of call under the jurisdiction of a Member State,

Amendment 56

Proposal for a regulation

Article 2 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) half of the energy used on voyages departing from or arriving at a port of call located in an outermost region under the jurisdiction of a Member State, and

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Amendment 57

Proposal for a regulation

Article 2 — paragraph 1 — point c

Text proposed by the Commission

(c) **a** half of the energy used on voyages departing from or arriving **to** a port of call under the jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third country.

Amendment

(c) half of the energy used on voyages departing from or arriving **at** a port of call under the jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third country.

Amendment 58

Proposal for a regulation

Article 2 — paragraph 2

Text proposed by the Commission

This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, **ships not propelled by mechanical means**, or government ships used for non-commercial purposes.

Amendment

This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, or government ships used for non-commercial purposes.

Amendment 59

Proposal for a regulation

Article 2 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

By 31 December 2025, the Commission shall adopt an implementing act establishing the list of neighbouring container transshipment ports excluded from the definition of ports of call for containerships set out in this Regulation.

At least every two years thereafter, the Commission shall adopt implementing acts updating that list of neighbouring container transshipment ports excluded from the definition of ports of call for containerships set out in this Regulation.

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Text proposed by the Commission

Amendment

Those implementing acts shall list neighbouring container transshipment ports located outside the Union but less than 300 nautical miles of the Union territory, where the share of transshipment of containers, measured in twenty-foot equivalent unit, exceeds 65 % of the total container traffic of that port during the most recent twelve-month period for which relevant data are available.

For the purpose of that list, containers shall be considered to be transshipped when they are unloaded from a ship to the port for the sole purpose of loading them on another ship. Ports located in a third country that effectively applies measures that are as ambitious as the requirements set out in this Regulation shall not be included.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Amendment 60

Proposal for a regulation

Article 2 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

Member States may, in respect of the energy used on voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an island with fewer than 100 000 permanent residents, and in respect of the energy used during their stay within a port call of the corresponding island, exempt specific routes and ports from the application of paragraph 1(a) and (b). Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029.

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Amendment 61**Proposal for a regulation****Article 2 — paragraph 2 c (new)**

Text proposed by the Commission

Amendment

Member States may, in respect of the energy used on voyages between a port of call located in an outermost region and another port of call located in an outermost region, and in respect of the energy used during their stay within the ports of call of the corresponding outermost regions, exempt specific routes and ports from the application of paragraph 1(a) and (ba). Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029. Nothing shall prevent Member States, their regions and territories, from deciding not to apply this exemption or from bringing any exemption that they have granted to an end before 31 December 2029.

Amendment 62**Proposal for a regulation****Article 2 — paragraph 2 d (new)**

Text proposed by the Commission

Amendment

Member States may, in respect of the energy used on voyages performed in the framework of a public service contract or on voyages undertaken by vessels subject to public service obligations in accordance to Council Regulation (EEC) No 3577/92, exempt specific routes from the application of paragraph 1. Member States shall notify such exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029.

Amendment 63**Proposal for a regulation****Article 2 — paragraph 2 e (new)**

Text proposed by the Commission

Amendment

The Commission shall continuously monitor the impact of this Regulation on cargo diversion, in particular via transshipment ports in neighbouring countries. Where the Commission identifies major negative impacts on Union ports, the Commission shall submit legislative proposals to the European Parliament and to the Council to amend this Regulation. In particular, the Commission shall analyse the impact of this Regulation on outermost regions and islands, and shall, where appropriate, propose amendments to the scope of this Regulation.

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Amendment 64

Proposal for a regulation

Article 3 — paragraph 1 — point h

Text proposed by the Commission

(h) ‘substitute sources of energy’ means renewable **wind or solar** energy generated on-board or electricity supplied from on-shore power supply;

Amendment

(h) ‘substitute sources of energy’ means renewable energy generated on-board or electricity supplied from on-shore power supply;

Amendment 65

Proposal for a regulation

Article 3 — paragraph 1 — point h a (new)

Text proposed by the Commission

Amendment

(ha) ‘wind propulsion’ or ‘wind-assisted propulsion’ means a propulsion technique that contributes primarily or in an auxiliary manner to the propulsion of any type of vessel via the energy of the wind, which is harnessed when the ship is sailing;

Amendment 66

Proposal for a regulation

Article 3 — paragraph 1 — point i

Text proposed by the Commission

(i) ‘port of call’ means **a port of call as defined in Article 3, point (b) of Regulation (EU) 2015/757;**

Amendment

(i) ‘port of call’ means **the port where a ship stops to load or unload a substantial part of its cargo or to embark or disembark passengers; and consequently, excludes stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities, and stops of container ships in a neighbouring container transshipment port;**

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Amendment 67

Proposal for a regulation

Article 3 — paragraph 1 — point m

Text proposed by the Commission

(m) 'ship at berth' means **ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757**;

Amendment

(m) 'ship at berth' means **a ship which is securely moored at the quayside in a port falling under the jurisdiction of a Member State while it is loading, unloading, embarking or disembarking passengers or hotelling, including the time spent when not engaged in cargo or passenger operations**;

Amendment 68

Proposal for a regulation

Article 3 — paragraph 1 — point n

Text proposed by the Commission

(n) 'energy use on-board' means the amount of energy, expressed in mega joules (MJ), used by a ship for propulsion and for the operation of any on-board equipment, at sea or at berth;

Amendment

(n) 'energy use on-board' means the amount of energy, expressed in mega joules (MJ), used by a ship for propulsion and for the operation of any on-board equipment, at sea or at berth, **excluding the additional energy used due to the technical characteristics of a ship in ice class IA or IA Super, or an equivalent ice class, and excluding the additional energy used by a ship in ice class IC, IB, IA or IA Super, or an equivalent ice class due to sailing in ice conditions**;

Amendment 69

Proposal for a regulation

Article 3 — paragraph 1 — point q a (new)

Text proposed by the Commission

Amendment

(qa) 'ice class' means **the notation assigned to the ship by the competent national authorities of the flag state or an organisation recognised by that state, showing that the ship has been designed for navigation in sea-ice conditions**;

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Amendment 70

Proposal for a regulation

Article 3 — paragraph 1 — point q b (new)

Text proposed by the Commission

Amendment

(qb) **'sailing in ice conditions' means the sailing by an ice class ship in a sea area within the ice edge;**

Amendment 71

Proposal for a regulation

Article 3 — paragraph 1 — point q c (new)

Text proposed by the Commission

Amendment

(qc) **'ice edge' means the demarcation at any given time between the open sea and sea ice of any kind, whether fast or drifting;**

Amendment 72

Proposal for a regulation

Article 3 — paragraph 1 — point r

Text proposed by the Commission

Amendment

(r) 'on-shore power supply' means the system to supply electricity to ships at berth, at low or high voltage, alternate or direct current, including ship side and shore side installations, **when** feeding **directly** the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;

(r) 'on-shore power supply' means the system to supply electricity to ships at berth, at low or high voltage, alternate or direct current, including ship side and shore side **fixed, floating and mobile** installations, feeding the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;

Amendment 73

Proposal for a regulation

Article 4 — paragraph 2 — indent 3

Text proposed by the Commission

Amendment

— **-13 %** from 1 January 2035;

— **-20 %** from 1 January 2035;

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Amendment 74**Proposal for a regulation****Article 4 — paragraph 2 — indent 4***Text proposed by the Commission*

— -26 % from 1 January 2040;

Amendment

— -38 % from 1 January 2040;

Amendment 75**Proposal for a regulation****Article 4 — paragraph 2 — indent 5***Text proposed by the Commission*

— -59 % from 1 January 2045;

Amendment

— -64 % from 1 January 2045;

Amendment 76**Proposal for a regulation****Article 4 — paragraph 2 — indent 6***Text proposed by the Commission*

— -75 % from 1 January 2050.

Amendment

— -80 % from 1 January 2050.

Amendment 77**Proposal for a regulation****Article 4 — paragraph 2 — subparagraph 1***Text proposed by the Commission*

[Asterix: The reference value, **which** calculation will be carried out at a later stage of the legislative procedure, corresponds to the fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and reported in the framework of Regulation (EU) 2015/757 and using the methodology and default values laid down in Annex I to that Regulation.]

Amendment

[Asterix: The reference value, **the** calculation **of which** will be carried out at a later stage of the legislative procedure, corresponds to the **Union** fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and reported in the framework of Regulation (EU) 2015/757 and using the methodology and default values laid down in Annex I to that Regulation.]

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Amendment 78

Proposal for a regulation

Article 4 — paragraph 3

Text proposed by the Commission

3. The greenhouse gas intensity of the energy used on-board by a ship shall be calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology specified in Annex I.

Amendment

3. The greenhouse gas intensity of the energy used on-board by a ship shall be calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology specified in Annex I. **For ships in ice classes, a correction factor shall be applied, resulting in the deduction of the higher fuel consumption linked to ice navigation.**

Amendment 79

Proposal for a regulation

Article 4 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The default values set out in Annex II to this Regulation shall serve as the basis for the calculation of emission factors. Where actual values exist verified by means of certification or direct emissions measurements, those actual values may be used instead.

Amendment 80

Proposal for a regulation

Article 4 — paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex II in order to include the well-to-wake emission factors related to any new sources of energy **or** to adapt the existing emission factors to ensure consistency with future international standards or the legislation of the Union in the field of energy.

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex II in order to include the well-to-wake emission factors related to any new sources of energy, to adapt the existing emission factors to ensure consistency with future international standards or the legislation of the Union in the field of energy **and to ensure that they are as representative of real emissions throughout all stages of the fuel lifecycle as possible, in accordance with the best available scientific and technical knowledge.**

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Amendment 81**Proposal for a regulation****Article 4 — paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Consultations shall be organised between managing bodies of ports, terminal operators, ship-owners, ship-operators, fuel suppliers and other relevant stakeholders, to ensure cooperation with regard to the alternative fuel supply that is planned and deployed in individual ports, as well as with regard to the demand expected from vessels calling on those ports.

Amendment 82**Proposal for a regulation****Article 4 a (new)**

Text proposed by the Commission

*Amendment***Article 4a****Use of Renewable Fuels of Non-Biological Origin**

1. Member States shall take the necessary measures, if necessary drawing on the credit exchange mechanism established in Directive XXXX [Renewable Energy Directive], to ensure that renewable fuels of non-biological origin (RFNBOs) are made available in ports within their territory.

2. From 1 January 2025 to 31 December 2034, a multiplier of '2' shall be used in the denominator of Equation (1) of Annex I for the calculation of the greenhouse gas intensity of the energy used on-board, in order to reward companies for the use of RFNBO fuels.

3. From 1 January 2030, at least 2 % of the yearly average energy used on-board a ship shall be met with RFNBOs compliant with paragraph 1(b) of Article 9.

4. Until 31 December 2034 paragraph 3 shall not apply to companies, and their subsidiaries, operating three or fewer ships falling within the scope laid down in Article 2(1).

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Text proposed by the Commission

Amendment

5. By 2028 at the latest, the Commission shall assess the obligation laid down in paragraph 3 with a view to adjust it if:

- there are serious concerns about production capacity, availability or price of RFNBOs, or;
- there is a substantial cost reduction and a geographically comprehensive availability of RFNBOs and a need to increase the level of sub-quota to meet Union climate targets.

6. The Commission is empowered to adopt delegated acts in accordance with Article 26 to set the criteria for this assessment, and to adjust the obligations in Article 4a(3) and Annex V if deemed necessary by the assessment carried out in accordance with paragraph 5.

Amendment 83

Proposal for a regulation

Article 5 — paragraph 1

Text proposed by the Commission

Amendment

1. From 1 January 2030, a ship at berth in a port of call **under the jurisdiction of a Member State** shall connect to on-shore power supply and use it for all **energy** needs while at berth.

1. From 1 January 2030, a ship at berth in a port of call **covered by Article 9 of Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)** shall connect to on-shore power supply and use it for all **its electricity** needs while at berth. **In the event that a non-TEN-T port has voluntarily installed OPS, ships calling at that port and having compatible OPS equipment on-board shall connect to OPS when available at the visited berth.**

Amendment 84

Proposal for a regulation

Article 5 — paragraph 3 — point b

Text proposed by the Commission

Amendment

(b) that use zero-emission technologies, as specified in Annex III;

(b) that use zero-emission technologies, as specified in Annex III **provided that they continuously achieve emissions that are equivalent to the emissions reductions that would be achieved by using on-shore power supply;**

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Amendment 85

Proposal for a regulation

Article 5 — paragraph 3 — point d

Text proposed by the Commission

- (d) that are unable to connect to on-shore power supply due to unavailable connection points in a port;

Amendment

- (d) that are unable to connect to on-shore power supply due to unavailable connection points in a port, **including due to a (temporary) lack of grid capacity, including during (seasonal) peak power demands by vessels at berth;**

Amendment 86

Proposal for a regulation

Article 5 — paragraph 3 — point e

Text proposed by the Commission

- (e) that are unable to connect to on-shore power supply because the shore installation at the port is not compatible with the on-board on-shore power equipment;

Amendment

- (e) that are unable to connect to on-shore power supply because the shore installation at the port is not compatible with the on-board on-shore power equipment **provided that the installation for shore-connection on-board the ship is certified in accordance with the standards specified in Annex II of Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation) for seagoing ships' shore connection systems;**

Amendment 87

Proposal for a regulation

Article 5 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

- 3a. Ship operators shall inform in advance the ports that they call at about their intentions to connect to on-shore power supply or their intention to use a zero-emission technology as defined in Annex III of this Regulation. Ship operators shall also indicate, where applicable, the amount of power they expect to require during that call and inform about the available power equipment on-board.**

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Amendment 88
Proposal for a regulation
Article 5 — paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex III in order to insert references to new technologies in the list of applicable zero-emission technologies or criteria for their use, where these new technologies are found equivalent to the technologies listed in that Annex in the light of scientific and technical progress.

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex III in order to insert references to new technologies in the list of applicable zero-emission technologies or **modify the** criteria for their use, where these new technologies **or criteria for use** are found **to be** equivalent to **or better than** the technologies listed in that Annex in the light of scientific and technical progress.

Amendment 89
Proposal for a regulation
Article 5 — paragraph 5

Text proposed by the Commission

5. The managing body of the port of call shall determine whether the exceptions set in paragraph 3 apply and issue or refuse to issue the certificate in accordance with the requirements set out in Annex IV.

Amendment

5. The managing body of the port of call, **or where applicable the operator of the terminal or the competent authority**, shall determine whether the exceptions set in paragraph 3 apply and issue or refuse to issue the certificate in accordance with the requirements set out in Annex IV.

Amendment 90
Proposal for a regulation
Article 5 — paragraph 6

Text proposed by the Commission

6. **From 1 January 2035, the exceptions listed in paragraph 3, points (d) and (e), may not be applied to a given ship, in total, more than five times during one reporting year. A port call shall not be counted for the purpose of compliance with this provision where the company demonstrates that it could not have reasonably known that the ship will be unable to connect for reasons referred to in paragraph 3, points (d) and (e).**

Amendment

deleted

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Amendment 91**Proposal for a regulation****Article 5 — paragraph 7 a (new)**

Text proposed by the Commission

Amendment

7a. Consultations shall be organised between managing bodies of ports, terminal operators, ship-owners, ship-operators, OPS providers, grid managers and other relevant stakeholders to ensure cooperation on the OPS infrastructure that is planned and deployed in individual ports, as well as on the demand expected from vessels calling on these ports.

Amendment 92**Proposal for a regulation****Article 6 — paragraph 4**

Text proposed by the Commission

Amendment

4. Companies shall obtain, record, compile, analyse and document monitoring data, including assumptions, references, emission factors and activity data, in a transparent and accurate manner, so that the verifier can determine the greenhouse gas intensity of the energy used on-board by ships.

4. Companies shall obtain, record, compile, analyse and document monitoring data, including assumptions, references, emission factors and activity data, **and any other information required to comply with this Regulation**, in a transparent and accurate manner, so that the verifier can determine the greenhouse gas intensity of the energy used on-board by ships.

Amendment 93**Proposal for a regulation****Article 7 — paragraph 3 — point e**

Text proposed by the Commission

Amendment

(e) a description of the intended source(s) of energy to be used on-board while in navigation and at berth to comply with the requirements set out in Articles 4 and 5;

(e) a description of the intended source(s) of energy to be used on-board while in navigation and at berth to comply with the requirements set out in Articles 4 and 5, **as well as in Annexes I and III, respectively;**

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Amendment 94

Proposal for a regulation

Article 7 — paragraph 3 — point k

Text proposed by the Commission

(k) a description of the method to be used to determine surrogate data for closing data gaps;

Amendment

(k) a description of the method to be used to determine surrogate data for closing data gaps **or for identifying and correcting data errors;**

Amendment 95

Proposal for a regulation

Article 7 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If the additional energy required due to the ship's ice class is to be excluded from the calculation of the energy used on-board, the monitoring plan shall also include:

(a) information on the ice class of the ship;

(b) a description of the procedure for monitoring the distance travelled for the whole voyage; and

(c) when sailing in ice conditions, the date and time when sailing in ice conditions, the fuel consumption and the energy provided by substitute sources of energy, or a zero emission technology as specified in Annex III when sailing in ice conditions.

Amendment 96

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission

1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved.

Amendment

1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved, **corrected or updated.**

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Amendment 97

Proposal for a regulation

Article 8 — paragraph 2 — introductory part

Text proposed by the Commission

2. Companies shall modify the monitoring plan in any of the following situations:

Amendment

2. Companies shall modify the monitoring plan **without undue delay** in any of the following situations:

Amendment 98

Proposal for a regulation

Article 8 — paragraph 2 — point e a (new)

Text proposed by the Commission

Amendment

(ea) **where methods to prevent data gaps and identify data errors have been found to be inadequate to ensure data solidity and transparency.**

Amendment 99

Proposal for a regulation

Article 9 — paragraph 2

Text proposed by the Commission

2. Companies shall provide accurate and reliable data on the GHG emission intensity and the sustainability characteristics of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, verified by a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001.

Amendment

2. Companies shall provide accurate, **complete** and reliable data on the GHG emission intensity and the sustainability characteristics of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, verified by a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001.

Amendment 100

Proposal for a regulation

Article 9 — paragraph 3

Text proposed by the Commission

3. Companies shall be entitled to **divert** from the established default values for the tank-to-wake emission factors provided that actual values are certified by means of **laboratory testing or** direct emissions measurements. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing the rules on conducting the **laboratory testing and** direct emissions measurements.

Amendment

3. Companies shall be entitled to **diverge** from the established default values for the tank-to-wake emission factors provided that actual values are certified by means of direct emissions measurements **in accordance with existing certification and verification schemes laid down in the Directive (EU) 2018/2001 and Directive (EU) XXXX/XXXX (Gas Directive).** The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing the rules on conducting the direct emissions measurements

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Amendment 101
Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Certification of other fuels

1. Companies shall be entitled to diverge from the established default values for the well-to-tank emission factors of all other fuels provided that actual values are established by means of certification or direct emissions measurements.
2. Companies shall be entitled to diverge from the established default values for the tank-to-wake emission factors of all other fuels provided that actual values are certified by means of direct emissions measurements.
3. The Commission is empowered to adopt delegated acts in accordance with Article 26, to supplement this Regulation by laying down rules on certifying real well-to-tank emissions and rules on conducting the direct emissions measurements.

Amendment 102
Proposal for a regulation
Article 10 — paragraph 1

Text proposed by the Commission

Amendment

1. The verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 to 9. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company concerned shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the reporting period.

1. The verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 to 9. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall **without undue delay** revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company concerned shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the reporting period.

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Amendment 103**Proposal for a regulation****Article 10 — paragraph 3***Text proposed by the Commission*

3. Where the verification assessment identifies incorrect statements or non-conformities with this Regulation, the verifier shall inform the company concerned thereof in a timely manner. That company shall then amend the incorrect statements or non-conformities so as to enable the verification process to be completed in time.

Amendment

3. Where the verification assessment identifies incorrect statements or non-conformities with this Regulation, the verifier shall inform the company concerned thereof in a timely manner. That company shall then **without undue delay** amend the incorrect statements or non-conformities so as to enable the verification process to be completed in time.

Amendment 104**Proposal for a regulation****Article 11 — paragraph 2 — point d***Text proposed by the Commission*

(d) the use of on-shore power supply or the presence of exceptions certified in accordance with Article 5(5).

Amendment

(d) the use of on-shore power supply or the presence of exceptions **listed in Article 5(3)**, certified in accordance with Article 5(5).

Amendment 105**Proposal for a regulation****Article 11 — paragraph 3 — point d***Text proposed by the Commission*

(d) the relevant records of the ship are complete and consistent.

Amendment

(d) the relevant records of the ship are complete, **transparent** and consistent.

Amendment 106**Proposal for a regulation****Article 12 — paragraph 1***Text proposed by the Commission*

1. The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported amount, type and emission factor of the energy used on-board by ships with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant **deviations** are found, the verifier shall carry out further analyses.

Amendment

1. The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported amount, type and emission factor of the energy used on-board by ships with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant **divergences** are found **that would undermine the achievement of the targets of this Regulation**, the verifier shall carry out further analyses.

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Amendment 107

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission

1. Verifiers shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.

Amendment

1. Verifiers shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008. **The national accreditation body shall regularly notify to the Commission the list of accredited verifiers, together with all relevant contact information.**

Amendment 108

Proposal for a regulation

Article 13 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. National accreditation bodies shall make sure that the verifier:

(a) is knowledgeable in shipping;

(b) is equipped at all times with significant technical and support staff commensurate with the amount of vessels he verifies;

(c) is capable of assigning to every place of work, when and as needed, means and staff commensurate with the tasks to be carried out in accordance with the various tasks listed in Chapter V of the present regulation.

Amendment 109

Proposal for a regulation

Article 13 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In order to exclude potential conflicts of interest, the verifier shall not be substantially dependent on a single company for its revenue.

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Amendment 110**Proposal for a regulation****Article 13 — paragraph 3***Text proposed by the Commission*

3. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing further methods and criteria of accreditation of verifiers. The methods specified in those delegated acts shall be based on the principles for verification provided for in Articles 10 and 11 and on relevant internationally accepted standards.

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing further methods and criteria of accreditation of verifiers **and other rules to ensure the verifiers' independence and impartiality**. The methods specified in those delegated acts shall be based on the principles for verification provided for in Articles 10 and 11 and on relevant internationally accepted standards.

Amendment 111**Proposal for a regulation****Article 14 — paragraph 1 — point c***Text proposed by the Commission*

(c) the amount of each type of fuel consumed at berth and at sea;

Amendment

(c) the amount of each type of fuel consumed at berth and at sea, **including the amount of electricity taken at berth for navigational purposes**;

Amendment 112**Proposal for a regulation****Article 14 — paragraph 1 — point d***Text proposed by the Commission*

(d) the well-to-wake emission factors for each type of fuel consumed at berth and at sea, broken down by well-to-tank, tank-to-wake and fugitive emissions, covering all relevant greenhouse gases;

Amendment

(d) the well-to-wake emission factors for each type of fuel, **including electricity taken from an onshore power supply**, consumed at berth and at sea, broken down by well-to-tank, tank-to-wake and fugitive emissions, covering all relevant greenhouse gases;

Amendment 113**Proposal for a regulation****Article 14 — paragraph 1 — point e***Text proposed by the Commission*

(e) the amount of each type of substitute source of energy consumed at berth and at sea.

Amendment

(e) the amount of each type of substitute source of energy consumed at berth and at sea, **including fuels, electricity, wind and solar energy**.

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Amendment 114

Proposal for a regulation

Article 14 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the additional energy required due to the ship's ice class is to be excluded from the energy used on-board, the monitoring plan shall also include:

- (a) the ice class of the ship;
- (b) the date and time when sailing in ice conditions;
- (c) the amount of each type of fuel consumed when sailing in ice conditions;
- (d) the amount of each type of substitute source of energy consumed when sailing in ice conditions;
- (e) the distance travelled when sailing in ice conditions;
- (f) the distance travelled during the voyage;
- (g) the amount of each type of fuel consumed at sea; and
- (h) the amount of each type of substitute source of energy consumed at sea.

Amendment 115

Proposal for a regulation

Article 14 — paragraph 2

Text proposed by the Commission

Amendment

2. Companies shall record the information and data listed in paragraph 1 **on annual basis** in a transparent manner, **that enables** the verification of compliance with this Regulation by the verifier.

2. Companies shall record the information and data listed in paragraph 1 in a **timely and** transparent manner **and compile them on annual basis to enable** the verification of compliance with this Regulation by the verifier.

Amendment 116

Proposal for a regulation

Article 15 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

- (ca) **compile that information, provided pursuant to Article 14(3), and submit it to the Member State's competent authority.**

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Amendment 117

Proposal for a regulation

Article 15 — paragraph 2 — point d

Text proposed by the Commission

(d) calculate the amount of the penalties referred to in Article 20(1) and (2).

Amendment

deleted

Amendment 118

Proposal for a regulation

Article 15 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. On the basis of the information provided by the verifier, the Member State's competent authority shall calculate the amount of the penalties referred to in Article 20(1) and (2) and shall notify it to the company.

Amendment 119

Proposal for a regulation

Article 15 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The administering authority in respect of a shipping company shall be:

- (a) in the case of a shipping company registered in a Member State, the Member State in which the shipping company is registered;
- (b) in the case of a shipping company that is not registered in a Member State, the Member State with the greatest estimated number of port calls from voyages performed by that shipping company in the last two monitoring years falling within the scope set out in Article 2;
- (c) in the case of a shipping company that is not registered in a Member State and that has not carried out any voyage falling within the scope set out in Article 2 in the preceding two monitoring years, the administering authority shall be the Member State from where the shipping company has started its first voyage falling within the scope set out in Article 2.

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Amendment 120

Proposal for a regulation

Article 16 — paragraph 1

Text proposed by the Commission

1. The Commission shall develop, ensure functioning and update an electronic compliance database for the monitoring of compliance with Articles 4 and 5. The compliance database shall be used to keep a record of the compliance balance of the ships and the use of the flexibility mechanisms set out in Articles 17 and 18. It shall be accessible to the companies, the verifiers, the competent authorities and the Commission.

Amendment

1. The Commission shall develop, ensure **the** functioning **of**, and update an electronic compliance database **integrated with the THETIS-MRV system established under Regulation (EU) 2015/757**, for the monitoring of compliance with Articles 4 and 5. The compliance database shall be used to keep a record of the compliance balance of the ships, **the use of the exemptions set out in Article 5(3)** and the use of the flexibility mechanisms set out in Articles 17 and 18 **and penalties incurred under Article 20**. It shall be accessible to the companies, the verifiers, the competent authorities and the Commission.

Amendment 121

Proposal for a regulation

Article 16 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Companies shall be allowed to bank compliance surplus from ships not subject to this regulation that are fully propelled with renewable energy such as wind or solar as long as these ships are not used for leisure purposes only.

Amendment 122

Proposal for a regulation

Article 16 — paragraph 3

Text proposed by the Commission

3. By 30 April of each year, the company shall record in the compliance database for each of its ships the information referred to in Article 15(2), as ascertained by the verifier, together with information allowing to identify the ship, the company, as well as the identity of the verifier that carried out the assessment.

Amendment

3. By 30 April of each year, the company shall record in the compliance database for each of its ships the information referred to in Article 15(2), as ascertained **and calculated** by the verifier, **the use of the flexibility mechanisms set out in Articles 17 and 18, the yearly exceptions applied under Article 5(3), if any**, together with information allowing to identify the ship, the company, as well as the identity of the verifier that carried out the assessment.

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Amendment 123

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission

1. Where the ship has **a compliance surplus** for the reporting period, the company may bank it to the same ship's compliance balance for the following reporting period. The company shall record the banking of the compliance surplus to the following reporting period in the compliance database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU certificate of compliance has been issued.

Amendment

1. **Based on the information referred to in Article 15(2), where the ship has for the reporting period a compliance surplus on its greenhouse gas intensity or RFNBO quota as referred to in Articles 4(2) and 4a(3) respectively,** the company may bank it to the same ship's compliance balance for the following reporting period. The company shall record the banking of the compliance surplus to the following reporting period in the compliance database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU certificate of compliance has been issued. **The unused compliance surplus for the following reporting period shall have a validity of three years.**

Amendment 124

Proposal for a regulation

Article 18 — paragraph 1

Text proposed by the Commission

1. The compliance balances of two or more ships, which are verified by the same verifier, may be pooled for the purposes of fulfilling the requirements of Article 4. A ship's compliance balance may not be included in more than one pool in the same reporting period.

Amendment

1. The compliance balances **for greenhouse gas intensity and RFNBO quota as referred to in Articles 4(2) and 4a(3) respectively,** of two or more ships, which are verified by the same verifier, may be pooled for the purposes of fulfilling the requirements of Article 4 **and 4a**. A ship's compliance balance may not be included in more than one pool in the same reporting period.

Amendment 125

Proposal for a regulation

Article 20 — paragraph 1

Text proposed by the Commission

1. Where on 1 May of the year following the reporting period the ship has a compliance deficit, the company shall pay a penalty. The verifier **shall** calculate the amount of the penalty on the basis of the **formula** specified Annex V.

Amendment

1. Where on 1 May of the year following the reporting period the ship has a compliance deficit, the company shall pay **a remedial** penalty. The **Member State's competent authority shall, based on the information provided by the** verifier, calculate the amount of the penalty on the basis of the **formulas** specified in Annex V, **for the greenhouse gas intensity limits and, where applicable, the RFNBO quota, as referred to in Articles 4(2) and 4a(3) respectively.**

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Amendment 126

Proposal for a regulation

Article 20 — paragraph 2

Text proposed by the Commission

2. The company shall pay a penalty for each non-compliant port call. The verifier **shall** calculate the amount of the penalty by multiplying the amount of EUR 250 by megawatts of power installed on-board and by the number of completed hours spent at berth.

Amendment

2. The company shall pay a penalty for each non-compliant port call. The **Member State's competent authority shall, based on the information provided by the** verifier, calculate the amount of the penalty by multiplying the amount of EUR 250 **at 2022 prices** by megawatts of power installed on-board and by the number of completed hours spent at berth. **For the purpose of this calculation, the amount of time needed to connect to OPS shall be deemed to be two hours, and that amount of time shall be subtracted by default from the calculation of the number of completed hours spent at berth to account for the time needed to connect to OPS.**

Amendment 127

Proposal for a regulation

Article 20 — paragraph 3 a (new)

Text proposed by the Commission

3a. The administering State in respect of a company shall ensure that, for any of its ships having compliance deficits on 1 June of the reporting year, after a possible validation by their competent authority, the company shall pay by 30 June of the reporting year an amount equal to the penalty resulting from the application of the formulas specified in Annex V Part B.

Amendment

Amendment 128

Proposal for a regulation

Article 20 — paragraph 3 b (new)

Text proposed by the Commission

3b. Where the company concludes a contract with a commercial operator specifying that this operator is responsible for the purchase of the fuel and the operation of the ship, the company and that commercial operator shall, by means of a contractual arrangement, determine that the latter shall be liable for the payment of the costs arising from the penalties referred to in this Article. For the purposes of this paragraph, being responsible for the operation of the ship shall mean determining the cargo carried, the itinerary, the routing and/or the speed of the ship.

Amendment

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Amendment 129

Proposal for a regulation

Article 20 — paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Where the company or commercial operator concludes a contract with a fuel supplier, making the latter responsible for the supply of specific fuels, that contract shall include provisions laying down the fuel supplier's liability to compensate the company or commercial operator for the payment of penalties referred to in this Article, if fuels were not delivered according to the agreed terms. For the purpose of this paragraph, fuels supplied under mentioned contracts must be compliant with provisions in Article 9(1)(b).

Amendment 130

Proposal for a regulation

Article 20 — paragraph 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex V in order to adapt the formula referred to in paragraph 1 of this Article, and to amend the amount of the fixed penalty laid down in paragraph 2 of this Article, **taking into account the** developments in the cost of energy.

4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex V in order to adapt the formula referred to in paragraph 1 of this Article, and to amend the amount of the fixed penalty laid down in paragraph 2 of this Article, **as soon as** developments in the cost of energy **undermine the dissuasive effect of the existing penalties. Regarding the formula referred to in paragraph 1 of this Article, the resulting penalty must be larger than the amount and cost of the renewable and low-carbon fuel that the ships would have used if they had met the requirements of this Regulation.**

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Amendment 131

Proposal for a regulation

Article 21 — paragraph 1

Text proposed by the Commission

1. The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction of appropriate bunkering facilities or electric connection ports in ports, and support the development, testing and deployment of the most innovative European technologies in the fleet to achieve significant emission reductions.

Amendment

1. The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction of appropriate bunkering facilities or electric connection ports in ports, **or adapt the superstructure, if required,** and support the development, testing and deployment of the most innovative European technologies in the fleet to achieve significant emission reductions.

Amendment 132

Proposal for a regulation

Article 21 — paragraph 2

Text proposed by the Commission

2. The revenues generated from penalties referred to in paragraph 1 shall be allocated to the **Innovation** Fund referred to in Article **10a(8)** of Directive 2003/87/EC. These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the **Innovation** Fund.

Amendment

2. The revenues generated from penalties referred to in paragraph 1 shall be allocated to the **Ocean** Fund referred to in Article **3gab** of Directive 2003/87/EC. **These revenues shall be earmarked for the maritime sector and contribute to its decarbonisation.** These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the **Ocean** Fund.

Amendment 133

Proposal for a regulation

Article 24 — paragraph 1

Text proposed by the Commission

1. The companies shall be entitled to apply for a review of the calculations and measures addressed to them by the verifier under this Regulation, including the refusal to issue a FuelEU certificate of compliance pursuant to Article 19(1).

Amendment

1. The companies shall be entitled to apply for a review of the calculations and measures addressed to them by **the Member State's competent authority or** the verifier under this Regulation, including the refusal to issue a FuelEU certificate of compliance pursuant to Article 19(1).

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Amendment 134**Proposal for a regulation****Article 26 — paragraph 2***Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Articles **4(6)**, 5(4), 9(3), 13(3), 20(4), and 21(3) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles **4(4)**, **4a(6)**, 5(4), 9(3), **9a(3)**, 13(3), 20(4), and 21(3) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

Amendment 135**Proposal for a regulation****Article 26 — paragraph 3***Text proposed by the Commission*

3. The delegation of power referred to in Articles **4(7)**, 5(4), 9(3), 13(3), 20(4), and 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles **4(4)**, **4a(6)**, 5(4), 9(3), **9a(3)**, 13(3), 20(4), and 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 136**Proposal for a regulation****Article 26 — paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to Articles **4(7)**, 5(4), 9(3), 13(3), 20(4), and 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles **4(4)**, **4a(6)**, 5(4), 9(3), **9a(3)**, 13(3), 20(4), and 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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Amendment 137

Proposal for a regulation

Article 28 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. By 1 January 2024, the Commission shall produce a report on the social impact of this Regulation. That report shall include a projection of the impact of this Regulation on employment and training needs up to 2030 and up to 2050.

Amendment 138

Proposal for a regulation

Article 28 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. The Commission shall report to the European Parliament and the Council, **by 1 January 2030**, the results of an evaluation on the functioning of this Regulation and the evolution of the technologies and market for renewable and low-carbon fuels in maritime transport and its impact on the maritime sector in the Union. The Commission shall consider possible amendments to:

1. **By 1 January 2027, and every five years thereafter**, the Commission shall report to the European Parliament and the Council, the results of an evaluation on the functioning of this Regulation and the evolution of the technologies and market for renewable and low-carbon fuels in maritime transport and its impact on the maritime sector in the Union. **That report shall pay particular attention to the contribution of this Regulation to achieving the Union's overall and sector-specific climate targets, as defined under the European Climate Law, to the Union's Renewable energy and Energy efficiency targets. The report shall also evaluate the impact of this Regulation on the functioning of the single market, the maritime sector's competitiveness, transport freight rates and the magnitude of carbon and business leakage. The Commission shall at the same time also evaluate the impact of this Regulation on global GHG emissions reduction in the transport sector as well as on the development of global and regional trade flows.** The Commission shall consider possible amendments to:

Amendment 139

Proposal for a regulation

Article 28 — paragraph 1 — point a (new)

Text proposed by the Commission

Amendment

(aa) the scope of this Regulation in terms of:

- **decreasing the gross tonnage threshold referred to in Article 2(1), to 400 GT;**
- **expanding the share of energy used by ships in voyage to and from third countries referred to in Article 2 point (c);**

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Amendment 140**Proposal for a regulation****Article 28 — paragraph 1 — point a b (new)**

Text proposed by the Commission

Amendment

(ab) *the default values provided in Annex II, based on the most accurate available scientific knowledge and evidence;*

Amendment 141**Proposal for a regulation****Article 28 — paragraph 1 — point a c (new)**

Text proposed by the Commission

Amendment

(ac) *the list of pollutants covered by this Regulation, in particular the possibility to include black carbon (BC) emissions;*

Amendment 142**Proposal for a regulation****Article 28 — paragraph 1 — point b**

Text proposed by the Commission

Amendment

(b) the ship types to which Article 5(1) applies;

(b) *an extension of* the ship types to which Article 5(1) applies;

Amendment 143**Proposal for a regulation****Article 28 — paragraph 1 — point c a (new)**

Text proposed by the Commission

Amendment

(ca) *the methodology specified in Annex I.*

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Amendment 144**Proposal for a regulation****Article 28 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. To ensure a goal-based and technology-neutral approach, this Regulation should be reviewed, and when needed, amended, as new greenhouse gas abatement technologies, such as on-board carbon capture, new renewable and low-carbon fuels and new propulsion methods, such as wind propulsion, become technically and economically mature. The Commission shall continuously evaluate the maturity of different greenhouse gas abatement technologies and present a first review in this regard to the European Parliament and the Council by 1 January 2027.

Amendment 145**Proposal for a regulation****Article 28 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. The Commission shall continuously monitor the quantity of alternative fuels made available to shipping companies in the Union and shall report their findings to the European Parliament and the Council, by 1 January 2027, and every five years thereafter until 2050. If the supply of those fuels fails to meet the demand from shipping companies, required to fulfil the obligations set out in this Regulation, the Commission should propose measures to ensure that maritime fuel suppliers in the Union make available adequate volumes of alternative fuels to shipping companies calling at Union ports.

Amendment 146**Proposal for a regulation****Article 28 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. The Commission shall propose amendments to this Regulation in the event that the International Maritime Organization adopts global greenhouse gas intensity limits on an equivalent level to this Regulation, in order to ensure a full alignment with the international agreement.

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Amendment 147**Proposal for a regulation****Article 28 — paragraph 1 d (new)**

Text proposed by the Commission

Amendment

1d. By 1 January 2027, and every fifth year until 2050, the Commission shall report to the European Parliament and the Council the results of a comprehensive evaluation of the aggregated macroeconomic impact of the Fit for 55 legislative package ^(1a). That report shall pay particular attention to the effects on the Union's competitiveness, job creation, transport freight rates, household purchasing power and the magnitude of carbon leakage.

^(1a) Communication from the Commission (COM(2021)0550), 14 July 2021

Amendment 148**Proposal for a regulation****Article 28 — paragraph 1 e (new)**

Text proposed by the Commission

Amendment

1e. The Commission shall consider possible amendments to this Regulation with the aim of achieving regulatory simplification. The Commission and the competent authorities shall continuously adapt to best-practice administrative procedures and take all measures to simplify the enforcement of this Regulation, thereby keeping the administrative burden on ship owners, operators, ports and verifiers to a minimum.

Amendment 149**Proposal for a regulation****Article 28 a (new)**

Text proposed by the Commission

*Amendment***Article 28a****Compensatory regulatory reduction**

In line with its communication on the 'one in, one out' principle, the Commission shall, by 1 January 2024, present proposals offsetting the regulatory burden introduced by this Regulation, through the amendment or repeal of provisions in other Union legislative acts that generate regulatory burdens in the maritime sector.

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Amendment 150

Proposal for a regulation

Annex I — equation 1

Text proposed by the Commission

GHG intensity index	WtT	TtW
GHG intensity index $\left[\frac{gCO_{2eq}}{MJ}\right]$ =	$\frac{\sum_i^{n\,fuel} M_{i,j} \times CO_{2eq, TtW, i} \times LCV_i + \sum_k^c E_k \times CO_{2eq, electricity, k}}{\sum_i^{n\,fuel} M_i \times LCV_i + \sum_k^c E_k}$	$+ \frac{\sum_i^{n\,fuel} \sum_l^{n\,engine} M_{i,j} \times \left[\left(1 - \frac{1}{100} C_{engine\,slip\,j}\right) \times (CO_{2eq, TtW, j}) + \left(\frac{1}{100} C_{engine\,slip\,j} \times CO_{2eq\,TtW, slippage, j}\right)\right]}{\sum_i^{n\,fuel} M_i \times LCV_i + \sum_k^l E_k}$

Amendment

GHG intensity index	WtT	TtW
GHG intensity index $\left[\frac{gCO_{2eq}}{MJ}\right]$ =	$\frac{\sum_i^{n\,fuel} M_{i,j} \times CO_{2eq, TtW, i} \times LCV_i + \sum_k^c E_k \times CO_{2eq, electricity, k}}{\sum_i^{n\,fuel} M_i \times LCV_i \, [MULT_i] + \sum_k^c E_k}$	$+ \frac{\sum_i^{n\,fuel} \sum_l^{n\,engine} M_{i,j} \times \left[\left(1 - \frac{1}{100} C_{engine\,slip\,j}\right) \times (CO_{2eq, TtW, j}) + \left(\frac{1}{100} C_{engine\,slip\,j} \times CO_{2eq\,TtW, slippage, j}\right)\right]}{\sum_i^{n\,fuel} M_i \times LCV_i \, [MULT_i] + \sum_k^l E_k}$

Amendment 151

Proposal for a regulation

Annex I — table 1 — row 6 a (new)

Text proposed by the Commission

Amendment

<i>n fuel</i>	<i>Number of fuels delivered to the ship in the reference period</i>
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Amendment 152

Proposal for a regulation

Annex I — table 1 — row 12 a (new)

Text proposed by the Commission

Amendment

<i>MULTi</i>	<i>Multiplier applied to RFNBO fuel</i>
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Amendment 153

Proposal for a regulation

Annex I — table 1 — row 19 a (new)

Text proposed by the Commission

Amendment	
Mi, j A	<p>Adjusted mass of the specific fuel i oxidized in consumer j [gFuel] due to sailing in ice conditions in the case of a ship in ice class IC, IB, IA or IA Super or in an equivalent ice class ^(1a) and due to technical properties of a ship in ice class IA or IA Super or in an equivalent ice class. The adjusted mass Mi, j A is used in Equation (1) instead of the mass Mi, j when appropriate.</p> <p>^(1a) For further information on correspondence between ice classes, see HELCOM Recommendation 25/7 at http://www.helcom.fi.</p>

Amendment 154

Proposal for a regulation

Annex I — paragraph 4 — introductory part

Text proposed by the Commission	Amendment
In the case of fossil fuels, the default values in Annex II shall be used.	In the case of fossil fuels, the default values in Annex II shall be used unless actual values can be provided by means of certification or direct emissions measurements.

Amendment 155

Proposal for a regulation

Annex I — paragraph 4 — subparagraph 1 — introductory part

Text proposed by the Commission	Amendment
For the purpose of this regulation the term $\Sigma Ek \times CO_{2eq \text{ electricity}}$ in the numerator of Equation (1) shall be set to zero.	For the purpose of this regulation the term $\Sigma Ek \times CO_{2eq \text{ electricity}}$ in the numerator of Equation (1) shall be set to zero. The term MULT in the denominator of Equation (1) shall be set to the value of the RFNBO multiplier as referred to in Article 4a (2) in accordance with Article 9 (1 b). For all other fuels, the multiplier shall be set to one.

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Amendment 156

Proposal for a regulation

Annex I — paragraph 5

Text proposed by the Commission

The $[M_i]$ mass of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company.

Amendment

The mass $[M_i]$ of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company. **The adjusted mass of fuel $[M_{iA}]$ may be used instead of the mass of fuel $[M_i]$ for a ship having the ice class IC, IB, IA or IA Super or an equivalent ice class. The adjusted mass $[M_{iA}]$ is defined in Annex Va.**

Amendment 157

Proposal for a regulation

Annex I — paragraph 12

Text proposed by the Commission

In accordance with its compliance plan referred to in Article 6 and upon assessment by the verifier, other methods, such as direct $\text{CO}_{2\text{eq}}$ measurement, **laboratory testing**, may be used if it enhances the overall accuracy of the calculation.

Amendment

In accordance with its compliance plan referred to in Article 6 and upon assessment by the verifier, other methods, such as direct $\text{CO}_{2\text{eq}}$ measurement may be used if it enhances the overall accuracy of the calculation.

Amendment 158

Proposal for a regulation

Annex I — table

Text proposed by the Commission

Fuels Class	WtT	TtW
Fossil	Default values shall be used as provided in Table 1 of this Regulation	MRV Regulation CO ₂ carbon factors shall be used for fuels for which such factor is provided For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing direct emissions measurements

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Fuels Class	WtT	TtW
Sustainable Renewable Fuels (Bio Liquids, Bio Gases, e-Fuels)	CO ₂ eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing or direct emissions measurements.
Others (including electricity)	CO ₂ eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing or direct emissions measurements.

Amendment

Fuels Class	WtT	TtW
Fossil	Default values shall be used as provided in Table 1 of this Regulation unless actual values can be provided by means of certification or direct emissions measurements	MRV Regulation CO ₂ carbon factors shall be used for fuels for which such factor is provided For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of direct emissions measurements
Sustainable Renewable Fuels (Bio Liquids, Bio Gases, e-Fuels)	CO ₂ eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme or direct emissions measurements can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of direct emissions measurements.

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Fuels Class	WtT	TtW
Others (including electricity)	CO ₂ eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme or direct emissions measurements can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of direct emissions measurements.

Amendment 159**Proposal for a regulation****Annex II — paragraph 2***Text proposed by the Commission*

The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.

Amendment

The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.

The emission factors for any kind of fuel can alternatively be determined based on actual certified values or values established by means of direct emissions measurements.

Amendment 160**Proposal for a regulation****Annex II — table***Text proposed by the Commission*

Bio-LNG Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	0,00005	0,00018	3,1
			LNG Otto (dual fuel slow speed)				1,7
			LNG Diesel (dual fuels)				0,2
			LBSI				N/A

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Amendment

Bio-LNG Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	0	0,00011	3,1
			LNG Otto (dual fuel slow speed)				1,7
			LNG Diesel (dual fuels)				0,2
			LBSI				N/A

Amendment 161

Proposal for a regulation

Annex II — paragraph 8

Text proposed by the Commission

Column 4 contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels **only** the default values in the table shall be used. For all other fuels, (except were expressly indicated), values shall be calculated by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel ⁽³³⁾.

⁽³³⁾ Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'

Amendment

Column 4 contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels the default values in the table shall be used **unless actual values can be provided by means of certification or direct emissions measurements**. For all other fuels, (except were expressly indicated), values shall be calculated by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel ⁽³³⁾.

⁽³³⁾ Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'

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Amendment 162
Proposal for a regulation
Annex III — table — row 4 a (new)

Text proposed by the Commission

Amendment

Any other zero-emission power source	Any technology that achieves emissions reductions equivalent to or more significant than would be achieved by using on-shore power supply.
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Amendment 163
Proposal for a regulation
Annex V

Text proposed by the Commission

ANNEX V

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND PENALTY LAID DOWN IN ARTICLE 20(1)

Formula for calculating the ship’s compliance balance

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance $[gCO_{2eq}/MJ]$ =	$(GHGIE_{target} - GHGIE_{actual}) \times \left[\sum_i^n fuel_i \times LCV_i + \sum_i^l E_i \right]$
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Where:

gCO_{2eq}	Grams of CO ₂ equivalent
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

Formula for calculating the penalty laid down in Article 20(1)

The amount of the penalty laid down in Article 20(1) shall be calculated as follows:

Penalty =	$(\text{Compliance balance} / GHGIE_{actual}) \times \text{conversion factor from MJ to tonnes of VLSFO}$ $(41,0 \text{ MJ} / \text{kg}) \times \text{EUR } 2\,400$
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Amendment

ANNEX V

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND **REMEDIAL** PENALTY LAID DOWN IN ARTICLE 20(1)

A. Formula for calculating the ship's compliance balance

a) Compliance Balance with respect to greenhouse gas intensity of the ship, in respect to Article 4.2

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance $[gCO_{2eq}/MJ] =$	$(GHGIE_{target} - GHGIE_{actual}) \times \left[\sum_i^{n_{fuel}} M_i \times LCV_i + \sum_i^1 E_i \right]$
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Where:

gCO_{2eq}	Grams of CO ₂ equivalent
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

b) Compliance Balance with respect to RFNBO quota, in respect to Article 4a (3)

$CB_{RFNBO} [\% RFNBO] =$	$(\% RFNBO_{quota} - \% RFNBO_{actual})$
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Where:

CB_{RFNBO}	<i>Compliance Balance with respect to RFNBO_{quota}, in respect to Article 4a(3)</i>
$\% RFNBO_{quota}$	<i>RFNBO_{quota} of the yearly average energy used on-board a ship according to Article 4a(3) of this Regulation</i>
$\% RFNBO_{actual}$	<i>Percentage of the yearly average energy used on-board reported by a ship that is actually met with RFNBOs compliant with Article 9(1)(b)</i>

B. Formula for calculating the penalty laid down in Article 20(1)

a) Remedial Penalty with respect to compliance balance for greenhouse gas intensity of the ship, in respect to Article 4.2

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ANNEX V

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND **REMEDIAL** PENALTY LAID DOWN IN ARTICLE 20(1)

The amount of the penalty laid down in Article 20(1) shall be calculated as follows:

Penalty =	$\left(\frac{\text{Compliance balance}}{\text{GHGIE}_{\text{actual}}} \right) \times \text{conversion factor from MJ to tonnes of VLSFO} \\ (41,0 \text{ MJ} / \text{kg}) \times \text{EUR } 2\,400$
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b) Remedial Penalty with respect to RFNBO quota, with respect to Article 4a(3)

The amount of the remedial penalty laid down in Article 20(1a) shall be calculated as follows:

Remedial Penalty (RFNBO) =	$\text{abs}(\text{CB_RFNBO}) \times \text{Pd} \times 3$
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Where:

Remedial Penalty	in EUR
$\text{abs}(\text{CB_RFNBO})$	Is the absolute value of the compliance balance for RFNBO
Pd	Price difference between RFNBOs and fossil fuel compatible with ship installation

Amendment 164

Proposal for a regulation

Annex V a (new)

Text proposed by the Commission

Amendment

ANNEX Va

CALCULATION OF ADJUSTED MASS OF FUEL AND OF ADDITIONAL ENERGY

First, this Annex describes how to calculate the adjusted mass of fuel using the additional energy due to technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class ^(1a) and the additional energy used by a ship in ice class IC, IB, IA or IA Super or in an equivalent ice class due to sailing in ice conditions. Second, it describes how to calculate the additional energies.

Adjusted mass [Mj A]

The [Mi A] adjusted mass of fuel shall be calculated on the basis of the additional energy used for sailing in ice conditions and the additional energy used due to technical properties of a ship in ice class IA or IA Super or in an equivalent ice class. The company may choose to which fuel i the additional energy is allocated. The selected fuel i must be one of the fuels that the ship has consumed during the reporting period. The amount of the energy corresponding to the consumed mass of the fuel i may be lower than the amount of the additional energy.

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The $[M_i A]$ adjusted mass of fuel i shall be calculated as follows

$$M_{iA} = M_{i \text{ total}} - M_{i \text{ additional due to ice class}} - M_{i \text{ additional due to ice conditions}}, \quad (\text{Ax.1})$$

where $M_i \text{ total}$ denotes the total mass of fuel i , $M_i \text{ additional due to ice class}$ the mass of fuel due to additional energy consumption of a ship in ice class IA or IA Super or in an equivalent ice class and $M_i \text{ additional due to ice conditions}$ the mass of fuel due to additional energy consumption due to sailing in ice conditions.

The mass of fuel i representing the additional energy consumption due to technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class is calculated with

$$M_{i \text{ additional due to ice class}} = \frac{E_{\text{additional due to ice class}}}{LCV_i}, \quad (\text{Ax.2})$$

where $E_{\text{additional due to ice class}}$ is the additional energy consumption due to the technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class and LCV_i is the lower caloric value of the fuel i .

Similarly, the mass of fuel due to additional energy consumption due to sailing in ice conditions is calculated using

$$M_{i \text{ additional due to ice conditions}} = \frac{E_{\text{additional due to ice conditions}}}{LCV_i}, \quad (\text{Ax.3})$$

where $E_{\text{additional due to ice conditions}}$ is the additional energy consumption due to sailing in ice conditions.

Additional energy due to ice class and due to sailing in ice conditions

The additional energy consumption due to the technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class shall be calculated as follows

$$E_{\text{additional due to ice class}} = 0,05 \times (E_{\text{voyages, total}} - E_{\text{additional due to ice conditions}}), \quad (\text{Ax.4})$$

where $E_{\text{voyages, total}}$ denotes the total energy consumed for all voyages and $E_{\text{additional due to ice conditions}}$ additional energy consumption due to sailing in ice conditions.

The total energy consumed for all voyages shall be calculated using

$$E_{\text{voyages, total}} = \sum_{i=1}^n M_{i, \text{voyages, total}} \times LCV_i + E_{\text{elect., voyages, total}}, \quad (\text{Ax.5})$$

where $M_{i, \text{voyages, total}}$ denotes the mass of fuel i consumed for all voyages within the scope of this Regulation, LCV_i the lower caloric value of fuel i and $E_{\text{elect., voyages, total}}$ the amount of the electricity delivered to the ship consumed for all voyages.

The mass of fuel i $M_{i, \text{voyages, total}}$ consumed for all voyages within the scope of this Regulation is calculated with

$$M_{i, \text{voyages, total}} = M_{i, \text{voyages between MS}} + 0,5 \times (M_{i, \text{voyages from MS}} + M_{i, \text{voyages to MS}}), \quad (\text{Ax.6})$$

where $M_{i, \text{voyages between MS}}$ denotes the aggregated mass of fuel consumed during all voyages between ports under a Member State's jurisdiction, $M_{i, \text{voyages from MS}}$ the aggregated mass of fuel consumed during all voyages which departed from ports under a Member State's jurisdiction and $M_{i, \text{voyages to MS}}$ the aggregated mass of fuel consumed during voyages to ports under a Member State's jurisdiction. The consumed amount of the electricity delivered to the ship $E_{\text{elect., voyages total}}$ can be calculated in the same way.

The additional energy consumption due to sailing in ice conditions e calculated as follows

$$E_{\text{additional due to ice conditions}} = E_{\text{voyages, total}} - E_{\text{voyages, open water}} - E_{\text{voyages, ice conditions, adjusted}}, \quad (\text{Ax.7})$$

where $E_{\text{voyages, open water}}$ denotes the energy consumed on voyages in open water and $E_{\text{voyages, ice conditions, adjusted}}$ the adjusted energy consumed in ice conditions.

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The energy consumed for voyages that include sailing in open water only e calculated as follows

$$E_{\text{voyages, open water}} = E_{\text{voyages, total}} - E_{\text{voyages, ice conditions}}, \quad (\text{Ax.8})$$

where $E_{\text{voyages, ice conditions}}$ denotes energy consumed for sailing in ice conditions, which is calculated as follows

$$E_{\text{voyages, ice conditions}} = \sum_{i=1}^{n \text{ fuel}} M_{i, \text{voyages, ice conditions}} \times LCV_i + E_{\text{elect., ice conditions}}, \quad (\text{Ax.9})$$

where $M_{i, \text{voyages, ice conditions}}$ denotes the mass of fuel i consumed for sailing in ice conditions and $E_{\text{elect., voyages, total}}$ denotes the amount of the electricity delivered to the ship consumed when sailing in ice conditions.

The mass of fuel i consumed for sailing in ice conditions is defined as follows

$$M_{i, \text{voyages, ice cond.}} = M_{i, \text{voyages between MS, ice cond.}} + 0,5 \times (M_{i, \text{voyages from MS, ice cond.}} + M_{i, \text{voyages to MS, ice cond.}}), \quad (\text{Ax.10})$$

where $M_{i, \text{voyages between MS, ice cond.}}$ denotes the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions between ports under a Member State's jurisdiction, $M_{i, \text{voyages from MS}}$ the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions during all voyages which departed from ports under a Member State's jurisdiction and $M_{i, \text{voyages to MS}}$ the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions during voyages to ports under a Member State's jurisdiction. The consumed amount of the electricity delivered to the ship $E_{\text{ice conditions}}$ can be calculated in the same way.

The adjusted energy consumed in ice conditions shall be calculated using

1)

$$E_{\text{voyages, ice conditions, adjusted}} = D_{\text{ice conditions}} \times \left(\frac{E}{D} \right)_{\text{open water}}, \quad (\text{Ax.11})$$

with the distance $\left(\frac{E}{D} \right)_{\text{open water}}$ when sailing in ice conditions $D_{\text{ice conditions}}$ and energy consumption per distance travelled in open water.

The distance travelled when sailing in ice conditions $D_{\text{ice conditions}}$ shall be calculated as follows

$$D_{\text{ice cond.}} = D_{\text{voyages between MS, ice cond.}} + 0,5 \times (D_{\text{voyages from MS, ice cond.}} + D_{\text{voyages to MS, ice cond.}}), \quad (\text{Ax.12})$$

where $D_{\text{voyages between MS, ice cond.}}$ denotes the aggregated distance travelled when sailing in ice conditions between ports under a Member State's jurisdiction, $D_{\text{voyages from MS}}$ the aggregated distance when sailing in ice conditions during all voyages which departed from ports under a Member State's jurisdiction and $D_{\text{voyages to MS}}$ the aggregated distance when sailing in ice conditions during voyages to ports under a Member State's jurisdiction.

The latter is defined as follows:

$$\left(\frac{E}{D} \right)_{\text{open water}} = \frac{E_{\text{voyages, total}} - E_{\text{voyages, ice conditions}}}{D_{\text{total}} - D_{\text{ice conditions}}}, \quad (\text{Ax.13})$$

where $E_{\text{voyages, ice conditions}}$ denotes the energy consumption when sailing in ice conditions and D_{total} the total annual distance travelled.

The total annual distance travelled shall be calculated as follows

$$D_{\text{total}} = D_{\text{voyages between MS}} + 0,5 \times (D_{\text{voyages from MS}} + D_{\text{voyages to MS}}), \quad (\text{Ax.14})$$

where $D_{\text{voyages between MS}}$ denotes the aggregated distance travelled between ports under a Member State's jurisdiction, $D_{\text{voyages from MS}}$ the aggregated distance travelled during all voyages which departed from ports under a Member State's jurisdiction and $D_{\text{voyages to MS}}$ the aggregated distance travelled during voyages to ports under a Member State's jurisdiction.

^(1a) For further information on correspondence between ice classes, see HELCOM Recommendation 25/7 at <http://www.helcom.fi>.

Wednesday 19 October 2022

P9_TA(2022)0368

Deployment of alternative fuels infrastructure *I**

Amendments adopted by the European Parliament on 19 October 2022 on the proposal for a regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council (COM(2021)0559 — C9-0331/2021 — 2021/0223(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2023/C 149/14)

Amendment 1**Proposal for a regulation****Recital 1***Text proposed by the Commission*

- (1) Directive 2014/94/EU of the European Parliament and of the Council ⁽⁴³⁾ laid down a framework for the deployment of alternative fuels infrastructure. The Commission Communication on the application of that Directive ⁽⁴⁴⁾ points to the uneven development of recharging and refuelling infrastructure across the Union and the lack of interoperability and user friendliness. It notes that the absence of a clear common methodology for setting targets and adopting measures under the National Policy Frameworks required by Directive 2014/94/EU has led to a situation whereby the level of ambition in target setting and supporting policies varies greatly among Member States.

⁽⁴³⁾ Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

⁽⁴⁴⁾ COM(2020)0789.

Amendment

- (1) Directive 2014/94/EU of the European Parliament and of the Council ⁽⁴³⁾ laid down a framework for the deployment of alternative fuels infrastructure. The Commission Communication on the application of that Directive ⁽⁴⁴⁾ points to the uneven development of recharging and refuelling infrastructure across the Union and the lack of interoperability and user friendliness. It notes that the absence of a clear common methodology for setting targets and adopting measures under the National Policy Frameworks required by Directive 2014/94/EU has led to a situation whereby the level of ambition in target setting and supporting policies varies greatly among Member States. ***This, in turn, has resulted in the failure to deliver a comprehensive and complete network of alternative fuels infrastructure across the Union.***

⁽⁴³⁾ Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

⁽⁴⁴⁾ COM(2020)0789.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0234/2022).

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Amendment 2
Proposal for a regulation
Recital 3

Text proposed by the Commission

- (3) Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽⁴⁶⁾ and Regulation (EU) 2019/1242 of the European Parliament and of the Council ⁽⁴⁷⁾ already set CO₂ emission performance standards for new passenger cars and for new light commercial vehicles as well as for certain heavy-duty vehicles. Those instruments should accelerate the uptake in particular of zero-emission vehicles and thereby create demand for recharging and refuelling infrastructure.

⁽⁴⁶⁾ Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

⁽⁴⁷⁾ Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

Amendment

- (3) Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽⁴⁶⁾ and Regulation (EU) 2019/1242 of the European Parliament and of the Council ⁽⁴⁷⁾ already set CO₂ emission performance standards for new passenger cars and for new light commercial vehicles as well as for certain heavy-duty vehicles. ***The revision of those instruments should be aligned with the revision of the current Regulation in order to ensure a coherent framework for the use and deployment of alternative fuels in road transport and in order to*** accelerate the uptake in particular of zero-emission vehicles ***and alternative fuels*** and thereby create demand for recharging and refuelling infrastructure.

⁽⁴⁶⁾ Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

⁽⁴⁷⁾ Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

Wednesday 19 October 2022

Amendment 3
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) The initiatives on ReFuelEU aviation⁽⁴⁸⁾ and FuelEU maritime⁽⁴⁹⁾ should boost the production and uptake of sustainable alternative fuels in aviation and maritime transport. While the fuel use requirements for the sustainable aviation fuels can largely rely on the existing refuelling infrastructure, investments are needed for the electricity supply of stationary aircraft. The FuelEU maritime initiative sets requirements in particular for the use of on shore power that can only be fulfilled if an adequate level of on shore power supply is deployed in TEN-T ports. However those initiatives do not contain any provisions on the required fuel infrastructure which are a prerequisite that the targets can be met.

⁽⁴⁸⁾ COM(2021)0561.

⁽⁴⁹⁾ COM(2021)0562.

Amendment

- (4) The initiatives on ReFuelEU aviation⁽⁴⁸⁾ and FuelEU maritime⁽⁴⁹⁾ should boost the production and uptake of sustainable alternative fuels in aviation and maritime transport. While the fuel use requirements for the sustainable aviation fuels can largely rely on the existing refuelling infrastructure, investments are needed for the electricity supply of stationary aircraft. **Moreover, Member States and the Commission should assess the current state and future development of the hydrogen market for aviation and should provide for a feasibility study on the deployment of the relevant infrastructure to power aircraft including, where appropriate, a deployment plan for alternative fuels infrastructure in airports, in particular for hydrogen and electric recharging for aircrafts.** The FuelEU maritime initiative sets requirements in particular for the use of on shore power that can only be fulfilled if an adequate level of on shore power supply is deployed in TEN-T ports. However those initiatives do not contain any provisions on the required fuel infrastructure which are a prerequisite that the targets can be met.

⁽⁴⁸⁾ COM(2021)0561.

⁽⁴⁹⁾ COM(2021)0562.

Wednesday 19 October 2022

Amendment 4
Proposal for a regulation
Recital 5

Text proposed by the Commission

- (5) Therefore all modes of transport should be addressed in one instrument which should take into account a variety of alternative fuels. The use of zero-emission powertrain technologies is at different stages of maturity in the different modes of transport. In particular, in the road sector, a rapid uptake of battery-electric and plug-in hybrid vehicles is taking place. Hydrogen fuel-cell road vehicles are available to markets, as well. In addition, smaller hydrogen and battery electric vessels and hydrogen fuel-cell trains are currently being deployed in different projects and in first commercial operations, with full commercial roll out expected in the next years. In contrast, the aviation and waterborne sectors continue to be dependent on liquid and gaseous fuels, as zero- and low-emission powertrain solutions are expected to enter the market only around 2030 and in particular for the aviation sector even later, with full commercialisation taking its time. The **use of** fossil gaseous or liquid fuels **is only** possible if it is clearly embedded into a clear decarbonisation pathway that is in line with the long-term objective of climate neutrality in the Union, requiring increasing blending with or replacement by renewable fuels such as bio-methane, advanced biofuels or renewable and low-carbon synthetic gaseous and liquid fuels.

Amendment

- (5) Therefore all modes of transport should be addressed in one instrument which should take into account a variety of alternative fuels. The use of zero-emission powertrain technologies is at different stages of maturity in the different modes of transport **and in the different Member States and regions**. In particular, in the road sector, a rapid uptake of battery-electric and plug-in hybrid vehicles is taking place, **therefore more ambitious targets for these mature technologies are required**. Hydrogen fuel-cell road vehicles are available to markets, as well, **albeit to a lesser degree**. In addition, smaller hydrogen and battery electric vessels and hydrogen fuel-cell trains are currently being deployed in different projects and in first commercial operations, with full commercial roll out expected in the next years. In contrast, the aviation and waterborne sectors continue to be dependent on liquid and gaseous fuels, as zero- and low-emission powertrain solutions are expected to enter the market only around 2030 and in particular for the aviation sector even later, with full commercialisation taking its time. The **Union should increase its efforts to phase out** fossil gaseous or liquid fuels **and promote renewable alternatives, and the use of fossil fuels should only be** possible if it is clearly embedded into a clear decarbonisation pathway that is in line with the long-term objective of climate neutrality in the Union, requiring increasing blending with or replacement by renewable fuels such as bio-methane, advanced biofuels or renewable and low-carbon synthetic gaseous and liquid fuels.

Wednesday 19 October 2022

Amendment 5
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) Such biofuels and synthetic fuels, substituting diesel, petrol and jet fuel, can be produced from different feedstock and can be blended into fossil fuels at very high blending ratios. **They** can be technically used with the current vehicle technology with minor adaptations. Renewable methanol can also be used for inland navigation and short-sea shipping. Synthetic and paraffinic fuels have a potential to reduce the use of fossil fuel sources in the energy supply to transport. All of these fuels can be distributed, stored and used with the existing infrastructure or where necessary with infrastructure of the same kind.

Amendment

- (6) ***In order to maximise the potential of reduction of greenhouse gas emissions, such biofuels, including biogas, and synthetic fuels, substituting diesel, petrol and jet fuel, can be produced from different feedstock and can be blended into fossil fuels at very high blending ratios. This is especially important for the reduction of greenhouse gas emissions in the aviation and maritime transport sectors for which electrification will be slower. Those fuels*** can be technically used with the current vehicle technology with minor adaptations. Renewable methanol can also be used for inland navigation and short-sea shipping. Synthetic and paraffinic fuels have a potential to reduce the use of fossil fuel sources in the energy supply to transport. All of these fuels can be distributed, stored and used with the existing infrastructure or where necessary with infrastructure of the same kind.

Amendment 6
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6 a) ***It is important to observe the general principles of technological neutrality and energy efficiency first among those technologies necessary to achieve climate neutrality, as some of the technologies that will be needed in the foreseeable future still require investments in research and development, while maintaining market competition between the different alternative technologies, taking due account of affordability and the different starting points of Member States.***

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Amendment 7
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) LNG is likely to play a **continued** role in maritime transport, where there is currently no economically viable zero-emission powertrain technology available. The Communication on the Smart and Sustainable Mobility Strategy points to zero-emission seagoing ships becoming market ready by 2030. Fleet conversion should take place gradually due to the long lifetime of the ships. Contrary to maritime transport, for inland waterways, with normally smaller vessels and shorter distances, zero-emission powertrain technologies, such as hydrogen and electricity, should enter the markets more quickly. LNG is expected to no longer play a significant role in that sector. Transport fuels such as LNG need increasingly to be decarbonised by blending/substituting with liquefied biomethane (bio-LNG) or renewable and low-carbon synthetic gaseous e-fuels (e-gas) for instance. Those decarbonised fuels can be used in the same infrastructure as gaseous fossil fuels thereby allowing for a gradual shift towards decarbonised fuels.

Amendment

- (7) ***The sustained use of liquefied natural gas (LNG) is not compatible with the Union's climate neutrality objective. Therefore, LNG in maritime transport should be phased out as soon as possible and substituted by more sustainable alternatives. However, in the short term,*** LNG is likely to play a **transitional** role in maritime transport, where there is currently no economically viable zero-emission powertrain technology available. The Communication on the Smart and Sustainable Mobility Strategy points to zero-emission seagoing ships becoming market ready by 2030 ***and such projects are already underway. Further developments in this regard should be promoted, duly monitored and reported.*** Fleet conversion should take place gradually due to the long lifetime of the ships. ***Given the transitional role of LNG, the availability of LNG bunkering infrastructure in ports should be demand driven, in particular as regards new public investments.*** Contrary to maritime transport, for inland waterways, with normally smaller vessels and shorter distances, zero-emission powertrain technologies, such as hydrogen and electricity, ***are becoming mature technologies and*** should enter the markets more quickly ***and could play an important role for maritime transport in terms of creating scale regarding zero-emission propulsion solutions.*** LNG is expected to no longer play a significant role in that sector. Transport fuels such as LNG need increasingly to be decarbonised by blending/substituting with liquefied biomethane (bio-LNG) or renewable and low-carbon synthetic gaseous e-fuels (e-gas) for instance. Those decarbonised fuels can be used in the same infrastructure as gaseous fossil fuels thereby allowing for a gradual shift towards decarbonised fuels.

Wednesday 19 October 2022

Amendment 8
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) The deployment of publicly accessible recharging infrastructure for light-duty electric vehicles has been uneven across the Union. Continued uneven distribution would jeopardize the uptake of such vehicles, limiting connectivity across the Union. Continuing divergence in policy ambitions and approaches at national level will not **create** the long-term certainty needed for substantive market investment. Mandatory minimum targets for Member States at national level should therefore provide policy orientations and complement National Policy Frameworks. That approach should combine national fleet based targets with distance-based targets for the trans-European network for transport (TEN-T). National fleet based targets should ensure that vehicle uptake in each Member State is matched with the deployment of sufficient publicly accessible recharging infrastructure. Distance-based targets for the TEN-T network should ensure full coverage of electric recharging points along the Union's main road networks and thereby ensure easy and seamless travel throughout the Union.

Amendment

- (9) The deployment of publicly accessible recharging infrastructure for light-duty electric vehicles has been uneven across the Union **and across regions**. Continued uneven distribution would jeopardize the uptake of such vehicles, limiting connectivity across the Union. Continuing divergence in policy ambitions and approaches at national level will **hinder the much-needed sustainable transition of the transport sector and not contribute to creating** the long-term certainty needed for substantive market investment. Mandatory minimum targets for Member States at national level should therefore provide policy orientations and complement National Policy Frameworks. That approach should combine national fleet based targets with distance-based targets for the trans-European network for transport (TEN-T). National fleet based targets should ensure that vehicle uptake in each Member State is matched with the deployment of sufficient publicly accessible recharging infrastructure, **especially in geographic areas where owners of light-duty vehicles are less likely to own private parking lots. Special attention and higher national deployment rates are also needed for centres of relatively higher population density and higher electric vehicles market-share. Once a certain share of electric vehicles uptake has been reached in the given Member State, the market should self-regulate.** Distance-based targets for the TEN-T network should ensure full coverage of electric recharging points along the Union's main road networks and thereby ensure easy and seamless travel throughout the Union, **including in and to the outermost regions and islands of the Union, unless the costs involved are disproportionate to the benefits, in which case Member States may make exemptions or consider developing off-grid infrastructure. The development of such a network of infrastructure would facilitate the accessibility and connectivity of all regions in the Union, including the outermost regions and other remote or rural areas, strengthening social, economic and territorial cohesion between them.**

Wednesday 19 October 2022

Amendment 9
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) National fleet based targets should be established on the basis of the **total number** of registered electric vehicles in that Member **State** following a common methodology that accounts for technological developments such as the increased driving range of electric vehicles or the increasing market penetration of fast-charging points which can recharge a greater number of vehicles per recharging point than at a normal recharging point. The methodology also has to take into account the different recharging patterns of battery electric and plug-in hybrid vehicles. A methodology that norms national fleet based targets on the total maximum power output of the publicly accessible recharging infrastructure should allow flexibility for the implementation of different recharging technologies in Member States.

Amendment

- (10) National fleet based targets should be established on the basis of the **share** of registered electric vehicles in that Member **State's total vehicle fleet**, following a common methodology that accounts for technological developments such as the increased driving range of electric vehicles or the increasing market penetration of fast-charging points which can recharge a greater number of vehicles per recharging point than at a normal recharging point. The methodology also has to take into account the different recharging patterns of battery electric and plug-in hybrid vehicles, **as well as population and market shares of electric vehicles**. A methodology that norms national fleet based targets on the total maximum power output of the publicly accessible recharging infrastructure should allow flexibility for the implementation of different recharging technologies in Member States. **Furthermore, the Commission should assess how vehicles with integrated solar panels may impact the deployment of publicly accessible recharging infrastructure and, if appropriate, any consequential adjustment of the charging infrastructure deployment targets of this Regulation.**

Wednesday 19 October 2022

Amendment 10
Proposal for a regulation
Recital 11

Text proposed by the Commission

- (11) Implementation in Member States should ensure that a sufficient number of publicly accessible recharging points is installed, **in particular** at public transport stations, such as port passenger terminals, airports or railway stations. A sufficient number of publicly accessible fast recharging points dedicated to light-duty vehicles should also be deployed to increase consumer convenience in particular across the TEN-T network to ensure full cross-border connectivity and allow electric vehicles to circulate throughout the Union.

Amendment

- (11) Implementation in Member States should ensure that a sufficient number of publicly accessible **fixed, off-grid or mobile** recharging points is installed **in a manner that supports territorial balance and multimodal travelling, avoids regional disparities and ensures that no territory is left behind. Deployment is particularly important in residential areas with a lack of off-street parking and where vehicles typically park for extended periods of time, including taxi parking areas and** at public transport stations, such as port passenger terminals, airports or railway stations. A sufficient number of publicly accessible fast recharging points dedicated to light-duty vehicles should also be deployed to increase consumer convenience in particular across the TEN-T network to ensure full cross-border connectivity and allow electric vehicles to circulate throughout the Union.

Amendment 11
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11 a) **The deployment of publicly accessible recharging infrastructure should primarily result from private market investment. However, until a competitive market has been established, Member States should support infrastructure deployment in cases where market conditions require public support, provided that such public support is in full compliance with State aid rules. Where relevant, Member States should also take into account that in certain portions of their territory, the demand for an adequate number of charging points might vary throughout the year, as it is the case in many touristic destinations. In such cases the possibility of deploying a temporary mobile off-grid charging infrastructure could offer added flexibility and facilitate meeting seasonal demand without requiring the installation of fixed infrastructure.**

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Amendment 12
Proposal for a regulation
Recital 11 b (new)

Text proposed by the Commission

Amendment

- (11 b) *The Commission should review, if necessary, the targets set in this Regulation for electric recharging infrastructure dedicated to light-duty and heavy-duty vehicles respectively, to ensure their compatibility with the requirements set in the Union Regulations on CO₂ emission performance standards for light-duty vehicles and for heavy-duty vehicles, respectively.*

Amendment 13
Proposal for a regulation
Recital 11 c (new)

Text proposed by the Commission

Amendment

- (11 c) *The Commission should review the need to include requirements for charging infrastructure to serve electrically power assisted cycles and L-category vehicles such as powered electric cycles and e-mopeds, and in particular the opportunity to equip charging infrastructure with a household power socket that makes it possible for such vehicles to be easily charged, since they represent a mode of transport that can help further reduce CO₂ emissions and air pollution.*

Amendment 14
Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

- (13) Electric heavy-duty vehicles need a distinctively different recharging infrastructure than light-duty vehicles. Public accessible infrastructure for electric heavy-duty vehicles is however currently almost nowhere available in the Union. A combined approach of distance-based targets along the TEN-T network, targets for overnight recharging infrastructure and targets at urban nodes should ensure that a sufficient publicly accessible infrastructure coverage for electric heavy-duty vehicles is established throughout the Union to support the **expected** market **uptake** of battery electric heavy-duty vehicles.

- (13) Electric heavy-duty vehicles need a distinctively different recharging infrastructure than light-duty vehicles. Public accessible infrastructure for electric heavy-duty vehicles is however currently almost nowhere available in the Union **and the deployment of infrastructure therefore needs to be accelerated**. A combined approach of distance-based targets along the TEN-T network, targets for overnight recharging infrastructure and targets at urban nodes should ensure that a sufficient publicly accessible infrastructure coverage for electric heavy-duty vehicles is established throughout the Union to **proactively** support the market **share increase** of battery electric heavy-duty vehicles.

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Amendment 15
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) Therefore, an initial public investment in infrastructure for electric heavy-duty vehicles is needed, whereas any further infrastructure development beyond the one provided for in this Regulation should be conditional on their Union-wide, national and regional market share development and relevant traffic data.

Amendment 16
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) New charging infrastructure standards for heavy-duty vehicles are currently being developed. It is technically possible to ensure the upgradability of the physical connections and communication exchange protocols so that individual charging stations and charging points can be upgraded to a new standard at a later stage. Therefore, the Commission should consider increasing the individual power output of recharging stations at recharging pools as soon as the new common technical specifications are available.

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Amendment 17
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) Publicly accessible recharging or refuelling points include, for example, privately owned recharging or refuelling points accessible to the public that are located on public or private properties, such as public parkings or parkings of supermarkets. A recharging or refuelling point located on a private property that is accessible to the general public should be considered as publicly accessible also in cases where access is restricted to a certain general group of users, for example to clients. Recharging or refuelling points for car-sharing schemes should only be considered accessible to the public if they explicitly allow access for third party users. Recharging or refuelling points located on private properties, access to which is restricted to a limited, determinate circle of persons, such as parking lots in office buildings to which only employees or authorised persons have access, should not be considered as publicly accessible recharging or refuelling points.

Amendment

- (17) Publicly accessible recharging or refuelling points include, for example, privately owned recharging or refuelling points accessible to the public that are located on public or private properties, such as public parkings or parkings of supermarkets. ***In such locations, where parking facilities have more than 30 parking spaces, Member States should ensure that a sufficient number of publicly accessible recharging or refuelling points is deployed.*** A recharging or refuelling point located on a private property that is accessible to the general public should be considered as publicly accessible also in cases where access is restricted to a certain general group of users, for example to clients. Recharging or refuelling points for car-sharing schemes should only be considered accessible to the public if they explicitly allow access for third party users. Recharging or refuelling points located on private properties, access to which is restricted to a limited, determinate circle of persons, such as parking lots in office buildings to which only employees or authorised persons have access, should not be considered as publicly accessible recharging or refuelling points.

Amendment 18
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17 a) ***In order to avoid any unintended consequences of this Regulation in discouraging the deployment of charging infrastructure for captive fleets such as public transport, publicly accessible recharging stations partially dedicated to public transport fleets, can be counted towards the relevant targets set out in this Regulation. Recharging points for car-sharing schemes should only be considered accessible to the public if they explicitly allow access for third party users.***

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Amendment 19
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17 b) *With a view to increase consumer convenience, Member States should encourage operators of publicly accessible recharging or refuelling points to ensure that the opening hours and uptime of their services fully meet the needs of end users.*

Amendment 20
Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) Smart metering systems as defined in Directive (EU) 2019/944 of the European Parliament and of the Council⁵² enable real-time data to be produced, which is needed to ensure the stability of the grid and to encourage rational use of recharging services. By providing energy metering in real time and accurate and transparent information on the cost, they encourage, in combination with smart recharging points, recharging at times of low general electricity demand and low energy prices. The use of smart metering systems in combination with smart recharging points can optimise recharging, with benefits for the electricity system and for the end user. Member States should encourage the use of smart metering system for the recharging of electric vehicles at publicly accessible recharging stations, where technically feasible **and economically reasonable**, and ensure that these systems comply with the requirements laid down in Article 20 of Directive (EU) 2019/944.

(20) Smart metering systems as defined in Directive (EU) 2019/944 of the European Parliament and of the Council⁵² enable real-time data to be produced, which is needed to ensure the stability of the grid and to encourage rational use of recharging services. By providing energy metering in real time and accurate and transparent information on the cost, they encourage, in combination with smart recharging points, recharging at times of low general electricity demand and low energy prices. The use of smart metering systems in combination with smart recharging points can optimise recharging, with benefits for the electricity system and for the end user. Member States should encourage the use of smart metering system for the recharging of electric vehicles at publicly accessible recharging stations, where technically feasible, and ensure that these systems comply with the requirements laid down in Article 20 of Directive (EU) 2019/944.

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Amendment 21
Proposal for a regulation
Recital 21

Text proposed by the Commission

- (21) The increasing number of electric vehicles in road, rail, maritime and other transport modes will require that recharging operations are optimised and managed in a way that does not cause congestion and takes full advantage of the availability of renewable electricity and low electricity prices in the system. Smart recharging in particular can facilitate the integration of electric vehicles into the electricity system **further** as it enables demand response through aggregation and through price based demand response. System integration can further be facilitated through bi-directional recharging (vehicle-to-grid). All **normal** recharging points **at which vehicles are typically parked for a longer period** should therefore support smart recharging.

Amendment

- (21) The increasing number of electric vehicles in road, rail, maritime and other transport modes will require that recharging operations are optimised and managed in a way that does not cause congestion and takes full advantage of the availability of renewable electricity and low electricity prices in the system. Smart recharging **points, as well as off-grid recharging points,** in particular, can facilitate the integration of electric vehicles into the electricity system **and reduce the impact of electric vehicles on the electricity distribution network,** as it enables demand response through aggregation and through price based demand response. System integration can further be facilitated through bi-directional recharging (vehicle-to-grid). All recharging points should therefore support smart recharging.

Amendment 22
Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

- (21 a) **Bidirectional charging at both private and publicly accessible infrastructure could encourage people to purchase electric vehicles, as they can then be used for mobility as well as energy storage. Therefore, legislative hurdles such as double taxation should be prevented in order to further develop the business case of bidirectional charging and a sufficient number of private and publicly accessible charging stations should be made available for smart, bidirectional charging.**

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Amendment 23
Proposal for a regulation
Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 b) *To ensure that the swift transformation towards e-mobility takes place in a sustainable way, the Union should take a global leadership role in sustainable products, technologies, services and innovations in particular concerning a circular, socially fair, environmentally responsible, and sustainable battery value chain, including job security and sustainability in the transition to zero and low emission road, maritime and air transport sector.*

Amendment 24
Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) The development of infrastructure for electric vehicles, the interaction of that infrastructure with the electricity system, and the rights and responsibilities assigned to the different actors in the electric mobility market, have to be consistent with the principles established under Directive (EU) 2019/944. In that sense, distribution system operators should cooperate on a non-discriminatory basis with any person establishing or operating publicly accessible recharging points and Member States should ensure that the electricity supply for a recharging point can be the subject of a contract with a supplier other than the entity supplying electricity to the household or premises where this recharging point is located. The access of Union electricity suppliers to recharging points should be without prejudice to the derogations under Article 66 of Directive (EU) 2019/944.

(22) The development of **on-grid and off-grid** infrastructure for electric vehicles, the interaction of that infrastructure with the electricity system, and the rights and responsibilities assigned to the different actors in the electric mobility market, have to be consistent with the principles established under Directive (EU) 2019/944. In that sense, distribution system operators should cooperate on a non-discriminatory basis with any person establishing or operating publicly accessible recharging points and Member States should ensure that the electricity supply for a recharging point can be the subject of a contract with a supplier other than the entity supplying electricity to the household or premises where this recharging point is located. The access of Union electricity suppliers to recharging points should be without prejudice to the derogations under Article 66 of Directive (EU) 2019/944.

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Amendment 25
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) The establishment and operation of recharging points for electric vehicles should be developed as a competitive market with open access to all parties interested in rolling-out or operating recharging infrastructures. In view of the limited alternative locations on highways, existing highway concessions such as for conventional refuelling stations or rest areas are a particular cause for concern, since they can run over very long periods and sometimes even lack a specified end date altogether. Member States should seek, to the extent possible and in compliance with Directive 2014/23/EU of the European Parliament and of the Council ⁽⁵³⁾, to competitively award new concessions specifically for recharging stations on or adjacent to existing highway rest areas in order to limit deployment cost and enable new market entrants.

⁽⁵³⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

Amendment

- (23) The establishment and operation of recharging points for electric vehicles should be developed as a competitive market with open access to all parties interested in rolling-out or operating recharging infrastructures. **Therefore, Member States should prevent the emergence of dominant operators of charging infrastructure during the infrastructure development phase. Regional and local authorities support this objective by designating areas for competing operators.** In view of the limited alternative locations **for charging operators** on highways, existing highway concessions such as for conventional refuelling stations or rest areas are a particular cause for concern, since they can run over very long periods and sometimes even lack a specified end date altogether. Member States should seek, to the extent possible and in compliance with Directive 2014/23/EU of the European Parliament and of the Council ⁽⁵³⁾, to competitively award new concessions specifically for recharging stations on or adjacent to existing highway rest areas in order to **prevent encroaching onto green spaces and to** limit deployment cost and enable new market entrants. **The possibility of setting up recharging points of competing operators at a highway rest area can also be considered.**

⁽⁵³⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

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Amendment 26
Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) There is a wide range of funding sources available for Member States to support the deployment of alternative fuels infrastructure, in particular the Recovery and Resilience Facility established by Regulation (EU) 2021/241^(1a), the Commission's Technical Support Instrument established by Regulation (EU) 2021/240^(1b), the Connecting Europe Facility established by Regulation (EU) 2021/1153^(1c) and Horizon Europe partnerships and missions, in particular the proposed Mission on Climate Neutral and Smart Cities, which aims to make 100 cities climate neutral by 2030. In addition, the European Regional Development Fund and the Cohesion Fund established by Regulation (EU) 2021/1058^(1d) are available to support investment in research, innovation and deployment, in particular in the less developed Member States and regions and the Invest EU programme, through its Sustainable Infrastructure window, can bolster future-proof investment across the European Union, help mobilise private investment and provide advisory services to project promoters and operators working in sustainable infrastructure and mobile assets. In recent years, the EIB Group has also ramped up its support to accelerate newer technologies such as e-mobility and digitalisation under the Cleaner Transport Facility, and the EIB is expected to continue providing a range of financing structures to help accelerate the deployment. Member States should tap into these financing possibilities, in particular to support public transport and active transport solutions and to finance measures designed to support citizens in energy and mobility poverty.

^(1a) Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

^(1b) Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

^(1c) Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

^(1d) 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 (OJ L 231, 30.6.2021, p. 60).

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Amendment 27
Proposal for a regulation
Recital 24

Text proposed by the Commission

- (24) Price transparency is crucial to ensure seamless and easy recharging and refuelling. Users of alternative fuel vehicles should be given accurate price information before the start of the recharging or refuelling service. The price should be communicated in a clearly structured manner to allow end users to identify **the different cost components**.

Amendment

- (24) Price transparency **and affordability** is crucial to ensure seamless and easy recharging and refuelling. Users of alternative fuel vehicles should be given accurate price information before the start of the recharging or refuelling service. The price should be communicated in a clearly structured manner, **displaying, when applicable, the cost per kWh or per kg**, to allow end users to identify, **and to anticipate, the total cost of the recharging or refuelling operation**.

Amendment 28
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24 a) **The uptake of battery-electric and hydrogen vehicles will lead to a substantial change in recharging patterns which makes information on the availability of electric recharging points and refuelling stations essential for a seamless travel within the EU. To optimise the efficiency of both journey planning and recharging or refuelling, drivers should be given comprehensive information on the availability of specific recharging and refuelling points and expected waiting times. Therefore, Member States should encourage operators to offer information systems for end users. Such systems should be precise, user-friendly and operable in the official language(s) of the Member State and in English.**

Wednesday 19 October 2022

Amendment 29
Proposal for a regulation
Recital 25

Text proposed by the Commission

- (25) New services emerge, particularly in support of the use of electric vehicles. Entities offering those services, such as mobility service providers, should be able to operate under fair market conditions. In particular, operators of recharging points should not give unduly preferential treatment to any of those service providers, for instance through unjustified price differentiation that may impede competition and ultimately lead to higher prices for consumers. The Commission should monitor the development of the recharging market. When reviewing the Regulation, the Commission will take actions where required by market developments such as limitations of services for end users or business practices that may limit competition.

Amendment

- (25) New services emerge, particularly in support of the use of electric vehicles. Entities offering those services, such as mobility service providers, should be able to operate under fair market conditions. In particular, operators of recharging points should not give unduly preferential treatment to any of those service providers, for instance through unjustified price differentiation that may impede competition and ultimately lead to higher prices for consumers. **National regulatory authorities and** the Commission should monitor the development of the recharging market. **At the latest** when reviewing the Regulation, the Commission will take actions where required by market developments such as limitations of services for end users or business practices that may limit competition.

Amendment 30
Proposal for a regulation
Recital 26

Text proposed by the Commission

- (26) Hydrogen-powered motor vehicles have at present very low market penetration rates. However, a build-up of sufficient hydrogen refuelling infrastructure is essential in order to make large-scale hydrogen-powered motor vehicle deployment possible as envisaged in the Commission's hydrogen strategy for a climate-neutral Europe ⁽⁵⁴⁾ . Currently, hydrogen refuelling points are only deployed in a few Member States and are largely not suitable for heavy-duty vehicles, not allowing for a circulation of hydrogen vehicles across the Union. Mandatory deployment targets for publicly accessible hydrogen refuelling points should ensure that a sufficiently dense network of hydrogen refuelling points is deployed across the TEN-T core network to allow for the seamless travel of hydrogen fuelled light-duty **and** heavy-duty vehicles throughout the Union.

Amendment

- (26) Hydrogen-powered motor vehicles have at present very low market penetration rates. However, a build-up of sufficient hydrogen refuelling infrastructure is essential in order to make large-scale hydrogen-powered motor vehicle deployment possible as envisaged in the Commission's hydrogen strategy for a climate-neutral Europe ⁽⁵⁴⁾ . Currently, hydrogen refuelling points are only deployed in a few Member States and are largely not suitable for heavy-duty vehicles, not allowing for a circulation of hydrogen vehicles across the Union. Mandatory deployment targets for publicly accessible hydrogen refuelling points should ensure that a sufficiently dense network of hydrogen refuelling points is deployed across the TEN-T core network to allow for the seamless travel of hydrogen fuelled light-duty, heavy-duty vehicles **and long-distance collective passenger transport** throughout the Union.

⁽⁵⁴⁾ COM(2020)0301.

⁽⁵⁴⁾ COM(2020)0301.

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Amendment 31
Proposal for a regulation
Recital 27

Text proposed by the Commission

- (27) Hydrogen fuelled vehicles should be able to refuel at or close to the destination, which is usually located in an urban area. To ensure that publicly accessible destination refuelling is possible at least in the main urban areas, all urban nodes as defined in Regulation (EU) No 1315/2013 of the European Parliament and of the Council ⁽⁵⁵⁾ should provide such refuelling stations. Within the urban nodes, public authorities should consider to deploy the stations within multimodal freight centres as those are not only the typical destination for heavy-duty vehicles but could also serve hydrogen to other transport modes, such as rail **and** inland shipping.

⁽⁵⁵⁾ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

Amendment

- (27) Hydrogen fuelled vehicles should be able to refuel at or close to the destination, which is usually located in an urban area. To ensure that publicly accessible destination refuelling is possible at least in the main urban areas, all urban nodes as defined in Regulation (EU) No 1315/2013 of the European Parliament and of the Council ⁽⁵⁵⁾ should provide such refuelling stations. Within the urban nodes, public authorities should consider to deploy the stations within multimodal freight centres as those are not only the typical destination for heavy-duty vehicles but could also serve hydrogen to other transport modes, such as rail, inland shipping **and long-distance collective passenger transport**.

⁽⁵⁵⁾ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

Wednesday 19 October 2022

Amendment 32
Proposal for a regulation
Recital 28

Text proposed by the Commission

- (28) At the early stage of market deployment there is still **a degree of** uncertainty with regard to the kind of vehicles that will come into the market and to the kind of technologies that are going to be widely used. As outlined in the Commission's communication 'A hydrogen strategy for a climate-neutral Europe' ⁽⁵⁶⁾ the heavy-duty segment was identified as the most likely segment for the early mass deployment of hydrogen vehicles. Therefore, hydrogen refuelling infrastructure should preliminarily focus on that segment while also allowing light-duty vehicles to fuel at publicly accessible hydrogen refuelling stations. To ensure interoperability, all publicly accessible hydrogen stations should at least serve gaseous hydrogen at 700 bar. The infrastructure roll out should also take into account the emergence of new technologies, such as liquid hydrogen, that allow a larger range for heavy-duty vehicles and are the preferred technology choice of some vehicle manufacturers. To that end, a minimum number of hydrogen refuelling stations should serve also liquid hydrogen in addition to gaseous hydrogen at 700 bar.

⁽⁵⁶⁾ COM(2020)0301

Amendment

- (28) At the early stage of market deployment there is still uncertainty with regard to the kind of vehicles that will come into the market and to the kind of technologies that are going to be widely used. As outlined in the Commission's communication 'A hydrogen strategy for a climate-neutral Europe' ⁽⁵⁶⁾ the heavy-duty segment was identified as the most likely segment for the early mass deployment of hydrogen vehicles. Therefore, hydrogen refuelling infrastructure should preliminarily focus on that segment while also allowing light-duty vehicles to fuel at publicly accessible hydrogen refuelling stations. To ensure interoperability, all publicly accessible hydrogen stations should at least serve gaseous hydrogen at 700 bar. The infrastructure roll out should also take into account the emergence of new technologies, such as liquid hydrogen, that allow a larger range for heavy-duty vehicles and are the preferred technology choice of some vehicle manufacturers. To that end, a minimum number of hydrogen refuelling stations should serve also liquid hydrogen in addition to gaseous hydrogen at 700 bar.

⁽⁵⁶⁾ COM(2020)0301

Amendment 33
Proposal for a regulation
Recital 28 a (new)

*Text proposed by the Commission**Amendment*

- (28 a) **It is important to support the effective rollout in Member States of the hydrogen refuelling infrastructure that is foreseen. This will require coordination amongst all stakeholders, including by European, national, and regional institutions, trade unions, and the industry. Initiatives, such as the Clean Hydrogen Joint Undertaking, set up by Council Regulation (EU) 2021/2085, should also be used with a view to facilitating and leveraging private funding so that it reaches the relevant targets identified in this Regulation.**

Wednesday 19 October 2022

Amendment 34
Proposal for a regulation
Recital 30

Text proposed by the Commission

- (30) Users of alternative fuel vehicles should be able to pay easily and conveniently at all publicly accessible recharging and refuelling points, without the need to enter into a contract with the operator of the recharging or refuelling point or a mobility service provider. Therefore, for recharging or refuelling on an ad hoc basis, all publicly accessible recharging and refuelling points should accept payment instruments that are widely used in the Union, **and in particular electronic payments through terminals and devices used for payment services**. That ad hoc payment method should always be available to consumers, even when contract-based payments are offered at the recharging or refuelling point.

Amendment

- (30) Users of alternative fuel vehicles should be able to pay easily and conveniently at all publicly accessible recharging and refuelling points, without the need to enter into a contract with the operator of the recharging or refuelling point or a mobility service provider. Therefore, for recharging or refuelling on an ad hoc basis, all publicly accessible recharging and refuelling points should accept **electronic card payment or devices with a contactless functionality that is at least able to read payment cards, and if possible also additional** payment instruments that are widely used in the Union. That ad hoc payment method should always be available to consumers, even when contract-based payments are offered at the recharging or refuelling point. **In order to guarantee consumer friendly and seamless payments at charging and refuelling stations, the Commission should be encouraged to amend Directive (EU) 2015/2366 to guarantee that contactless payment by card is possible at charging and refuelling stations.**

Amendment 35
Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

Amendment

- (30 a) **To ensure that recharging infrastructure is used efficiently and improves reliability and consumer confidence in e-mobility, it is essential to ensure that the use of publicly accessible recharging stations are accessible to all users, regardless of the automobile brand, in a user friendly and non-discriminatory way.**

Wednesday 19 October 2022

Amendment 36
Proposal for a regulation
Recital 31

Text proposed by the Commission

- (31) Transport infrastructure should allow seamless mobility and accessibility for all users, including persons with disabilities and older persons. ***In principle***, the location of all recharging and refuelling stations as well as the recharging and refuelling stations themselves should be designed in such a way that they can be ***used by as much*** of the public ***as possible***, in particular by older persons, persons with reduced mobility and persons with disabilities. This should include for example providing sufficient space around the parking lot, ensuring that the recharging station is not installed on a kerbed surface, ensuring that the buttons or screen of the recharging station are at an appropriate height and the weight of the recharging and refuelling cables is such that persons with limited strength can handle them with ease. In addition the user interface of the related recharging stations should be accessible. In that sense, the accessibility requirements in Annexes I and III to Directive (EU) 2019/882⁽⁵⁷⁾ should be applicable to recharging and refuelling infrastructure.

⁽⁵⁷⁾ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Amendment

- (31) Transport infrastructure should allow seamless mobility and accessibility for all users, including persons with disabilities and older persons. The location of all recharging and refuelling stations as well as the recharging and refuelling stations themselves should be designed in such a way that they can be ***accessible and user-friendly for all*** of the public, in particular by older persons, persons with reduced mobility and persons with disabilities. This should include for example providing sufficient space around the parking lot, ensuring that the recharging station is not installed on a kerbed surface, ensuring that the buttons or screen of the recharging station are at an appropriate height and the weight of the recharging and refuelling cables is such that persons with limited strength can handle them with ease. In addition the user interface of the related recharging stations should be accessible. In that sense, the accessibility requirements in Annexes I and III to Directive (EU) 2019/882⁽⁵⁷⁾ should be applicable to recharging and refuelling infrastructure.

⁽⁵⁷⁾ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Wednesday 19 October 2022

Amendment 37
Proposal for a regulation
Recital 32

Text proposed by the Commission

- (32) Shore-side electricity facilities can serve maritime and inland waterway transport as clean power supply and contribute to reducing the environmental impact of seagoing ships and inland waterway vessels. Under the FuelEU maritime initiative, ship operators of container and passenger ships need to comply with provisions to reduce emissions at berth. Mandatory deployment targets should ensure that the sector finds sufficient shore-side electricity supply in TEN-T core and comprehensive maritime ports to comply with those requirements. The application of these targets to all TEN-T maritime ports should ensure the level playing field between ports.

Amendment

- (32) Shore-side electricity facilities, ***either fixed or mobile***, can serve maritime and inland waterway transport as clean power supply and contribute to reducing the environmental impact of seagoing ships and inland waterway vessels. ***The public health and climate benefits of using onshore-power supply over other options are prominent in terms of air quality for urban areas surrounding ports.*** Under the FuelEU maritime initiative, ship operators of container and passenger ships need to comply with provisions to reduce emissions at berth. Mandatory deployment targets should ensure that the sector finds sufficient shore-side electricity supply in TEN-T core and comprehensive maritime ports to comply with those requirements. ***As there are diverse governance frameworks regulating maritime ports in the Union, Member States may decide that the infrastructure is deployed in the relevant terminals with the highest amount of port calls for each individual ship type, in order to reach those targets.*** The application of these targets to all TEN-T maritime ports should ensure the level playing field between ports. ***Given the costs and complexity related to the roll-out of shore-side electricity in maritime ports, it is essential to prioritise investments within ports and, where relevant, between terminals, where they make the most sense in terms of utilisation, economic viability, reductions of greenhouse gas emissions and air pollution, and grid capacity.***

Wednesday 19 October 2022

Amendment 38
Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

Amendment

- (32 a) *Member States should take all necessary steps to ensure sufficient frequency conversion, power reserve and that the electricity grid is sufficiently extended, in connectivity and capacity, to ensure that enough shore-side electricity supply is provided to meet the power demands resulting from the provision of shore-side electricity in ports, as required in this Regulation. To ensure continuity, Member States should upgrade and maintain the grid so that it is able to handle present and future increased demand of shore-side electricity services in ports. In case it is impossible to supply sufficient shore-side electricity due to weak capacity in the local grid connecting to the port, this should be rectified by the Member State and not be considered as a failure by the port nor of the ship owner or operator to comply with the requirements of this Regulation, as long as the insufficient local grid capacity is duly attested by the grid manager.*

Amendment 39
Proposal for a regulation
Recital 32 b (new)

Text proposed by the Commission

Amendment

- (32 b) *The development and deployment of alternative fuels for the maritime sector requires a coordinated approach to match supply and demand and avoid stranded assets. Therefore, all relevant public and private actors should be involved in the roll-out of alternative fuels and notably of shore-side electricity, including but not limited to relevant authorities at local, regional and national level, port authorities, terminal operators, grid operators, onshore power supply operators, ship-owners and other relevant maritime market actors.*

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Amendment 40
Proposal for a regulation
Recital 32 c (new)

Text proposed by the Commission

Amendment

- (32 c) *In order to ensure a coherent legislative framework for the use and deployment of alternative fuels, this Regulation should be aligned with Regulation XXXX-XXX [FuelEU Maritime] and Directive 2003/96/EC [Energy Taxation Directive]. This alignment should ensure that the provisions on onshore power supply in ports is accompanied by rules mandating the use of shore-side electricity by ships and by rules incentivising its use through a tax exemption.*

Amendment 41
Proposal for a regulation
Recital 32 d (new)

Text proposed by the Commission

Amendment

- (32 d) *The prioritisation of certain segments of shipping for the provision and use of shore-side electricity to lower emissions at berth should not exempt other segments from contributing to the climate and zero pollution goals. Therefore, as part of the review of this Regulation, the Commission should assess extending the provisions relating to minimum shore-side electricity supply in TEN-T core and comprehensive maritime ports to include also smaller ships and additional ship types. The Commission should in particular consider the availability of relevant data, the potential reduction in greenhouse gas emissions and air pollution, the technological development and the effectiveness of a widening of the scope in terms of climate and health benefits, the scale of administrative burden as well as financial and social consequences thereof. In addition, the Commission should assess extending the provisions to allow for infrastructure that would supply shore-side electricity to vessels at anchorage within a port area;*

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Amendment 42
Proposal for a regulation
Recital 32 e (new)

Text proposed by the Commission

Amendment

- (32 e) *It is important to avoid stranded assets and make sure that the public and private investments that are made today are future proof and contributing to the climate neutral pathway as set out by the European Green Deal. The deployment of shore-side electricity in maritime ports has to be seen together with the current and future deployment of equivalent alternative zero-green-house gas emission and zero-pollutants technologies, in particular those technologies that deliver emission and pollutants reductions both at berth and during navigation.*

Amendment 43
Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

- (34) These targets should take into account the types of vessels served and their respective traffic volumes. Maritime ports with low traffic volumes of certain ship categories, should be exempted from the mandatory requirements for the corresponding ship categories based on a minimum level of traffic volume, so as to avoid underused capacity being installed. Similarly, the mandatory targets should not aim to target maximum demand, but a sufficiently high volume, in order to avoid underused capacity and to take account of port operational characteristics. Maritime transport is an important link for the cohesion and economic development of islands in the Union. Energy production capacity **in these islands** may not always be sufficient to account for the power demand required to support the provision of shore-side electricity supply. In such a case **islands** should be exempted from this requirement unless and until such an electrical connection with the mainland has been completed or there is a sufficient locally generated capacity from clean energy sources.

- (34) These targets should take into account the types of vessels served and their respective traffic volumes. Maritime ports with low traffic volumes of certain ship categories, should be exempted from the mandatory requirements for the corresponding ship categories based on a minimum level of traffic volume, so as to avoid underused capacity being installed. Similarly, the mandatory targets should not aim to target maximum demand, but a sufficiently high volume, in order to avoid underused capacity and to take account of port operational characteristics. Maritime transport is an important link for the cohesion and economic development of islands in the Union, **as well as of the outermost regions, for which maritime transport is used for the purposes of tourism activities.** **Their** energy production capacity may not always be sufficient to account for the power demand required to support the provision of shore-side electricity supply. In such a case **these territories** should be exempted from this requirement unless and until such an electrical connection with the mainland has been completed or there is a sufficient locally generated capacity from clean energy sources.

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Amendment 44
Proposal for a regulation
Recital 35

Text proposed by the Commission

- (35) A core network of refuelling points for LNG at maritime ports should be available by 2025. Refuelling points for LNG include LNG terminals, tanks, mobile containers, bunker vessels and barges.

Amendment

- (35) A core network of refuelling points for LNG, **hydrogen and ammonia** at maritime ports should be available by 2025. **The deployment of LNG infrastructure, due to the fuel's transitional role, should be driven by market demand, to avoid stranded assets and underused capacity.** Refuelling points for LNG include LNG terminals, tanks, mobile containers, bunker vessels and barges.

Amendment 45
Proposal for a regulation
Recital 36

Text proposed by the Commission

- (36) Electricity supply to stationary aircraft at airports should replace the consumption of liquid fuel with a cleaner power source by aircraft (use of Auxiliary Power Unit) or ground power units (GPUs). This should reduce pollutant and noise emissions, improve air quality and reduce the impact on climate change. Therefore, all commercial transport operation should be able to make use of external electricity supply while parked at gates or at outfield positions at TEN-T airports.

Amendment

- (36) Electricity supply to stationary aircraft at airports should replace the consumption of liquid fuel with a cleaner power source by aircraft (use of Auxiliary Power Unit) or ground power units (GPUs). **Therefore, all commercial transport operations covered under the scope of this Regulation should make use of external electricity supply while parked at gates or at outfield positions at airports. Additionally, in order for commercial passenger aircraft to completely turn off their engines while parked, pre-conditioned air (PCA) systems in in TEN-T core airports should be taken into account.** This would reduce pollutant and noise emissions, improve air quality and reduce the impact on climate change. Therefore, all commercial transport operation should be able to make use of external electricity supply **and pre-conditioned air systems** while parked at gates or at outfield positions at TEN-T airports.

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Amendment 46
Proposal for a regulation
Recital 37

Text proposed by the Commission

- (37) In accordance with Article 3 of Directive 2014/94/EU, Member States have established national policy frameworks outlining their plans and objectives to ensure that those objectives would be met. Both the assessment of the national policy framework and the evaluation of Directive 2014/94/EU have highlighted the need for higher ambition and a better coordinated approach across Member States in view of the expected acceleration in the uptake of alternative fuel vehicles, in particular of electric vehicles. Furthermore, alternatives **to fossil fuel** will be needed in all transport modes to meet the ambitions of the European Green Deal. The existing National Policy Frameworks should be revised to clearly describe how the much greater need for publicly accessible recharging and refuelling infrastructure as expressed in the mandatory targets is going to be met by the Member States. The revised frameworks should equally address all transport modes including those for which no mandatory deployment targets exists.

Amendment

- (37) In accordance with Article 3 of Directive 2014/94/EU, Member States have established national policy frameworks outlining their plans and objectives to ensure that those objectives would be met. Both the assessment of the national policy framework and the evaluation of Directive 2014/94/EU have highlighted the need for higher ambition and a better coordinated approach across Member States in view of the expected acceleration in the uptake of alternative fuel vehicles, in particular of electric vehicles. Furthermore, **fossil fuels should be phased out and sustainable** alternatives will be needed in all transport modes to meet the ambitions of the European Green Deal **and the Union climate objectives**. The existing National Policy Frameworks should be revised to clearly describe how the much greater need for publicly accessible recharging and refuelling infrastructure as expressed in the mandatory targets is going to be met by the Member States. The **national policy frameworks should be based on territorial analysis, identifying the different needs and taking into account, when relevant, existing regional and local deployment plans of recharging and refuelling infrastructure. Attention should be paid to rural areas in order to ensure full accessibility to such infrastructure. Furthermore, the** revised frameworks should equally address all transport modes including those for which no mandatory deployment targets exists.

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Amendment 47
Proposal for a regulation
Recital 38

Text proposed by the Commission

- (38) The revised national policy frameworks should include supporting actions for the development of the market as regards alternative fuels, including the deployment of the necessary infrastructure to be put into place, in close cooperation with regional and local authorities and with the industry concerned, while taking into account the needs of small and medium-sized enterprises. Additionally, the revised frameworks should describe the overall national framework for planning, permitting and procuring of such infrastructure, including the identified obstacles and actions to remove them so that a faster rollout of infrastructure can be achieved.

Amendment

- (38) The revised national policy frameworks should **be aligned with the Union climate objectives and include detailed market and traffic shares, especially for transit traffic, data monitoring and evaluation on a frequent basis, providing for market projections and** supporting actions for the development of the market as regards alternative fuels, including the deployment of the necessary infrastructure to be put into place, in close cooperation with regional and local authorities and with the industry concerned, while taking into account the needs **of ensuring a socially just transition and** of small and medium-sized enterprises. Additionally, the revised frameworks should describe the overall national framework for planning, permitting and procuring of such infrastructure, including the identified obstacles and actions to remove them so that a faster rollout of infrastructure can be achieved. **The revised national policy frameworks should take into utmost account the ‘energy efficiency first’ principle. Member States should consider the recently released Recommendation and Guidelines on the implementation of the principle, which explain how planning, policy and investment decisions can reduce energy consumption in a number of key sectors, including transport.**

Amendment 48
Proposal for a regulation
Recital 39

Text proposed by the Commission

- (39) The development and implementation of the revised national policy frameworks of the Member States should be facilitated by the Commission by means of exchanges of information and best practices between the Member States.

Amendment

- (39) The development and implementation of the revised national policy frameworks of the Member States should be facilitated by the Commission by means of exchanges of information and best practices between the Member States **and regional and local authorities.**

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Amendment 49
Proposal for a regulation
Recital 40

Text proposed by the Commission

- (40) In order to promote alternative fuels and develop the relevant infrastructure, the national policy frameworks should consist of detailed strategies to promote alternative fuels in sectors that are difficult to decarbonise such as aviation, maritime transport, inland waterway transport as well as rail transport on network segments that cannot be electrified. In particular, Member States should develop clear strategies for the decarbonisation of inland waterway transport along the TEN-T network in close cooperation with those Member States concerned. Long term decarbonisation strategies should also be developed for TEN-T ports and TEN-T airports, in particular with a focus on the deployment of infrastructure for low and zero emission vessels and aircraft as well as for railway lines that are not going to be electrified. On the basis of those strategies the Commission should review this Regulation with a view to setting more mandatory targets for those sectors.

Amendment

- (40) In order to promote alternative fuels and develop the relevant infrastructure, the national policy frameworks should consist of detailed strategies to promote alternative fuels in sectors that are difficult to decarbonise, such as aviation, maritime transport and inland waterway transport, as well as rail transport on network segments that cannot be electrified. In particular, Member States should develop clear strategies for the decarbonisation of inland waterway transport along the TEN-T network in close cooperation with those Member States concerned. Long term decarbonisation strategies should also be developed for TEN-T ports and TEN-T airports, in particular with a focus on the deployment of infrastructure for low and zero emission vessels and aircraft as well as for railway lines that are not going to be electrified. On the basis of those strategies, **and taking into consideration the national market and traffic share data and market projections**, the Commission should review this Regulation with a view to setting more mandatory targets for those sectors.

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Amendment 50
Proposal for a regulation
Recital 40 a (new)

Text proposed by the Commission

Amendment

(40 a) While only around only 56 % of the existing European rail network is electrified, electricity-powered trains make up more than 80 % of total travelled train-kilometres. However, there are still an estimated 6,000 diesel trains in service today. Since they are dependent on fossil fuels, they generate greenhouse gas emissions and air pollution. The further deployment of alternative fuels infrastructure in the rail sector is therefore necessary and urgent to ensure a shift away from fossil fuel powered trains, and thereby to ensure that all transport sectors play their role in shifting towards a climate neutral economy. Consequently, it is appropriate for this Regulation to lay down concrete targets are proposed under this Regulation. Different technologies are available to the rail sector to shift away from diesel trains, including direct electrification, battery powered trains and hydrogen applications, where direct electrification of a segment is not possible for reasons of cost-efficiency of the service. The development of these technologies requires the deployment of suitable recharging and refuelling infrastructure in Member States. Before their deployment, Member States should carefully assess the best locations for such infrastructure, and should, in particular, consider deployment in multimodal hubs and urban nodes. The 'energy efficiency first' principle should be fully taken into account in planning and investment decisions.

Amendment 51
Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

(41) Member States should make use of a wide range of regulatory **and non-regulatory** incentives and measures to reach the mandatory targets and implement their national policy frameworks, in close cooperation with private sector actors, who should play a key role in supporting the development of alternative fuels infrastructure.

(41) Member States should make use of a wide range of **market-based and** regulatory incentives and measures to reach the mandatory targets and implement their national policy frameworks, in close cooperation with **regional and local authorities, as well as** private sector actors, who should play a key role in supporting **and financing** the development of alternative fuels infrastructure.

Wednesday 19 October 2022

Amendment 52
Proposal for a regulation
Recital 41 b (new)

Text proposed by the Commission

Amendment

(41 b) Member States should introduce incentive schemes and should take all necessary measures when seeking to promote sustainable modes of transport. Particular emphasis should be placed on the role of municipal or regional authorities, which can facilitate the uptake of vehicles using alternative fuels through dedicated tax incentives, public procurements or local traffic regulations.

Amendment 53
Proposal for a regulation
Recital 42

Text proposed by the Commission

Amendment

(42) Pursuant to Directive 2009/33/EC of the European Parliament and of the Council⁽⁵⁸⁾, minimum national shares of public procurement are reserved for clean and zero-emission buses, where a clean bus uses alternative fuels as defined in Article 2, point (3) of this Regulation. With ever more public transport authorities and operators switching to clean and zero-emission buses in order to reach those targets, Member States should include the targeted promotion and development of the necessary bus infrastructure as a key element in their National Policy Frameworks. Member States should establish and maintain appropriate instruments to promote the deployment of charging and refuelling infrastructure also for captive fleets, in particular for **clean and** zero-emission buses **at local level**.

⁽⁵⁸⁾ Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (OJ L 120, 15.5.2009, p. 5).

(42) Pursuant to Directive 2009/33/EC of the European Parliament and of the Council⁽⁵⁸⁾, minimum national shares of public procurement are reserved for clean and zero-emission buses, where a clean bus uses alternative fuels as defined in Article 2, point (3) of this Regulation. With ever more public transport authorities and operators switching to clean and zero-emission buses in order to reach those targets, Member States should include the targeted promotion and development of the necessary bus infrastructure as a key element in their National Policy Frameworks. Member States should establish and maintain appropriate instruments to promote the deployment of charging and refuelling infrastructure also for captive fleets, in particular for zero-emission buses, **coaches and for car sharing along roads and should be able to count such deployment towards the targets set out in this Regulation.**

⁽⁵⁸⁾ Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (OJ L 120, 15.5.2009, p. 5).

Wednesday 19 October 2022

Amendment 54
Proposal for a regulation
Recital 43

Text proposed by the Commission

- (43) In light of the increasing diversity in the type of fuels for motorised vehicles coupled with on-going growth in the road mobility of citizens across the Union, it is necessary to provide vehicle users with clear and easy-to-understand information on the fuels available at refuelling stations and on the compatibility of their vehicle with different fuels or recharging points on the Union market. Member States should be able to decide to implement such information measures also in respect of vehicles placed on the market **before 18 November 2016**.

Amendment

- (43) In light of the increasing diversity in the type of fuels for motorised vehicles coupled with on-going growth in the road mobility of citizens across the Union, it is necessary to provide vehicle users with clear and easy-to-understand information on the fuels available at refuelling stations and on the compatibility of their vehicle with different fuels or recharging points on the Union market. Member States should be able to decide to implement such information measures also in respect of vehicles **previously** placed on the market.

Amendment 55
Proposal for a regulation
Recital 44

Text proposed by the Commission

- (44) Simple and easy-to-compare information on the prices of different fuels could play an important role in enabling vehicle users to better evaluate the relative cost of individual fuels available on the market. Therefore, a unit price comparison of certain alternative fuels and conventional fuels, expressed as 'fuel price per 100km', should be displayed for information purposes at all relevant fuel stations.

Amendment

- (44) Simple and easy-to-compare information on the prices of different fuels could play an important role in enabling vehicle users to better evaluate the relative cost of individual fuels available on the market. Therefore, a unit price comparison of certain alternative fuels and conventional fuels, expressed as 'fuel price per 100km' should be displayed for information purposes at all relevant fuel stations. ***It should be made clear to consumers that this price comparison concerns the average fuel prices in the Member State, which may differ from the actual prices charged at the fuel station in question. Moreover, for ad hoc recharging of electricity and refuelling of hydrogen, the price charged at the station in question should also be provided per kWh and per kg, respectively.***

Wednesday 19 October 2022

Amendment 56
Proposal for a regulation
Recital 46

Text proposed by the Commission

- (46) Data should play a fundamental role in the adequate functioning of recharging and refuelling infrastructure. The format, the frequency and the quality in which these data should be made available and accessible should determine the overall quality of an alternative fuels infrastructure ecosystem that meets user needs. Moreover, those data should be accessible in a coherent manner in all Member States. Therefore, data should be provided in accordance with the requirements set in Directive 2010/40/EU of the European Parliament and the Council⁽⁵⁹⁾ for national access points (NAPs).

⁽⁵⁹⁾ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

Amendment

- (46) Data should play a fundamental role in the adequate functioning of recharging and refuelling infrastructure. The format, the frequency and the quality in which these data should be made available and accessible should determine the overall quality of an alternative fuels infrastructure ecosystem that meets user needs. Moreover, those data should be accessible in a coherent manner in all Member States. Therefore, data should be provided **as open data** in accordance with the requirements set in Directive 2010/40/EU of the European Parliament and the Council⁽⁵⁹⁾ for national access points (NAPs). **For services allowing seamless travel across the Union, a Union wide system should also be created, importing standardised information from national systems. Therefore, the Commission should establish a common European access point at Union level, to function as a data gateway for end users and mobility service providers to easily access the relevant data retained in the National Access Points. It should, when possible, be compatible and interoperable with existing information and reservation systems developed by Member States. The European access point could facilitate better price comparisons for consumers between publicly accessible recharging and refuelling operators on the internal market and provide users with information on the accessibility and availability, waiting times and the remaining alternative fuels capacity of the refuelling and recharging points. This could help preventing traffic disruption and benefit road safety. This information should be made available through a public, up-to-date, user-friendly, accessible and multilingual interface at EU level.**

⁽⁵⁹⁾ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

Wednesday 19 October 2022

Amendment 57
Proposal for a regulation
Recital 52

Text proposed by the Commission

- (52) In the application of this Regulation, the Commission should consult relevant expert groups, **and** in particular the Sustainable Transport Forum ('STF') and the European Sustainable Shipping Forum ('ESSF'). Such expert consultation is of particular importance when the Commission intends to adopt delegated or implementing acts under this Regulation.

Amendment

- (52) In the application of this Regulation, the Commission should consult **a broad range of organisations and stakeholders, including but not limited to consumers groups, municipalities, cities and regions, as well as** relevant expert groups, in particular the Sustainable Transport Forum ('STF') and the European Sustainable Shipping Forum ('ESSF'). Such expert consultation is of particular importance when the Commission intends to adopt delegated or implementing acts under this Regulation.

Wednesday 19 October 2022

Amendment 58
Proposal for a regulation
Recital 53

Text proposed by the Commission

- (53) Alternative fuels infrastructure is a fast developing area. The lack of common technical specification constitutes a barrier for the creation of a single market of alternative fuels infrastructure. Therefore, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to norm technical specifications for areas where common technical specifications are outstanding but necessary. In particular, this should include the communication between the electric vehicle and the recharging point, the communication between the recharging point and the recharging software management system (back-end); the communication related to the electric vehicle roaming service and the communication with the electricity grid. It is also necessary to define the suitable governance framework and roles of the different actors involved in the vehicle-to-grid communication ecosystem. **Moreover**, emerging technological developments, such as electric road systems ('ERS') **have to be accounted for**. As concerns data provision, it is necessary to provide for additional data types and technical specifications related to the format, the frequency and the quality in which these data should be made available and accessible.

Amendment

- (53) Alternative fuels infrastructure is a fast developing area. The lack of common technical specification constitutes a barrier for the creation of a single market of alternative fuels infrastructure. Therefore, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to norm technical specifications for areas where common technical specifications are outstanding but necessary. In particular, this should include the communication between the electric vehicle and the recharging point, the communication between the recharging point and the recharging software management system (back-end); the communication related to the electric vehicle roaming service and the communication with the electricity grid, **while ensuring a high level of cybersecurity and consumer data protection**. It is also necessary to **swiftly** define the suitable governance framework and roles of the different actors involved in the vehicle-to-grid communication ecosystem **while taking into account and supporting** emerging technological developments **with high GHG emission reduction potential**, such as electric road systems ('ERS'), **notably inductive and overhead catenary line charging solutions**. As concerns data provision, it is necessary to provide for additional data types and technical specifications related to the format, the frequency and the quality in which these data should be made available and accessible. **It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.**

Wednesday 19 October 2022

Amendment 59
Proposal for a regulation
Recital 54 a (new)

Text proposed by the Commission

Amendment

(54 a) *Given that this Regulation will generate additional compliance costs for affected sectors, compensatory actions need to be taken in order to prevent the total level of regulatory burdens from increasing. The Commission should therefore be obliged to present, before the entry into force of this Regulation, proposals offsetting the regulatory burdens introduced by this Regulation, through the revision or abolishment of provisions in other EU Regulations that generate unnecessary compliance costs in the affected sectors.*

Amendment 60
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation sets out **mandatory** national targets for the deployment of sufficient alternative fuels infrastructure in the Union, for road vehicles, vessels and stationary aircraft. It lays down common technical specifications and requirements on user information, data provision and payment requirements for alternative fuels infrastructure.

1. This Regulation sets out **minimum** national targets for the deployment of sufficient alternative fuels infrastructure in the Union, for road vehicles, vessels, **trains** and stationary aircraft. It lays down common technical specifications and requirements on user information, data provision and payment requirements for alternative fuels infrastructure.

Amendment 61
Proposal for a regulation
Article 1 — paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation establishes a reporting mechanism to stimulate cooperation and ensures a robust tracking of progress. The mechanism shall comprise a structured, transparent, iterative process between the Commission **and** Member States for the purpose of the finalisation of the national policy frameworks and their subsequent implementation and corresponding Commission action.

3. This Regulation establishes a reporting mechanism to stimulate cooperation and ensures a robust tracking of progress. The mechanism shall comprise a structured, transparent, iterative **and multi-level governance** process between the Commission, **and the** Member States, **and regional and local authorities** for the purpose of the finalisation of the national policy frameworks, **taking into account existing local and regional strategies for the deployment of alternative fuels infrastructure**, and their subsequent implementation and corresponding Commission action.

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Amendment 62

Proposal for a regulation

Article 2 — paragraph 1 — point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) ***'along the TEN-T network' means, when used in respect of electric recharging stations and hydrogen refuelling stations, that they are located on the TEN-T network or within 1,5 km driving distance from the nearest exit of a TEN-T road;***

Amendment 63

Proposal for a regulation

Article 2 — paragraph 1 — point 3 — point a — introductory part

Text proposed by the Commission

Amendment

(a) 'alternative fuels for zero-emission vehicles':

(a) 'alternative fuels for zero-emission vehicles, **vessels and aircraft**':

Amendment 64

Proposal for a regulation

Article 2 — paragraph 1 — point 3 — point b — indent 1

Text proposed by the Commission

Amendment

— biomass fuels and biofuels as defined in Article 2, points (27) and (33) of Directive (EU) 2018/2001,

— biomass fuels, **including biogas**, and biofuels as defined in Article 2, points (27), **(28)** and (33) of Directive (EU) 2018/2001,

Amendment 65

Proposal for a regulation

Article 2 — paragraph 1 — point 3 — point c — introductory part

Text proposed by the Commission

Amendment

(c) 'alternative fossil fuels' for a transitional phase:

(c) 'alternative fossil fuels' for a **limited** transitional phase:

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Amendment 66

Proposal for a regulation

Article 2 — paragraph 1 — point 9 a (new)

Text proposed by the Commission

Amendment

(9 a) ‘citizen energy community’ means a community as defined in Article 2(11) of Directive (EU) 2019/944

Amendment 67

Proposal for a regulation

Article 2 — paragraph 1 — point 17

Text proposed by the Commission

Amendment

(17) ‘electric road system’ means a physical installation along a road that allows for the transfer of electricity to an electric vehicle **while the vehicle is in motion;**

(17) ‘electric road system’ means a physical installation along a road that allows for the transfer of electricity to an electric vehicle **to provide it the energy necessary for propulsion, or for dynamic charging;**

Amendment 68

Proposal for a regulation

Article 2 — paragraph 1 — point 17 a (new)

Text proposed by the Commission

Amendment

(17 a) ‘dynamic charging’ means the charging of an electric vehicle battery while the vehicle is in motion;

Amendment 69

Proposal for a regulation

Article 2 — paragraph 1 — point 19 a (new)

Text proposed by the Commission

Amendment

(19 a) ‘energy efficiency first’ means ‘energy efficiency first’ as defined in of Article 2, point (18) of Regulation (EU) 2018/1999;

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Amendment 70**Proposal for a regulation****Article 2 — paragraph 1 — point 19 b (new)**

Text proposed by the Commission

Amendment

(19 b) ‘technological neutrality’ means ‘technological neutrality’ as laid down in Recital 25 of Directive (EU) 2018/1792;

Amendment 71**Proposal for a regulation****Article 2 — paragraph 1 — point 35 a (new)**

Text proposed by the Commission

Amendment

(35 a) ‘payment card’ means a payment service that works on the basis of a physical and digital debit or credit card and comprises payment cards embedded in a smart-phone application;

Amendment 72**Proposal for a regulation****Article 2 — paragraph 1 — point 35 b (new)**

Text proposed by the Commission

Amendment

(35 b) ‘payment service’ means a ‘payment service’ as defined in Article 4, point (3), of Directive (EU) 2015/2366;

Amendment 73**Proposal for a regulation****Article 2 — paragraph 1 — point 37 a (new)**

Text proposed by the Commission

Amendment

(37 a) ‘preconditioned air system’ means a fixed or mobile system at airports providing the external supply of conditioned air to cool, ventilate or heat the cabins of stationary aircraft;

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Amendment 74

Proposal for a regulation

Article 2 — paragraph 1 — point 38

Text proposed by the Commission

- (38) ‘publicly accessible’ alternative fuels infrastructure, means an alternative fuels infrastructure which is located at a site or premise that is open to the general public, irrespective of whether the alternative fuels infrastructure is located on public or on private property, whether limitations or conditions apply in terms of access to the site or premise and irrespective of the applicable use conditions of the alternative fuels infrastructure;

Amendment

- (38) ‘publicly accessible’ alternative fuels infrastructure, means an alternative fuels infrastructure which is located at a site or premise that is open to the general public, **including persons with reduced mobility**, irrespective of whether the alternative fuels infrastructure is located on public or on private property, whether limitations or conditions apply in terms of access to the site or premise and irrespective of the applicable use conditions of the alternative fuels infrastructure.

Amendment 75

Proposal for a regulation

Article 2 — paragraph 1 — point 40

Text proposed by the Commission

- (40) ‘recharge on an ad hoc basis’ means a recharging service purchased by an end user without the need for that end user to register, conclude a written agreement, or enter into a longer-lasting commercial relationship with the operator of that recharging point beyond the mere purchase of the service;

Amendment

- (40) ‘recharge on an ad hoc basis’ means a recharging service purchased by an end user without the need for that end user to register, conclude a written agreement, or enter into a longer-lasting commercial relationship with the operator of that recharging point **or to electronically log-in or sign-in to online intermediation services**, beyond the mere purchase of the service;

Amendment 76

Proposal for a regulation

Article 2 — paragraph 1 — point 41

Text proposed by the Commission

- (41) ‘recharging point’ means a fixed or mobile interface that allows for the transfer of electricity to an electric vehicle, which, whilst it may have one or several connectors to accommodate different connector types, is capable of recharging only one electric vehicle at a time, and excludes devices with a power output less than or equal to 3,7 kW the primary purpose of which is not recharging electric vehicles.

Amendment

- (41) ‘recharging point’ means a fixed or mobile, **on-grid or off-grid** interface that allows for the transfer of electricity to an electric vehicle, which, whilst it may have one or several connectors to accommodate different connector types, is capable of recharging only one electric vehicle at a time, and excludes devices with a power output less than or equal to 3,7 kW the primary purpose of which is not recharging electric vehicles.

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Amendment 77

Proposal for a regulation

Article 2 — paragraph 1 — point 49

Text proposed by the Commission

(49) 'refuelling point' means a refuelling facility for the provision of any liquid or gaseous alternative fuel, through a fixed or a mobile installation, which is capable of refuelling only one vehicle at a time;

Amendment

(49) 'refuelling point' means a refuelling facility for the provision of any liquid or gaseous alternative fuel, through a fixed or a mobile installation, which is capable of refuelling only one vehicle **or one vessel** at a time;

Amendment 78

Proposal for a regulation

Article 2 — paragraph 1 — point 54 a (new)

Text proposed by the Commission

Amendment

(54 a) 'renewable energy community' means a community as defined in Article 2 (16) of Directive (EU) 2018/2001;

Amendment 79

Proposal for a regulation

Article 2 — paragraph 1 — point 56

Text proposed by the Commission

(56) 'safe and secure parking' means a parking and rest area as **referenced** in Article 17, point (1)(b) that is dedicated to heavy-duty vehicles overnight parking;

Amendment

(56) 'safe and secure parking' means a parking and rest area as **referred to** in Article 17, point (1)(b) **of Regulation (EU) No 1315/2013**, that is dedicated to heavy-duty vehicles overnight parking **and has been certified pursuant to the provisions in Article 8a of Regulation (EC) No 561/2006;**

Amendment 80

Proposal for a regulation

Article 2 — paragraph 1 — point 57

Text proposed by the Commission

(57) 'ship at berth' means **ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757;**

Amendment

(57) 'ship at berth' means **a ship which is securely moored at the quayside in a port falling under the jurisdiction of a Member State while it is loading, unloading, embarking or disembarking passengers or hotelling, including the time spent when not engaged in cargo or passenger operations;**

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Amendment 81

Proposal for a regulation

Article 2 — paragraph 1 — point 58

Text proposed by the Commission

(58) 'shore-side electricity supply' means the provision of shore-side electrical power through a standardised **inter-face** to seagoing ships or inland waterway vessels at berth;

Amendment

(58) 'shore-side electricity supply' means the provision of shore-side electrical power through a standardised **fixed, floating or mobile installation** to seagoing ships or inland waterway vessels at berth;

Amendment 82

Proposal for a regulation

Article 2 — paragraph 1 — point 66 a (new)

Text proposed by the Commission

Amendment

(66 a) '**multimodal hub**' means a mobility service infrastructure, such as rail, road, air, maritime and inland waterways stations and terminals, that allows for the performance of 'multimodal transport' defined in Article 3, point (n) of Regulation (EU) No 1315/2013;

Amendment 83

Proposal for a regulation

Article 2 — paragraph 1 — point 66 b (new)

Text proposed by the Commission

Amendment

(66 b) '**L-category vehicles**' means powered two-, three- and four-wheel vehicles as categorised in Regulation (EU) No 168/2013 and Annex I, including powered cycles, two- and three-wheel mopeds, two- and three-wheel motorcycles, motorcycles with side-cars, light and heavy on-road quads, and light and heavy quadri-mobiles.

Amendment 84

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 1 — indent 2

Text proposed by the Commission

— in their territory, publicly accessible recharging stations dedicated to light-duty vehicles are deployed that provide sufficient power output for those vehicles.

Amendment

— in their territory, publicly accessible recharging stations dedicated to light-duty vehicles are deployed **in a manner that supports territorial balance and multimodal travelling** that provide sufficient power output for those vehicles;

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Amendment 85

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 1 — indent 2 a (new)

Text proposed by the Commission

Amendment

-
- *a sufficient number of publicly accessible recharging stations for light-duty vehicles is deployed on public roads in residential areas where vehicles typically park for extended periods of time;*

Amendment 86

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 1 — indent 2 b (new)

Text proposed by the Commission

Amendment

-
- *a sufficient number of publicly accessible recharging stations for light-duty vehicles is enabled for smart and bi-directional charging;*

Amendment 87

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 1 — indent 2 c (new)

Text proposed by the Commission

Amendment

-
- *the grid connection and the grid capacity are provided.*

Amendment 88

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point a

Text proposed by the Commission

Amendment

-
- (a) for each battery electric light-duty vehicle registered in their territory, a total power output of at least **1** kW is provided through publicly accessible recharging stations; and

-
- (a) for each battery electric light-duty vehicle registered in their territory, a total power output of at least **3** kW is provided, through publicly accessible recharging stations, *if the share of the total projected light-duty vehicle fleet represented by battery electric light-duty vehicles in that Member State is less than 1 %;*

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Amendment 89**Proposal for a regulation****Article 3 — paragraph 1 — subparagraph 2 — point a a (new)**

Text proposed by the Commission

Amendment

(a a) for each battery electric light-duty vehicle registered in their territory, a total power output of 2,5 kW is provided through publicly accessible recharging stations if the share of battery electric light-duty vehicles in relation to the total projected light-duty vehicle fleet in that Member State is 1 % or greater than 1 % but below 2,5 %;

Amendment 90**Proposal for a regulation****Article 3 — paragraph 1 — subparagraph 2 — point a b (new)**

Text proposed by the Commission

Amendment

(a b) for each battery electric light-duty vehicle registered in their territory, a total power output of at least 2 kW is provided through publicly accessible recharging stations if the share of battery electric light-duty vehicles in relation to the total projected light-duty vehicle fleet in that Member State is 2,5 % or greater than 2,5 % but below 5 %;

Amendment 91**Proposal for a regulation****Article 3 — paragraph 1 — subparagraph 2 — point a c (new)**

Text proposed by the Commission

Amendment

(a c) for each battery electric light-duty vehicle registered in their territory, a total power output of at least 1,5 kW is provided through publicly accessible recharging stations if the share of battery electric light-duty vehicles in relation to the total projected light-duty vehicle fleet in that Member State is 5 % or greater than 5 % but below 7,5 %; and

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Amendment 92

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point a d (new)

Text proposed by the Commission

Amendment

(a d) for each battery electric light-duty vehicle registered in their territory, a total power output of at least 1 kW is provided through publicly accessible recharging stations if the share of battery electric light-duty vehicles in relation to the total projected light-duty vehicle fleet in that Member State is 7,5 % or greater;

Amendment 93

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point b

Text proposed by the Commission

Amendment

(b) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least **0,66** kW is provided through publicly accessible recharging stations.

(b) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least 2 kW is provided through publicly accessible recharging stations **if the share of electric vehicles in relation to the total projected vehicle fleet in that Member State is less than 1 %;**

Amendment 94

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point b a (new)

Text proposed by the Commission

Amendment

(b a) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least 1,65 kW is provided through publicly accessible recharging stations if the share of electric vehicles in relation to the total projected vehicle fleet in that Member State is 1 % or greater than 1 % but below 2,5 %;

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Amendment 95

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point b b (new)

Text proposed by the Commission

Amendment

(b b) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least 1,33 kW is provided through publicly accessible recharging stations if the share of electric vehicles in relation to the total projected vehicle fleet in that Member State is 2,5 % or greater than 2,5 % but below 5 %;

Amendment 96

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point b c (new)

Text proposed by the Commission

Amendment

(b c) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least 1 kW is provided through publicly accessible recharging stations if the share of electric vehicles in relation to the total projected vehicle fleet in that Member State is 5 % or greater than 5 % but below 7,5 %; and

Amendment 97

Proposal for a regulation

Article 3 — paragraph 1 — subparagraph 2 — point b d (new)

Text proposed by the Commission

Amendment

(b d) for each plug-in hybrid light-duty vehicle registered in their territory, a total power output of at least 0,66 kW is provided through publicly accessible recharging stations if the share of electric vehicles in relation to the total projected vehicle fleet in that Member State is 7,5 % or greater.

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Amendment 98

Proposal for a regulation

Article 3 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Without prejudice to paragraph 1, second subparagraph, point (a), Member States shall ensure a deployment of minimum power output targets of recharging infrastructure at national level that is sufficient for:

— **3 % of the total projected light-duty vehicle fleet by 31 December 2027;**

— **5 % of the total projected light-duty vehicle fleet by 31 December 2030;**

Amendment 99

Proposal for a regulation

Article 3 — paragraph 2 — point a — introductory part

Text proposed by the Commission

Amendment

(a) along the TEN-T core network, publicly accessible recharging pools dedicated to light-duty vehicles and meeting the following requirements are deployed in each direction of travel with a maximum distance of 60 km in-between them:

(a) along the TEN-T core **network and comprehensive** network, publicly accessible recharging pools dedicated to light-duty vehicles and meeting the following requirements are deployed in each direction of travel with a maximum distance of 60 km in-between them:

Amendment 100

Proposal for a regulation

Article 3 — paragraph 2 — point a — point i

Text proposed by the Commission

Amendment

(i) by 31 December 2025, each recharging pool shall offer a power output of at least **300** kW and include at least one recharging station with an individual power output of at least **150** kW;

(i) by 31 December 2025, each recharging pool shall offer a power output of at least **600** kW and include at least one recharging station with an individual power output of at least **300** kW;

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Amendment 101

Proposal for a regulation

Article 3 — paragraph 2 — point a — point ii

Text proposed by the Commission

- (ii) by 31 December 2030, each recharging pool shall offer a power output of at least **600** kW and include at least two recharging stations with an individual power output of at least **150** kW;

Amendment

- (ii) by 31 December 2030, each recharging pool shall offer a power output of at least **900** kW and include at least two recharging stations with an individual power output of at least **350** kW;

Amendment 102

Proposal for a regulation

Article 3 — paragraph 2 — point b

Text proposed by the Commission

- (b) *along the TEN-T comprehensive network, publicly accessible recharging pools dedicated to light-duty vehicles and meeting the following requirements are deployed in each direction of travel with a maximum distance of 60 km in-between them:*

- (i) *by 31 December 2030, each recharging pool shall offer a power output of at least 300 kW and include at least one recharging station with an individual power output of at least 150 kW;*

- (ii) *by 31 December 2035, each recharging pool shall offer a power output of at least 600 kW and include at least two recharging stations with an individual power output of at least 150 kW.*

Amendment

deleted

Amendment 103

Proposal for a regulation

Article 3 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *In the case of rapid market uptake of electric vehicles in any relevant reporting period, Member States should shorten the deadlines specified in paragraph 2 accordingly and increase the targets for recharging pools accordingly.*

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Amendment 104**Proposal for a regulation****Article 3 — paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2 b. *If the costs are disproportionate to the benefits, including environmental benefits, Member States may decide not to apply paragraphs 1 and 2 of this Article to:*

(a) outermost regions of the Union, as referred to in Article 349 of the Treaty on the Functioning of the European Union; or

(b) islands that are not connected to mainland energy networks, falling under the definition of small connected systems or isolated systems according to Directive (EU) 2019/944.

In such cases, that Member State shall justify its decisions to the Commission and shall make available all relevant information in its national policy frameworks.

Amendment 105**Proposal for a regulation****Article 3 — paragraph 2 c (new)**

Text proposed by the Commission

Amendment

2 c. *Following a reasoned request by a Member State the Commission may grant an exemption from the requirement laid down in paragraph 2 for TEN-T roads with a total annual average daily traffic of less than 2 000 light-duty vehicles, provided that the infrastructure cannot be justified in socio-economic cost-benefit terms. When granted, a Member State may on such roads deploy, a single publicly accessible recharging pool which serves both directions of travel, while meeting the requirements set out in paragraph 2 in terms of distance, total power output of the pool, number of points and power output of single points applicable for a single direction of travel, provided that the recharging pool is easily accessible from both directions of travel. The Commission shall grant such exemptions in duly justified cases, after an assessment of the reasoned request submitted by the Member State.*

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Amendment 106

Proposal for a regulation

Article 3 — paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. Following a reasoned request by a Member State the Commission may grant an exemption from the maximum distance requirement laid down in paragraph 2 of this Article for TEN-T roads with a total annual average daily traffic of less than 1 500 light-duty vehicles, provided that the infrastructure cannot be justified in socio-economic cost-benefit terms. Where such a derogation is granted, Member States may allow a higher maximum distance of up to 100km between recharging points. The Commission shall grant such exemptions in duly justified cases, after an assessment of the reasoned request submitted by the Member State.

Amendment 107

Proposal for a regulation

Article 3 — paragraph 2 e (new)

Text proposed by the Commission

Amendment

2 e. In densely populated areas and regions with a lack of available off-street parking or high uptake in registered light-duty electricity vehicles, Member States shall ensure that the number of publicly accessible recharging stations is increased accordingly in order to provide the necessary infrastructure and support the market development.

Amendment 108

Proposal for a regulation

Article 3 — paragraph 3

Text proposed by the Commission

Amendment

3. Neighbouring Member States shall ensure that the maximum distances referred to in points (a) and (b) are not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

3. Neighbouring Member States shall **take the necessary measures to** ensure that the maximum distances referred to in points (a) and (b) are not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

Amendment 109

Proposal for a regulation

Article 3 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall take the necessary measures to ensure the cooperation with third-countries, especially candidate countries and those third countries, in which transit corridors connecting Member States, are situated.

Wednesday 19 October 2022

Amendment 110

Proposal for a regulation

Article 4 — paragraph 1 — point a — point i

Text proposed by the Commission

- (i) by 31 December 2025, each recharging pool shall offer a power output of at least **1 400** kW and include at least **one** recharging station with an individual power output of at least **350** kW;

Amendment

- (i) by 31 December 2025, each recharging pool shall offer a power output of at least **2 000** kW and include at least **two** recharging station with an individual power output of at least **800** kW;

Amendment 111

Proposal for a regulation

Article 4 — paragraph 1 — point a — point ii

Text proposed by the Commission

- (ii) by 31 December 2030, each recharging pool shall offer a power output of at least **3 500** kW and include at least **two** recharging stations with an individual power output of at least **350** kW;

Amendment

- (ii) by 31 December 2030, each recharging pool shall offer a power output of at least **5 000** kW and include at least **four** recharging stations with an individual power output of at least **800** kW;

Amendment 112

Proposal for a regulation

Article 4 — paragraph 1 — point b — point i

Text proposed by the Commission

- (i) by 31 December 2030, each recharging pool shall offer a power output of at least **1 400** kW and include at least one recharging station with an individual power output of at least **350** kW;

Amendment

- (i) by 31 December 2030, each recharging pool shall offer a power output of at least **2 000** kW and include at least one recharging station with an individual power output of at least **800** kW;

Amendment 113

Proposal for a regulation

Article 4 — paragraph 1 — point b — point ii

Text proposed by the Commission

- (ii) by 31 December 2035, each recharging pool shall offer a power output of at least **3 500** kW and include at least two recharging stations with an individual power output of at least **350** kW;

Amendment

- (ii) by 31 December 2035, each recharging pool shall offer a power output of at least **5 000** kW and include at least two recharging stations with an individual power output of at least **800** kW;

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Amendment 114

Proposal for a regulation

Article 4 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(b a) following a reasoned request by a Member State the Commission may grant an exemption from the requirement laid down in paragraph 1 for TEN-T roads with a total annual average daily traffic of less than 800 heavy-duty vehicles, provided that the infrastructure cannot be justified in socio-economic cost-benefit terms. When granted, a Member State may on such roads deploy, a single publicly accessible recharging pool which serves both directions of travel, while meeting the requirements set out in paragraph 1 in terms of distance, total power output of the pool, number of points and power output of single points applicable for a single direction of travel, provided that the recharging pool is easily accessible from both directions of travel. The Commission shall grant such exemptions in duly justified cases, after an assessment of the reasoned request submitted by the Member State;

Amendment 115

Proposal for a regulation

Article 4 — paragraph 1 — point b b (new)

Text proposed by the Commission

Amendment

(b b) following a reasoned request by a Member State the Commission may grant an exemption from the maximum distance requirement laid down in paragraph 1 of this Article for TEN-T roads with a total annual average daily traffic of less than 600 heavy-duty vehicles, provided that the infrastructure cannot be justified in socio-economic cost-benefit terms. Where such a derogation is granted, Member States may allow a higher maximum distance of up to 100km between recharging points. The Commission shall grant such exemptions in duly justified cases, after an assessment of the reasoned request submitted by the Member State;

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Amendment 116

Proposal for a regulation

Article 4 — paragraph 1 — point c

Text proposed by the Commission

(c) by 31 December **2030**, in each safe and secure parking area at least **one** recharging **station** dedicated to heavy-duty vehicles with a power output of at least 100 kW **is** installed;

Amendment

(c) by 31 December **2027**, in each safe and secure parking area at least **two** recharging **stations** dedicated to heavy-duty vehicles with a power output of at least 100 kW **are** installed **and enabled for smart and bi-directional charging**;

Amendment 117

Proposal for a regulation

Article 4 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

(c a) **by 31 December 2030, in each safe and secure parking area, at least four recharging stations dedicated to heavy-duty vehicles with a power output of at least 100 kW are installed and enabled for smart and bi-directional charging**;

Amendment 118

Proposal for a regulation

Article 4 — paragraph 1 — point d

Text proposed by the Commission

(d) by 31 December 2025, in each urban node publicly accessible recharging points dedicated to heavy-duty vehicles providing an aggregated power output of at least **600** kW are deployed, provided by recharging stations with an individual power output of at least **150** kW;

Amendment

(d) by 31 December 2025, in each urban node publicly accessible recharging points dedicated to heavy-duty vehicles providing an aggregated power output of at least **1 400** kW are deployed, provided by recharging stations with an individual power output of at least **350** kW;

Amendment 119

Proposal for a regulation

Article 4 — paragraph 1 — point e

Text proposed by the Commission

(e) by 31 December 2030, in each urban node publicly accessible recharging points dedicated to heavy-duty vehicles providing an aggregated power output of at least **1 200** kW are deployed, provided by recharging stations with an individual power output of at least **150** kW.

Amendment

(e) by 31 December 2030, in each urban node publicly accessible recharging points dedicated to heavy-duty vehicles providing an aggregated power output of at least **3 500** kW are deployed, provided by recharging stations with an individual power output of at least **350** kW.

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Amendment 120

Proposal for a regulation

Article 4 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The requirements referred to in paragraph 1, points (c), (ca), (d) and (e), shall apply in addition to the requirements set out in paragraph 1, points (a) and (b).

Amendment 121

Proposal for a regulation

Article 4 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The Commission shall consider whether to increase the individual power output referred to in paragraph 1, points (a), (b), (d), and (e), once the common technical specifications are available and supplemented in accordance with Annex II as part of the review of this Regulation, pursuant to Article 22.

Amendment 122

Proposal for a regulation

Article 4 — paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Member States shall ensure that the necessary electricity grid connection and grid capacity is provided. Therefore, Member States should, in coordination with the relevant stakeholders, carry out an analysis before 2025 in order to evaluate and plan the necessary grid reinforcements to the electricity grids.

Amendment 123

Proposal for a regulation

Article 4 — paragraph 2

Text proposed by the Commission

Amendment

2. Neighbouring Member States shall ensure that the maximum distances referred to in points (a) and (b) are not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

2. Neighbouring Member States shall **take the necessary measures to** ensure that the maximum distances referred to in points (a) and (b) are not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

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Amendment 124

Proposal for a regulation

Article 4 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall take the necessary measures to ensure the cooperation with third countries, especially candidate countries and those third countries, in which transit corridors connecting Member States are situated.

Amendment 125

Proposal for a regulation

Article 4 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. If the costs are disproportionate to the benefits, including the environmental benefits, a Member State may decide not to apply paragraph 1 and 2 of this Article to:

- (a) outermost regions of the Union, as referred to in Article 349 of the Treaty on the Functioning of the European Union; or*
- (b) islands that are not connected to mainland energy networks, falling under the definition of small connected systems or isolated systems according to Directive (EU) 2019/944.*

In such cases, Member States shall justify their decisions to the Commission and shall make available all relevant information in their national policy frameworks.

Amendment 126

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1 — point a — introductory part

Text proposed by the Commission

Amendment

- (a) operators of recharging points shall, at publicly accessible recharging stations **with a power output below 50 kW**, deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, including at least **one of the following**:

To that end, operators of recharging points shall, at publicly accessible recharging stations deployed from **[date of entry into force of this Regulation]**, accept electronic payments through terminals and devices used for payment services, including at least **payment card readers or devices with a contactless functionality that is at least able to read payment cards. Additionally, if possible, devices using an internet connection with which for instance a Quick Response code can be specifically generated and used for the payment transaction may be provided.**

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Amendment 127

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1 — point a — point i

Text proposed by the Commission

Amendment

(i) *payment card readers;*

deleted

Amendment 128

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1 — point a — point ii

Text proposed by the Commission

Amendment

(ii) *devices with a contactless functionality that is at least able to read payment cards;*

deleted

Amendment 129

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1 — point a — point iii

Text proposed by the Commission

Amendment

(iii) *devices using an internet connection with which for instance a Quick Response code can be specifically generated and used for the payment transaction;*

deleted

Amendment 130

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1 — point b

Text proposed by the Commission

Amendment

(b) *operators of recharging points shall, at publicly accessible recharging stations with a power output equal to or more than 50 kW, deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, including at least one of the following:*

deleted

Wednesday 19 October 2022

Text proposed by the Commission

Amendment

(i) *payment card readers;*(ii) *devices with a contactless functionality that is at least able to read payment cards.*

Amendment 131

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Amendment

From 1 January 2027 onwards, operators of recharging points shall ensure that all publicly accessible recharging stations **with a power output equal to or more than 50 kW** operated by them comply with the **requirement in point (b)**.

From 1 January 2027 onwards, operators of recharging points shall ensure that all publicly accessible recharging stations operated by them comply with the **requirements laid down in this paragraph**.

Amendment 132

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 3

Text proposed by the Commission

Amendment

The requirements laid down in **points (a) and (b)** shall not apply to publicly accessible recharging points that do not require payment for the recharging service.

The requirements laid down in **this paragraph** shall not apply to publicly accessible recharging points that do not require payment for the recharging service.

Amendment 133

Proposal for a regulation

Article 5 — paragraph 3

Text proposed by the Commission

Amendment

3. Operators of recharging points shall, when they offer automatic authentication at a publicly accessible recharging point operated by them, ensure that end users always have the right not to make use of the automatic authentication and may either recharge their vehicle on an ad hoc basis, as provided for in paragraph 3, or use another contract-based recharging solution offered at that recharging point. Operators of recharging points shall transparently display that option and offer it in a convenient manner to the end user, at each publicly accessible recharging point that they operate and where they make available automatic authentication.

3. Operators of recharging points shall, when they offer automatic authentication at a publicly accessible recharging point operated by them, ensure that end users always have the right not to make use of the automatic authentication and may either recharge their vehicle on an ad hoc basis, as provided for in paragraph 3, or use another contract-based recharging solution offered at that recharging point. Operators of recharging points shall transparently display that option and offer it in a convenient manner to the end user, **and shall ensure that e-roaming is available**, at each publicly accessible recharging point that they operate and where they make available automatic authentication.

Wednesday 19 October 2022

Amendment 134

Proposal for a regulation

Article 5 — paragraph 4

Text proposed by the Commission

4. Prices charged by operators of publicly accessible recharging points shall be reasonable, easily and clearly comparable, transparent and non-discriminatory. Operators of publicly accessible recharging points shall not discriminate between the prices charged to end users and prices charged to mobility service providers nor between prices charged to different mobility service providers. Where relevant, the level of prices may only be differentiated in a proportionate manner, according to an objective justification.

Amendment

4. **Operators of publicly accessible recharging points shall ensure that any mobility service provider has access to the recharging stations operated by them in a non-discriminatory manner.** Prices charged by operators of publicly accessible recharging points shall be reasonable **and affordable**, easily and clearly comparable, transparent and non-discriminatory. Operators of publicly accessible recharging points shall not discriminate between the prices charged to end users and prices charged to mobility service providers nor between prices charged to different mobility service providers. Where relevant, the level of prices may only be differentiated in a proportionate manner, according to an objective justification **or based on contractual terms.**

Amendment 135

Proposal for a regulation

Article 5 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. **Member States shall take appropriate measures to prevent unfair practices that target consumers, including in relation to the prices set for the use of publicly accessible charging points, such as price gouging, with the overall objective of safeguarding competition on the market and consumer rights. The adoption of such measures shall be based on regular monitoring of pricing and practices of vehicle producers and recharging point operators. The Member States shall notify the Commission of the adoption of such measures by the appropriate regulatory authority.**

Amendment 136

Proposal for a regulation

Article 5 — paragraph 5 — introductory part

Text proposed by the Commission

5. Operators of recharging points shall clearly display the ad hoc price and all its components at all publicly accessible recharging stations operated by them so that **these are** known to end users before they initiate a recharging session. **At least the following price components, if applicable at the recharging station, shall be clearly displayed:**

Amendment

5. Operators of recharging points shall clearly display the ad hoc price **per kWh** and all its components at all publicly accessible recharging stations operated by them so that **this information is** known to end users before they initiate a recharging session.

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Amendment 137

Proposal for a regulation

Article 5 — paragraph 5 — indent 1

Text proposed by the Commission

Amendment

— **price per session,****deleted**

Amendment 138

Proposal for a regulation

Article 5 — paragraph 5 — indent 2

Text proposed by the Commission

Amendment

— **price per minute,****deleted**

Amendment 139

Proposal for a regulation

Article 5 — paragraph 5 — indent 3

Text proposed by the Commission

Amendment

— **price per kWh.****deleted**

Amendment 140

Proposal for a regulation

Article 5 — paragraph 6

Text proposed by the Commission

Amendment

6. Prices charged by mobility service providers to end users shall be reasonable, transparent and non-discriminatory. Mobility service providers shall make available to end users all applicable price information, prior to the start of the recharging session, and specific to their intended recharging session, through freely available, widely supported electronic means, clearly **distinguishing** the price **components** charged by the operator of recharging point, applicable e-roaming costs and other fees or charges applied by the mobility service provider. The fees shall be reasonable, transparent and non-discriminatory. No extra charges for cross-border e-roaming shall be applied.

6. Prices charged by mobility service providers to end users shall be reasonable **and affordable**, transparent and non-discriminatory. Mobility service providers shall make available to end users all applicable price information, prior to the start of the recharging session, and specific to their intended recharging session, through freely available, widely supported electronic means, clearly **displaying** the price **per kWh** charged by the operator of **the** recharging point, applicable e-roaming costs and other fees or charges applied by the mobility service provider. The fees shall be reasonable **and affordable**, transparent and non-discriminatory. No extra charges for cross-border e-roaming shall be applied.

Wednesday 19 October 2022

Amendment 141

Proposal for a regulation

Article 5 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Operators of smart or bi-directional recharging points shall make available information that they receive from transmission system operators, electricity suppliers, or via their own electricity production, on the share of renewable electricity in the transmission system and the associated greenhouse gas emissions. That information shall be made available in regular real time intervals, it shall be accompanied by forecasting, where available, and, where applicable, the terms of the contract with the electricity provider shall apply.

Amendment 142

Proposal for a regulation

Article 5 — paragraph 7

Text proposed by the Commission

Amendment

7. From the date referred to in Article 24, operators of recharging points shall ensure that all publicly accessible recharging points operated by them are digitally-connected **recharging points**.

7. From **[date of entry into force of this Regulation]**, operators of recharging points shall ensure that all **newly built or renovated** publicly accessible recharging points operated by them are digitally-connected, **include e-roaming functionality and their location and status are easily visible online**.

Amendment 143

Proposal for a regulation

Article 5 — paragraph 8

Text proposed by the Commission

Amendment

8. From the date referred to in Article 24, operators of recharging points shall ensure that all publicly accessible **normal power** recharging points operated by them are capable of smart recharging.

8. From **[date of entry into force of this Regulation]**, operators of recharging points shall ensure that all **newly built or renovated** publicly accessible recharging points operated by them are capable of smart recharging.

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Amendment 144

Proposal for a regulation

Article 5 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. Operators of publicly accessible recharging points shall ensure that:

- (a) the recharging stations operate in a proper condition throughout their commercial lifetime and that the functionalities set out in paragraphs 2 to 5 are always available to end users, with regular maintenance and repair operations being executed as soon as any malfunction is detected;**
- (b) all publicly accessible recharging points operated by them comply with provisions of directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.**

Amendment 145

Proposal for a regulation

Article 5 — paragraph 9

Text proposed by the Commission

Amendment

9. Member States shall take the necessary measures to ensure that appropriate signposting is deployed within parking and rest areas on the TEN-T road network where alternative fuels infrastructure is installed, to enable easy identification of the exact location of the alternative fuels infrastructure.

9. **From [date of entry into force of this Regulation],** Member States shall take the necessary measures to ensure that appropriate signposting is deployed within parking and rest areas on the TEN-T road network where alternative fuels infrastructure is installed, to enable easy identification of the exact location of the alternative fuels infrastructure. **Signposting shall also be deployed at an appropriate distance on the TEN-T road network leading up to parking and rest areas where such alternative fuels infrastructure is installed.**

Amendment 146

Proposal for a regulation

Article 5 — paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. Member States shall encourage operators to take necessary measures to offer standardised and fully interoperable information systems providing information about the availability of recharging points. Such systems shall be precise, user-friendly and operable in the official language(s) of the Member State and in English.

Wednesday 19 October 2022

Amendment 147

Proposal for a regulation

Article 5 — paragraph 11 a (new)

Text proposed by the Commission

Amendment

11 a. Operators of publicly accessible recharging points shall ensure that the necessary contact information for local emergency services is clearly displayed at charging stations.

Amendment 148

Proposal for a regulation

Article 5 — paragraph 11 b (new)

Text proposed by the Commission

Amendment

11 b. At unattended charging stations, Member States shall facilitate the installation of camera surveillance systems and an emergency call button for immediate contact with local emergency services.

Amendment 149

Proposal for a regulation

Article 6 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that, in their territory, a minimum number of publicly accessible hydrogen refuelling stations are put in place by 31 December **2030**.

Member States shall ensure that, in their territory, a minimum number of publicly accessible hydrogen refuelling stations are put in place by 31 December **2027**.

Amendment 150

Proposal for a regulation

Article 6 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Amendment

To that end Member States shall ensure that by 31 December **2030** publicly accessible hydrogen refuelling stations with a minimum capacity of 2 t/day and equipped with at least a 700 bars dispenser are deployed with a maximum distance of **150** km in-between them along the TEN-T core and the TEN-T comprehensive network. Liquid hydrogen shall be made available at publicly accessible refuelling stations with a maximum distance of **450** km in-between them.

To that end Member States shall ensure that by 31 December **2027** publicly accessible hydrogen refuelling stations with a minimum capacity of 2 t/day and equipped with at least a 700 bars dispenser are deployed with a maximum distance of **100** km in-between them along the TEN-T core and the TEN-T comprehensive network. Liquid hydrogen shall be made available at publicly accessible refuelling stations with a maximum distance of **400** km in-between them.

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Amendment 151**Proposal for a regulation****Article 6 — paragraph 1 — subparagraph 3***Text proposed by the Commission*

They shall ensure that by 31 December **2030**, at least one publicly accessible hydrogen refuelling station is deployed in each urban node. An analysis on the best location shall be carried out for such refuelling stations that shall in particular consider the deployment of such stations in multimodal hubs where also other transport modes could be supplied.

Amendment

They shall ensure that by 31 December **2027** at least one publicly accessible hydrogen refuelling station is deployed in each urban node. An analysis on the best location shall be carried out for such refuelling stations that shall in particular consider the deployment of such stations in multimodal hubs where also other transport modes could be supplied.

Amendment 152**Proposal for a regulation****Article 6 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1 a. Member States shall publish a detailed list of multimodal transport hubs, industrial clusters and ports suitable for the deployment of hydrogen refuelling stations by 31 December 2024.

Amendment 153**Proposal for a regulation****Article 6 — paragraph 2***Text proposed by the Commission*

2. Neighbouring Member States shall ensure that the maximum distance referred to in paragraph 1, second subparagraph is not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

Amendment

2. Neighbouring Member States shall **take the necessary measures to** ensure that the maximum distance referred to in paragraph 1, second subparagraph is not exceeded for cross-border sections of the TEN-T core and the TEN-T comprehensive network.

Wednesday 19 October 2022

Amendment 154

Proposal for a regulation

Article 6 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. If the costs are disproportionate to the benefits, including the environmental benefits, Member States may decide not to apply paragraph 1 of this Article to: (a) outermost regions of the Union, as referred to in Article 349 of the Treaty on the Functioning of the European Union; or (b) islands that are not connected to mainland energy networks, falling under the definition of small connected systems or isolated systems according to Directive (EU) 2019/944. In such cases, Member States shall justify their decisions to the Commission and shall make available all relevant information in their national policy frameworks.

Amendment 155

Proposal for a regulation

Article 6 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The Commission shall take the necessary measures to ensure cooperation with third countries, especially candidate countries and those third countries in which transit corridors connecting Member States are situated.

Amendment 156

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

Amendment

From the date referred to in Article 24 all operators of publicly accessible hydrogen refuelling stations operated by them shall provide for the possibility for end users to refuel on an ad hoc basis using a payment instrument that is widely used in the Union. To that end, operators of hydrogen refuelling stations shall ensure that all hydrogen refuelling stations operated by them accept electronic payments through terminals and devices used for payment services, including at least **one of the following**:

From **[date of entry into force of this Regulation]** all operators of publicly accessible hydrogen refuelling stations operated by them shall provide for the possibility for end users to refuel on an ad hoc basis using a payment instrument that is widely used in the Union. To that end, operators of hydrogen refuelling stations shall ensure that all hydrogen refuelling stations operated by them accept electronic payments through terminals and devices used for payment services, including at least **payment card readers or contactless devices that are able to read payment cards.**

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Amendment 157

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point a

Text proposed by the Commission

Amendment

(a) *payment card readers;*

deleted

Amendment 158

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission

Amendment

(b) *devices with a contactless functionality that is at least able to read payment cards.*

deleted

Amendment 159

Proposal for a regulation

Article 7 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall encourage operators to offer standardised and fully interoperable information systems providing information about the availability of refuelling points. Such systems shall be precise, user-friendly and operable in the official language(s) of the Member State and in English.

Amendment 160

Proposal for a regulation

Article 7 — paragraph 3

Text proposed by the Commission

Amendment

3. Operators of hydrogen refuelling points shall make price information available before the start of a refuelling session at the refuelling stations operated by them.

3. Operators of hydrogen refuelling points shall make price information available before the start of a refuelling session at the refuelling stations operated by them. **They shall clearly display the ad hoc price and all its components at all publicly accessible refuelling stations operated by them so that these are known to end users before a refuelling session is initiated. The price per kg shall be clearly displayed.**

Wednesday 19 October 2022

Amendment 161

Proposal for a regulation

Article 7 — paragraph 4

Text proposed by the Commission

4. Operators of publicly accessible refuelling stations may provide hydrogen refuelling services to customers on a contractual basis, including in the name and on behalf of other mobility service providers. Mobility service providers shall charge prices to end users that are reasonable, transparent and non-discriminatory. Mobility service providers shall make available to end users all applicable price information, prior to the start of the **recharging** session, and specific to their intended **recharging** session, through freely available, widely supported electronic means, clearly distinguishing the price components charged by the operator of the hydrogen refuelling point, applicable e-roaming costs and other fees or charges applied by the mobility service provider.

Amendment

4. Operators of publicly accessible refuelling stations may provide hydrogen refuelling services to customers on a contractual basis, including in the name and on behalf of other mobility service providers. Mobility service providers shall charge prices to end users that are reasonable, transparent and non-discriminatory. Mobility service providers shall make available to end users all applicable price information, prior to the start of the **refuelling** session, and specific to their intended **refuelling** session, through freely available, widely supported electronic means, clearly distinguishing the price components charged by the operator of the hydrogen refuelling point, applicable e-roaming costs and other fees or charges applied by the mobility service provider.

Amendment 162

Proposal for a regulation

Article 9 — paragraph 1 — introductory part

Text proposed by the Commission

1. Member States shall ensure that a minimum shore-side electricity supply for seagoing container and passenger ships is provided in maritime ports. To that end, Member States shall take the necessary measures to ensure that by 1 January 2030:

Amendment

1. Member States shall ensure that a minimum shore-side electricity supply for seagoing container and passenger ships is provided in **TEN-T core and comprehensive** maritime ports. To that end, **and in full alignment with Article 5, (1) and (2) of Regulation XXXX-XXX [FuelEU Maritime]**, Member States shall, **in cooperation with the managing body or the competent authority**, take the necessary measures to ensure that by 1 January 2030:

Amendment 163

Proposal for a regulation

Article 9 — paragraph 1 a (new)

*Text proposed by the Commission**Amendment*

1 a. Member States shall ensure that sufficient grid infrastructure and capacity, power reserve and frequency conversion is made available to meet the requirements set out in paragraph 1, points (a), (b) and (c).

Wednesday 19 October 2022

Amendment 164

Proposal for a regulation

Article 9 — paragraph 2 — introductory part

Text proposed by the Commission

2. For the determination of the number of port calls the following port calls shall not be taken into account:

Amendment

2. For the determination of the number of port calls **and in full alignment with Article 5(3) of Regulation XXXX-XXX [FuelEU Maritime]**, the following port calls shall not be taken into account:

Amendment 165

Proposal for a regulation

Article 9 — paragraph 2 — point a (new)

Text proposed by the Commission

Amendment

(a a) **port calls estimated to be at berth for less than two hours which were prevented from departing within that timeframe due to events that could not be foreseen when entering the port and that were clearly outside the operator's control or responsibility;**

Amendment 166

Proposal for a regulation

Article 9 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

(c a) **several short port calls to load and unload at different berths in the same port, not surpassing the time limit specified in point (a);**

Amendment 167

Proposal for a regulation

Article 9 — paragraph 3

Text proposed by the Commission

3. Where the maritime port of the TEN-T core network and the TEN-T comprehensive network is located on an island which is not connected directly to the electricity grid, paragraph 1 shall not apply, until such a connection has been completed or there is a sufficient locally generated capacity from clean energy sources.

Amendment

3. Where the maritime port of the TEN-T core network and the TEN-T comprehensive network is located on an island **or in an outermost region of the Union as referred to in Article 349 TFEU**, which is not connected directly to the electricity grid, paragraph 1 shall not apply, until such a connection has been completed or there is a sufficient locally generated capacity from clean energy sources.

Wednesday 19 October 2022

Amendment 168

Proposal for a regulation

Article 9 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Without prejudice to paragraph 3, paragraph 1 shall not apply to the territory of Ceuta and Melilla until a connection directly to the electricity grid of the mainland, or to that of a neighbouring country, has been completed, or there is sufficient locally generated capacity from clean energy sources.

Amendment 169

Proposal for a regulation

Article 10 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(b a) sufficient grid capacity and connection, power reserve and frequency conversion to the ports are available.

Amendment 170

Proposal for a regulation

Article 11 — title

Text proposed by the Commission

Amendment

Targets for supply of LNG in maritime ports

Targets for supply of LNG, **ammonia and hydrogen** in maritime ports

Amendment 171

Proposal for a regulation

Article 11 — paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that an appropriate number of refuelling points for LNG are put in place at TEN-T core maritime ports referred to in paragraph 2, to enable seagoing ships to circulate throughout the TEN-T core network by 1 January 2025. Member States shall cooperate with neighbouring Member States where necessary to ensure adequate coverage of the TEN-T core network.

1. Member States shall ensure that an appropriate number of refuelling points for LNG, **ammonia and hydrogen** are put in place at TEN-T core maritime ports referred to in paragraph 2, to **meet market demand both in the short and long term for such fuels** and enable seagoing ships to circulate throughout the TEN-T core network by 1 January 2025. Member States shall cooperate with neighbouring Member States where necessary to ensure adequate coverage of the TEN-T core network.

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Amendment 172

Proposal for a regulation

Article 11 — paragraph 2

Text proposed by the Commission

2. Member States shall designate in their national policy frameworks TEN-T core maritime ports that shall provide access to the refuelling points **for LNG** referred to in paragraph 1, also taking into consideration actual market needs and developments.

Amendment

2. Member States shall designate in their national policy frameworks TEN-T core maritime ports that shall provide access to the refuelling points referred to in paragraph 1, also taking into consideration **port development, existing LNG supply points and** actual market needs and developments, **as well as their obligations in relation to the Union climate neutrality objective.**

Amendment 173

Proposal for a regulation

Article 12 — paragraph 1 — introductory part

Text proposed by the Commission

1. Member States shall ensure that airport managing bodies of all TEN-T core and comprehensive network airports ensure the provision of electricity supply to stationary aircraft by:

Amendment

1. Member States shall ensure that airport managing bodies **and suppliers of ground handling services** of all TEN-T core and comprehensive network airports ensure the provision of electricity supply to stationary aircraft, by:

Amendment 174

Proposal for a regulation

Article 12 — paragraph 1 — subparagraph 1 a (new)

*Text proposed by the Commission**Amendment*

However, paragraph 1(a) and (b) shall not apply to short-term parking positions, for the de-icing of aircraft, parking positions in military areas and parking positions for general air traffic (below 5,7 to MTOW).

Amendment 175

Proposal for a regulation

Article 12 — paragraph 2 a (new)

*Text proposed by the Commission**Amendment*

2 a. By way of derogation from paragraph 1 (a) and (b), where the airport of the TEN-T core network or the TEN-T comprehensive network is located on an island which is not connected directly to the electricity grid, or in an outermost region, that paragraph shall not apply until such a connection has been completed or there is sufficient locally generated capacity from clean energy sources, or if the costs are disproportionate to the benefits, including environmental benefits.

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Amendment 176

Proposal for a regulation

Article 12 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall ensure that airport managing bodies or ground handling service suppliers of TEN-T core network airports provide preconditioned air systems.

Amendment 177

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment**Article 12 a****Infrastructure targets for railway lines**

1. Member States shall ensure the provision of sufficient infrastructure to enable railway lines across the Union to meet the electrification objectives of Regulation (EU) No 1315/2013 [TEN T Regulation].

2. Where the direct electrification of railway lines is not possible, including for reasons linked to the cost-efficiency of the service, Member States shall ensure that an appropriate number of charging stations for battery-powered trains, and hydrogen refuelling stations for rail, are put in place. To that end, Member States shall ensure that, along the TEN-T core and comprehensive networks, recharging stations for battery-powered trains and refuelling stations for hydrogen trains are deployed in each direction of travel in sections for which electrification is not provided for in Regulation (EU) No 1315/2013 [TEN T Regulation].

3. Member States shall ensure that, when decisions are taken on the necessary infrastructure to be deployed in order to comply with paragraph 2, the ‘energy efficiency first’ principle is fully taken into account.

4. Prior to deployment, Member States shall carry out an analysis of the best location for such stations. In doing so, Member States shall consider, in particular, the deployment of stations in urban nodes and multimodal hubs where other transport modes could also be integrated.

Wednesday 19 October 2022

Amendment 178

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 1

Text proposed by the Commission

By 1 January 2024, each Member State shall prepare and send to the Commission a draft national policy framework for the development of the market as regards alternative fuels in the transport sector and the deployment of the relevant infrastructure.

Amendment

By 1 January 2024, each Member State shall prepare, **in coordination with national, regional and local authorities**, and send to the Commission a draft national policy framework for the development of the market as regards alternative fuels in the transport sector and the deployment of the relevant infrastructure.

Amendment 179

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point a

Text proposed by the Commission

(a) an assessment of the current state and future development of the market as regards alternative fuels in the transport sector, and of the development of alternative fuels infrastructure, considering intermodal access of alternative fuels infrastructure and, where relevant, cross-border continuity;

Amendment

(a) an assessment of the current state and future development of the market as regards alternative fuels in the transport sector, and of the development of alternative fuels infrastructure, considering intermodal access of alternative fuels infrastructure and, where relevant, cross-border continuity **and mobility and accessibility between islands and outermost regions, as well as between them and the mainland**;

Amendment 180

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point a a (new)

*Text proposed by the Commission**Amendment*

(a a) an assessment of how measures are implemented in full accordance with the energy efficiency first principle; Member States shall provide an account for how the 'energy efficiency first' principle has been applied when making planning and investment decisions related to the deployment of recharging and refuelling infrastructure of alternative fuels;

Amendment 181

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point a b (new)

*Text proposed by the Commission**Amendment*

(a b) an assessment of the current state and future development of grid connections and capacity, including any improvements and resilience measures needed, as well as the required financing;

Wednesday 19 October 2022

Amendment 182

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point a c (new)

Text proposed by the Commission

Amendment

(a c) ***an assessment of the prospects of changes in the amount of electricity available to the transport sector, as well as its sources;***

Amendment 183

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point b

Text proposed by the Commission

Amendment

(b) national targets and objectives pursuant to Articles 3, 4, 6, 8, 9, 10, 11 ***and 12*** for which mandatory national targets are set out in this Regulation;

(b) national targets and objectives pursuant to Articles 3, 4, 6, 8, 9, 10, 11, ***12 and 12a*** for which mandatory national targets are set out in this Regulation;

Amendment 184

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point c

Text proposed by the Commission

Amendment

(c) national targets and objectives for the deployment of alternative fuels infrastructure related to points (l), (m), (n), (o) ***and (p)*** of this paragraph for which no mandatory targets are set out in this Regulation;

(c) national targets and objectives for the deployment of alternative fuels infrastructure related to points (l), (***l a***), (m), (n), (o), (***p***), (***p a***) ***and (p b)*** of this paragraph for which no mandatory targets are set out in this Regulation;

Amendment 185

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point e

Text proposed by the Commission

Amendment

(e) measures to promote the deployment of alternative fuels infrastructure for captive fleets, in particular for electric recharging and hydrogen refuelling stations for public transport services and electric recharging stations for car sharing;

(e) measures to promote the deployment of alternative fuels infrastructure for captive fleets, in particular for electric recharging and hydrogen refuelling stations for public transport services and electric recharging stations for car sharing, ***as well as for taxis;***

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Amendment 186

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point g a (new)

Text proposed by the Commission

Amendment

(g a) *national targets and measures to promote alternative fuels infrastructure along the road networks which are not included in the core and comprehensive TEN-T networks, in particular with respect to publicly accessible recharging points. In particular, Member States shall ensure that high and medium-level road networks for both light and heavy mobility are adequately covered by the recharge infrastructure;*

Amendment 187

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point h

Text proposed by the Commission

Amendment

(h) measures to promote a sufficient number of publicly accessible high power recharging points;

(h) measures to promote a sufficient number of publicly accessible high power recharging points **with a sufficient power output to increase consumer convenience and ensure the seamless circulation of electric vehicles on its territory and, where applicable, across borders;**

Amendment 188

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point i a (new)

Text proposed by the Commission

Amendment

(i a) *measures to guarantee accessibility of all territories to recharging and refuelling infrastructure, paying particular attention to rural areas to ensure their accessibility and territorial cohesion; targeted policies and measures should be considered and implemented for these territories by the Member States;*

Amendment 189

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point j

Text proposed by the Commission

Amendment

(j) measures to ensure that publicly accessible recharging and refuelling points are accessible to older persons, persons with reduced mobility and with disabilities, which have to be in line with the accessibility requirements of Annex I and Annex III of Directive (EU) 2019/882;

(j) measures to ensure that **all** publicly accessible recharging and refuelling points are accessible to older persons, persons with reduced mobility and with disabilities, which have to be in line with the accessibility requirements of Annex I and Annex III of Directive (EU) 2019/882;

Wednesday 19 October 2022

Amendment 190

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point j a (new)

Text proposed by the Commission

Amendment

(j a) measures targeting the specific needs of outermost regions, where applicable;

Amendment 191

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point k

Text proposed by the Commission

Amendment

(k) measures to remove possible obstacles with regards to planning, permitting and procuring of alternative fuels infrastructure;

(k) measures to remove possible obstacles with regards to planning, permitting and procuring of alternative fuels infrastructure **and to limit the latency between initial application and actual deployment to no longer than 6 months, with due respect for stakeholder consultations and environmental impact assessment procedures. The authorisation procedure shall be fully digitalised;**

Amendment 192

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point k a (new)

Text proposed by the Commission

Amendment

(k a) measures to ensure that the density of publicly accessible alternative fuels infrastructure available at national level takes into account the population density and the number of registrations of vehicles, powered by alternative fuels in the local area based on NUTS 3 level in accordance with the latest NUTS classification;

Amendment 193

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point k b (new)

Text proposed by the Commission

Amendment

(k b) measures to promote the use of electrically power assisted cycles as well as L-category vehicles such as powered electric cycles and e-mopeds.

Wednesday 19 October 2022

Amendment 194

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point k c (new)

Text proposed by the Commission

Amendment

(k c) *measures to support renewable energy communities, citizen energy communities and non-commercial operators in deploying recharging points, especially in sparsely populated areas.*

Amendment 195

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point l

Text proposed by the Commission

Amendment

(l) a deployment plan for alternative fuels infrastructure **in** airports ***other than for electricity supply to stationary aircraft***, in particular for hydrogen and electric recharging for aircrafts;

(l) *an assessment of the current state and future development of the market for hydrogen and electric propulsion aviation as well as a feasibility study on the deployment of the relevant infrastructure including, where appropriate, a deployment plan for alternative fuels infrastructure at airports, in particular for hydrogen and electric recharging for aircrafts;*

Amendment 196

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point l a (new)

Text proposed by the Commission

Amendment

(l a) *a deployment plan including targets and financing needed for pre-conditioned air systems at TEN-T core airports, as well as a feasibility study on the deployment of the relevant fixed or mobile infrastructure;*

Amendment 197

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point p

Text proposed by the Commission

Amendment

(p) a deployment plan including targets, key milestones and financing needed, for hydrogen or battery electric trains on network segments that **will not** be electrified.

(p) a deployment plan including targets, key milestones and financing needed, for hydrogen or battery electric trains on network segments that **cannot** be electrified, ***where appropriate.***

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Amendment 198

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point p a (new)

Text proposed by the Commission

Amendment

(p a) *a comprehensive investment plan, based on a socio-economic, environmental and cost-benefit analysis, laying out the investments necessary to achieve the targets set in the national policy framework and which shall also include the infrastructures outside the TEN-T network;*

Amendment 199

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 — point p b (new)

Text proposed by the Commission

Amendment

(p b) *a map of future appropriate locations for site development for all alternative fuels infrastructure, including information on sufficient grid capacity, based on demand, which shall be made publicly available;*

Amendment 200

Proposal for a regulation

Article 13 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Without prejudice to paragraph 1 and before the deadline set therein, Member States are invited to submit preliminary national policy frameworks in order to ensure a smooth and quick development and deployment of the infrastructure. When a Member State decides to hand in a preliminary national policy framework, the Commission shall assess the preliminary national policy framework and issue recommendations no later than six months after the submission of the preliminary national policy frameworks.

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Amendment 201

Proposal for a regulation

Article 13 — paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the national policy frameworks take into account the needs of the different transport modes existing on their territory, including those for which limited alternatives to fossil fuels are available.

Amendment

2. Member States shall ensure that the national policy frameworks take into account the needs of the different **regions** **and** transport modes existing on their territory, including those for which limited alternatives to fossil fuels are available **and that refuelling and recharging infrastructure promotes modal shift and facilitates multi-modal transport.**

Amendment 202

Proposal for a regulation

Article 13 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall assess the cumulative contribution of the provisions laid down in paragraph 1 to the Union 2030 climate target and the objective of reaching climate neutrality by 2050, as laid down in Regulation (EU) 2021/1119.

Amendment 203

Proposal for a regulation

Article 13 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall ensure the up-skilling and re-skilling of workers handling the alternative fuels deployed under this regulation and the appropriate investment in occupational health and safety, to ensure a social just transition.

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Amendment 204

Proposal for a regulation

Article 13 — paragraph 3

Text proposed by the Commission

3. Member States shall ensure that national policy frameworks take into account, **as appropriate**, the interests of regional and local authorities, in particular when recharging and refuelling infrastructure for public transport is concerned, as well as those of the stakeholders concerned.

Amendment

3. Member States shall ensure that national policy frameworks take into account the interests of regional and local authorities, in particular when recharging and refuelling infrastructure for public transport is concerned, as well as those of **all** the stakeholders concerned. **Member States shall regularly consult regional and local authorities and shall encourage them to establish appropriate policy frameworks, which may include an action plan, specifying areas for infrastructure deployment, fast charging possibilities, relevant financial frameworks and concrete actions for the different actors involved, to facilitate the deployment of alternative fuels infrastructure.**

Amendment 205

Proposal for a regulation

Article 13 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall assess and report, as part of their national policy framework, how the provisions laid down in Articles 5 and 7 have been implemented by operators of recharging and refuelling points. On the basis of the results of the assessment, Member States shall take the appropriate measures to ensure operators of recharging and refuelling points comply with Articles 5 and 7.

Amendment 206

Proposal for a regulation

Article 13 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Each Member State shall, preferably without creating an additional position, appoint a national coordinator for alternative fuels infrastructure who oversees the national coordination (inter-ministry) and implementation of the national policy framework. The national coordinator shall cooperate with the Commission, the responsible TEN-T coordinator and, if needed, other national coordinators, and assists regional and local authorities, e.g. by providing expertise, tooling, guidelines based on EU standards, and advises on regional coordination of the relevant local mobility plans.

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Amendment 207

Proposal for a regulation

Article 13 — paragraph 4

Text proposed by the Commission

4. Where necessary, Member States shall cooperate, by means of consultations or joint policy frameworks, to ensure that the measures required to achieve the objectives of this Regulation are coherent and coordinated. In particular, Member States shall cooperate on the strategies to use alternative fuels and deployment of corresponding infrastructure in waterborne transport. The Commission shall assist the Member States in the cooperation process.

Amendment

4. Where necessary, Member States shall cooperate, by means of consultations or joint policy frameworks, to ensure that the measures required to achieve the objectives of this Regulation are coherent and coordinated. In particular, Member States shall cooperate on the strategies to use alternative fuels and deployment of corresponding infrastructure in waterborne transport. The Commission shall assist the Member States in the cooperation process. ***The European Coordinators for the core network corridors of the trans-European Transport Network (TEN-T) shall be consulted in line with Article 45 of Regulation (EU) No 1315/2013.***

Amendment 208

Proposal for a regulation

Article 13 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Where necessary, the Member States shall cooperate with third countries, especially candidate countries and those third countries in which transit corridors connecting Member States are situated. The Commission shall assist the Member States in this cooperation process.

Amendment 209

Proposal for a regulation

Article 13 — paragraph 5

Text proposed by the Commission

5. Support measures for alternative fuels infrastructure shall comply with the relevant State aid rules of the TFEU.

Amendment

5. Support measures for alternative fuels infrastructure shall ***be aligned to climate objectives to avoid creating stranded assets and*** comply with the relevant State aid rules of the TFEU.

Amendment 210

Proposal for a regulation

Article 13 — paragraph 6

Text proposed by the Commission

6. Each Member State shall make available to the public its draft national policy framework and shall ensure that the public is given early and effective opportunities to participate in the preparation of the draft national policy framework.

Amendment

6. Each Member State shall make available to the public its draft national policy framework, ***including a comprehensive investment plan***, and shall ensure that the public is given early and effective opportunities to participate in the preparation of the draft national policy framework.

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Amendment 211

Proposal for a regulation

Article 13 — paragraph 7 — introductory part

Text proposed by the Commission

7. The Commission shall assess the draft national policy frameworks and may issue recommendations to a Member State no later than six months after the submission of the draft national policy frameworks as referred to in paragraph 1. Those recommendations may, in particular, address:

Amendment

7. The Commission shall assess the draft national policy frameworks. ***The Commission may request the opinion of the responsible European TEN-T Coordinator when examining the policy framework, in order to ensure consistency and advancement of each corridor,*** and may issue recommendations to a Member State no later than six months after the submission of the draft national policy frameworks as referred to in paragraph 1. Those recommendations ***shall be made publicly available in an easily readable and understandable form and*** may, in particular, address:

Amendment 212

Proposal for a regulation

Article 13 — paragraph 7 — point a

Text proposed by the Commission

(a) the level of ambition of targets and objectives with a view to meet the obligations set out in Articles 3, 4, 6, 8, 9, 10, 11 ***and 12;***

Amendment

(a) the level of ambition of targets and objectives with a view to meet the obligations set out in Articles 3, 4, 6, 8, 9, 10, 11, ***12 and 12a;***

Amendment 213

Proposal for a regulation

Article 13 — paragraph 7 — point b a (new)

Text proposed by the Commission

Amendment

(b a) if policies and measures are geographically distributed across the regions within the Member State.

Amendment 214

Proposal for a regulation

Article 13 — paragraph 9

Text proposed by the Commission

9. By 1 January 2025, each Member State shall notify to the Commission its final national policy framework.

Amendment

9. By 1 January 2025, each Member State shall notify to the Commission its final national policy framework. ***That framework shall be made publicly available in an easily readable and understandable form.***

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Amendment 215

Proposal for a regulation

Article 14 — paragraph 1

Text proposed by the Commission

1. Each Member State shall submit to the Commission a standalone progress report on the implementation of its national policy framework for the first time by 1 January **2027** and every **two years** thereafter.

Amendment

1. Each Member State shall submit to the Commission a standalone progress report on the implementation of its national policy framework for the first time by 1 January **2026** and every **year** thereafter. ***That report shall be made publicly available in an easily readable and understandable form and displayed in the European Alternative Fuels Observatory***

Amendment 216

Proposal for a regulation

Article 14 — paragraph 3

Text proposed by the Commission

3. The regulatory authority of a Member States shall assess, at the latest by 30 June 2024 and periodically every **three years** thereafter, how the deployment and operation of recharging points could enable electric vehicles to further contribute to the flexibility of the energy system, including their participation in the balancing market, and to the further absorption of renewable electricity. That assessment shall take into account all types of recharging points, ***whether*** public ***or*** private, and provide recommendations in terms of type, supporting technology and geographical distribution in order to facilitate the ability of users to integrate their electric vehicles in the system. It shall be made publicly available. On the basis of the results of the assessment, Member States shall, if necessary, take the appropriate measures for the deployment of additional recharging points and include them in their progress report referred to in paragraph 1. The assessment and measures shall be taken into account by the system operators in the network development plans referred to in Article 32(3) and Article 51 of Directive (EU) 2019/944.

Amendment

3. The regulatory authority of a Member States shall assess, at the latest by 30 June 2024 and periodically every **year** thereafter, how the deployment and operation of recharging points could enable electric vehicles to further contribute to the flexibility of the energy system, including their participation in the balancing market, and to the further absorption of renewable electricity. That assessment shall take into account all types of recharging points, ***smart, bi-directional and of all power outputs, both*** public ***and*** private, and provide recommendations in terms of type, supporting technology and geographical distribution in order to facilitate the ability of users to integrate their electric vehicles in the system. It shall ***consider inputs from all relevant stakeholders, including operators of recharging points, transmission and distribution system operators, consumer organisations and solution providers, and*** be made publicly available. On the basis of the results of the assessment, Member States shall, if necessary, take the appropriate measures for the deployment of additional recharging points and include them in their progress report referred to in paragraph 1. Member States shall also take the appropriate measures ***to ensure consistency between the recharge infrastructure planning and the respective grid planning***. The assessment and measures shall be taken into account by the system operators in the network development plans referred to in Article 32(3) and Article 51 of Directive (EU) 2019/944.

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Amendment 217

Proposal for a regulation

Article 14 — paragraph 4

Text proposed by the Commission

4. On the basis of input from transmission system operators and distribution system operators, the regulatory authority of a Member States shall assess, at the latest by **1 30** June 2024 and periodically every **three years** thereafter, the potential contribution of bidirectional charging to the penetration of renewable electricity into the electricity system. That assessment shall be made publicly available. On the basis of the results of the assessment, Member States shall take, **if necessary**, the appropriate measures to adjust the availability and geographical distribution of bidirectional recharging points, in both public and private areas and include them in their progress report referred to in paragraph 1.

Amendment

4. On the basis of input from transmission system operators and distribution system operators, the regulatory authority of a Member States shall assess, at the latest by **30** June 2024 and periodically every **year** thereafter, the potential contribution of bidirectional charging to **peak shaving and** the penetration of renewable electricity into the electricity system. That assessment shall be made publicly available. On the basis of the results of the assessment, Member States shall take the appropriate measures to adjust the availability and geographical distribution of bidirectional recharging points, in both public and private areas and include them in their progress report referred to in paragraph 1.

Amendment 218

Proposal for a regulation

Article 14 — paragraph 5

Text proposed by the Commission

5. The Commission shall adopt guidance and templates concerning the content, structure and format of the national policy frameworks and the content of the national progress reports to be submitted by the Member States in accordance with Article 13(1) and six months after the date referred to in Article 24. The Commission may adopt guidance and templates to facilitate the effective application across the Union of any other provisions of this Regulation.

Amendment

5. The Commission **shall provide for technical and advisory assistance to the national authorities concerned and** shall adopt guidance and templates concerning the content, structure and format of the national policy frameworks and the content of the national progress reports to be submitted by the Member States in accordance with Article 13(1) and six months after the date referred to in Article 24. The Commission may adopt guidance and templates to facilitate the effective application across the Union of any other provisions of this Regulation.

Amendment 219

Proposal for a regulation

Article 15 — paragraph 2

Text proposed by the Commission

2. The Commission shall assess the progress reports submitted by Member States pursuant to Article 14(1) **and** shall as appropriate issue recommendations to Member States to ensure the achievement of the objectives and obligations laid down in this Regulation. Following those recommendations, the Member States shall issue an update of their progress report within six months following the Commission's recommendations.

Amendment

2. The Commission shall assess the progress reports submitted by Member States pursuant to Article 14(1). **The Commission shall ensure that those progress reports are made publicly available in an easily readable and understandable form, and displayed in the European Alternative Fuels Observatory. The Commission shall,** as appropriate, issue recommendations to Member States to ensure the achievement of the objectives and obligations laid down in this Regulation. Following those recommendations, the Member States shall issue an update of their progress report within six months following the Commission's recommendations.

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Amendment 220

Proposal for a regulation

Article 15 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Member State concerned shall, within six months of receipt of the recommendations, notify the Commission on how it intends to implement the recommendations.

Amendment 221

Proposal for a regulation

Article 15 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. After the submission of the notification referred to in paragraph 2a, the Member State concerned shall set out, in its follow-up progress report submitted in the year following that in which the recommendations were issued, how it has implemented the recommendations. If the Member State concerned decides not to implement the recommendations or a substantial part thereof, it shall provide the Commission with its reasons for not doing so.

Amendment 222

Proposal for a regulation

Article 15 — paragraph 3 — introductory part

Text proposed by the Commission

Amendment

3. The Commission shall submit to the European Parliament and to the Council a report on its assessment of the progress reports pursuant to Article 14(1) **one year** after submission of the national progress reports by the Member States. This assessment shall contain an assessment of:

3. The Commission shall submit to the European Parliament and to the Council a report on its assessment of the progress reports pursuant to Article 14(1) **six months** after submission of the national progress reports by the Member States. This assessment shall contain an assessment of:

Amendment 223

Proposal for a regulation

Article 15 — paragraph 4 — point d

Text proposed by the Commission

Amendment

(d) the infrastructure for electricity supply for stationary aircraft in airports of the TEN-T core network and the TEN-T comprehensive network;

(d) the infrastructure for electricity supply for stationary aircraft in airports of the TEN-T core network and the TEN-T comprehensive network, **as well as, where applicable, recharging points for powering electric and hydrogen propulsion aircrafts;**

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Amendment 224

Proposal for a regulation

Article 15 — paragraph 4 — point e

Text proposed by the Commission

(e) the number of refuelling points for LNG at maritime and inland ports of the TEN-T core network and the TEN-T comprehensive network;

Amendment

(e) the number of refuelling points for LNG, **hydrogen and ammonia** at maritime and inland ports of the TEN-T core network and the TEN-T comprehensive network;

Amendment 225

Proposal for a regulation

Article 15 — paragraph 4 — point j a (new)

Text proposed by the Commission

Amendment

(j a) the number of publicly accessible recharging points partially dedicated to captive fleets including public transport and car sharing;

Amendment 226

Proposal for a regulation

Article 15 — paragraph 4 — point j b (new)

Text proposed by the Commission

Amendment

(j b) the alternative fuel infrastructure in outermost regions and islands.

Amendment 227

Proposal for a regulation

Article 15 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall report to the European Parliament and the Council, by 1 January 2030, and every third year until 2050, the results of an evaluation on the functioning of this Regulation, with emphasis on this Regulation's effects on the functioning of the single market, the competitiveness of affected sectors and the magnitude of carbon leakage.

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Amendment 228**Proposal for a regulation****Article 15 — paragraph 4 b (new)**

Text proposed by the Commission

Amendment

4 b. The Commission shall report to the European Parliament and the Council, by 1 January 2030, and every fifth year until 2050, the results of a comprehensive evaluation of the aggregated macroeconomic impact of the Regulations that make up the 'Fit for 55' package ^(1a), with emphasis on the effects on the Union's competitiveness, job creation, transport freight rates, household purchasing power and the magnitude of carbon leakage.

^(1a) Communication from the Commission (COM(2021)0550), 14 July 2021.

Amendment 229**Proposal for a regulation****Article 15 — paragraph 4 c (new)**

Text proposed by the Commission

Amendment

4 c. The Commission shall consider possible amendments to this Regulation with regards to regulatory simplification. The Commission and the competent authorities in the Member States shall continuously adapt to best practice administrative procedures and take all measures to simplify the enforcement of this Regulation, keeping administrative burdens to a minimum.

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Amendment 230

Proposal for a regulation

Article 16 — paragraph 2

Text proposed by the Commission

2. Where it is evident from the report referred to in paragraph 1 of this Article or from any information available to the Commission that a Member State is at risk of not meeting its national targets as referred to in Article 3(1), the Commission **may** issue a finding to this effect and request the Member State concerned to take corrective measures to meet the national targets. Within three months following the receipt of the Commission's findings, the Member State concerned shall notify to the Commission the corrective measures that it plans to implement to meet the targets set in Article 3(1). The corrective measures shall entail additional actions that the Member State shall implement to meet the targets set in Article 3 (1) and a clear timetable for actions that enables the assessment of the annual progress towards meeting those targets. Where the Commission finds that the corrective measures are satisfactory, the Member State concerned shall update its latest progress report as referred to in Article 14 with these corrective measures and submit it to the Commission.

Amendment

2. Where it is evident from the report referred to in paragraph 1 of this Article or from any information available to the Commission that a Member State is at risk of not meeting its national targets as referred to in Article 3(1), the Commission **shall** issue a finding to this effect and request the Member State concerned to take corrective measures to meet the national targets. Within three months following the receipt of the Commission's findings, the Member State concerned shall notify to the Commission the corrective measures that it plans to implement to meet the targets set in Article 3(1). The corrective measures shall entail additional actions that the Member State shall implement to meet the targets set in Article 3 (1) and a clear timetable for actions that enables the assessment of the annual progress towards meeting those targets. Where the Commission finds that the corrective measures are satisfactory, the Member State concerned shall update its latest progress report as referred to in Article 14 with these corrective measures and submit it to the Commission. **Where the Commission finds that the corrective measures are not satisfactory, it shall consider taking necessary measures in respect of that Member State. The measures shall be proportionate, appropriate and in accordance with the Treaties.**

Amendment 231

Proposal for a regulation

Article 16 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall duly inform the European Parliament and Council about any measures taken in accordance with paragraph 2, and make these decisions publicly available, in accordance with Regulation (EC) No 1049/2001.

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Amendment 232

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission

1. Relevant, consistent and clear information shall be made available as regards motor vehicles which can be regularly fuelled with individual fuels placed on the market, or recharged by recharging points. **That** information shall be made available in motor vehicle manuals, at refuelling and recharging points, on motor vehicles and in motor vehicle dealerships in their territory. This requirement shall apply to all motor vehicles, and their motor vehicle manuals, placed on the market after **18 November 2016**.

Amendment

1. Relevant, consistent and clear information shall be made available as regards motor vehicles which can be regularly fuelled with individual fuels placed on the market, or recharged by recharging points. **To that end, Member States shall ensure that all motor vehicle information relevant to the fuels or e-charging provided for in this Regulation and in other applicable Union legislation** shall be made available in motor vehicle manuals, at refuelling and recharging points, on motor vehicles and in motor vehicle dealerships in their territory. This requirement shall apply to all motor vehicles, and their motor vehicle manuals, placed on the market.

To this end, the Commission shall review, as appropriate, the Directive 1999/94/EC no later than one year after the date mentioned in Article 24 of this Regulation.

Amendment 233

Proposal for a regulation

Article 17 — paragraph 2 — introductory part

Text proposed by the Commission

2. Identification of vehicles and infrastructures compatibility as well as identification of fuels and vehicle compatibility referred to in paragraph 1 shall be in compliance with the technical specifications referred to in points 9.1 and 9.2 of Annex II. Where such standards refer to a graphical expression, including a colour coding scheme, the graphical expression shall be simple and easy to understand, and it shall be placed in a clearly visible manner:

Amendment

2. Identification of vehicles and infrastructures compatibility as well as identification of fuels and vehicle compatibility referred to in paragraph 1 shall be in compliance with the technical specifications referred to in points 9.1 and 9.2 of Annex II. **Member States shall ensure that,** where such standards refer to a graphical expression, including a colour coding scheme, the graphical expression shall be simple and easy to understand, and it shall be placed in a clearly visible manner:

Amendment 234

Proposal for a regulation

Article 17 — paragraph 2 — point a

Text proposed by the Commission

(a) on corresponding pumps and their nozzles at all refuelling points, as from the date on which fuels are placed on the market; **or**

Amendment

(a) on corresponding pumps and their nozzles at all refuelling points, as from the date on which fuels are placed on the market; **and**

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Amendment 235

Proposal for a regulation

Article 17 — paragraph 2 — point b

Text proposed by the Commission

(b) in the immediate proximity of all fuel tanks' filling caps of motor vehicles recommended for and compatible with that fuel and in motor vehicle manuals, when such motor vehicles are placed on the market **after 18 November 2016**.

Amendment

(b) in the immediate proximity of all fuel tanks' filling caps of motor vehicles recommended for and compatible with that fuel and in motor vehicle manuals, when such motor vehicles are placed on the market.

Amendment 236

Proposal for a regulation

Article 17 — paragraph 3

Text proposed by the Commission

3. When fuel prices are displayed at a fuel station, a comparison between the relevant unit prices shall be displayed where appropriate, and in particular for electricity and hydrogen, for information purposes following the common methodology for alternative fuels unit price comparison referred to in point 9.3 of Annex II.

Amendment

3. When fuel prices are displayed at a fuel station, **Member States shall ensure that** a comparison between the relevant unit prices **is** displayed where appropriate, and in particular for electricity and hydrogen, for information purposes following the common methodology for alternative fuels unit price comparison referred to in point 9.3 of Annex II. **For ad hoc recharging of electricity and refuelling of hydrogen, the price shall also be provided per kWh and per kg, respectively.**

Amendment 237

Proposal for a regulation

Article 18 — paragraph 2 — introductory part

Text proposed by the Commission

2. Operators of publicly accessible recharging and refuelling points or, in accordance with the arrangement between them, the owners of those points, shall ensure the availability of static and dynamic data concerning alternative fuels infrastructure operated by them and allow accessibility of that data through the National Access Points at no cost. The following data types shall be made available:

Amendment

2. Operators of publicly accessible recharging and refuelling points or, in accordance with the arrangement between them, the owners of those points, shall ensure the availability of static and dynamic data concerning alternative fuels infrastructure operated by them and allow accessibility of that data through the National Access Points at no cost. **In doing so, those operators shall also ensure the highest possible level of cybersecurity, data protection and security, especially in authentication, billing and payment processes. Where applicable, those operators shall comply with the provisions in the Directive on measures for a high common level of cybersecurity across the Union (NIS2 Directive).** The following data types shall be made available:

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Amendment 238

Proposal for a regulation

Article 18 — paragraph 2 — point a — point i

Text proposed by the Commission

(i) geographic location of the recharging or refuelling point,

Amendment(i) geographic location of the recharging or refuelling point **and, if possible, information about resting facilities and food supply nearby,**

Amendment 239

Proposal for a regulation

Article 18 — paragraph 2 — point a — point i a (new)

Text proposed by the Commission

Amendment(i a) **facilities offering protection from rain or other severe weather conditions,**

Amendment 240

Proposal for a regulation

Article 18 — paragraph 2 — point a — point i b (new)

Text proposed by the Commission

Amendment(i b) **illumination during night-time charging,**

Amendment 241

Proposal for a regulation

Article 18 — paragraph 2 — point b — point ii

Text proposed by the Commission

Amendment

(ii) type of connector,

(ii) type **and availability** of connector,

Amendment 242

Proposal for a regulation

Article 18 — paragraph 2 — point b — point iv

Text proposed by the Commission

Amendment

(iv) power output (kW),

(iv) power output (kW) **in total and maximum individual power output,**

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Amendment 243

Proposal for a regulation

Article 18 — paragraph 2 — point b — point iv a (new)

Text proposed by the Commission

Amendment

(iv a) **accessibility for heavy-duty vehicles, including height, length and width restrictions of the recharging and refuelling points.**

Amendment 244

Proposal for a regulation

Article 18 — paragraph 2 — point c — point ii

Text proposed by the Commission

Amendment

(ii) availability (in use/ not in use),

(ii) availability (in use/ not in use), **availability rate per relevant period of time (day/hours),**

Amendment 245

Proposal for a regulation

Article 18 — paragraph 2 — point c — point iii a (new)

Text proposed by the Commission

Amendment

(iii a) **when available, the share of renewable electricity and the greenhouse gas emissions content of the electricity supplied at recharging points,**

Amendment 246

Proposal for a regulation

Article 18 — paragraph 2 — point c — point iii b (new)

Text proposed by the Commission

Amendment

(iii b) **enabled for bi-directional charging (yes/no),**

Amendment 247

Proposal for a regulation

Article 18 — paragraph 2 — point c — point iii c (new)

Text proposed by the Commission

Amendment

(iii c) **capability of smart charging,**

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Amendment 248**Proposal for a regulation****Article 18 — paragraph 2 — point c — point iii d (new)**

Text proposed by the Commission

Amendment

(iii d) accepted payment methods,**Amendment 249****Proposal for a regulation****Article 18 — paragraph 2 — point c — point iii e (new)**

Text proposed by the Commission

Amendment

(iii e) if applicable, price and time limit for parking,**Amendment 250****Proposal for a regulation****Article 18 — paragraph 2 — point c a (new)**

Text proposed by the Commission

Amendment

(c a) available languages on the display,**Amendment 251****Proposal for a regulation****Article 18 — paragraph 2 — subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

Operators of publicly accessible recharging and refuelling points or, in accordance with the arrangement between them, the owners of those points, whilst in accordance with relevant Union law, shall not be obliged to disclose static or dynamic data that would result in the disclosure of company confidential data, which may prejudice the interest of a company.

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Amendment 252

Proposal for a regulation

Article 18 — paragraph 3

Text proposed by the Commission

3. Member States shall ensure the accessibility of data on an open and non-discriminatory basis to all stakeholders through their National Access Point in application of Directive 2010/40/EU of the European Parliament and the Council ⁽⁶⁷⁾.

⁽⁶⁷⁾ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

Amendment

3. Member States shall, **whilst in accordance with relevant Union law**, ensure the accessibility of data, **not including company confidential data which may prejudice the interest of a company**, on an open and non-discriminatory basis to all stakeholders through their National Access Point in application of Directive 2010/40/EU of the European Parliament and the Council ⁽⁶⁷⁾

⁽⁶⁷⁾ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

Amendment 253

Proposal for a regulation

Article 18 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. By 31 December 2026, the Commission shall establish a common European access point for alternative fuels data. In doing so, the Commission shall ensure full compliance with the provisions laid down in Directive XX-XXX [ITS Directive] and the Regulation XX-XXX on Multimodal digital mobility services. The common European access point shall fully build on the National Access Points connecting them with one another. It shall offer access to all data made available to the NAPs, ensuring that it is publicly available, on a non-discriminatory basis, to end users, other market participants and service providers for their use, subject to compliance with data protection requirements. The Commission shall ensure that the common European access point is made available to the public and easily accessible, for example through the creation of a dedicated web portal. The Commission shall ensure that the data contained in the common European access point on the availability and accessibility, including waiting times and the remaining alternative fuels capacity, of the refuelling and recharging points, is available through a publicly accessible, up-to-date, user-friendly and multilingual interface at EU level.

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Amendment 254

Proposal for a regulation

Article 18 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Member States shall ensure that their National Access Points allow for an automated and uniform data exchange with the common European access point and the operators of publicly accessible recharging and refuelling points, in accordance with the procedures and technical requirements to be established in accordance with paragraph 4.

Amendment 255

Proposal for a regulation

Article 18 — paragraph 4 — introductory part

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 17 to:

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 to:

Amendment 256

Proposal for a regulation

Article 18 — paragraph 4 — point c

Text proposed by the Commission

Amendment

(c) establish detailed procedures enabling the provision and exchange of data required pursuant to **paragraph 2**.

(c) establish detailed procedures **and technical requirements** enabling the **uniform European** provision and exchange of data required pursuant to **paragraphs 2, 3a and 3b**.

Amendment 257

Proposal for a regulation

Article 19 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Publicly accessible ammonia refuelling points deployed or renewed from [date of entry into force of this Regulation] shall comply with the technical specifications set out in points 7.1 and 7.2 of Annex II.

Wednesday 19 October 2022

Amendment 258

Proposal for a regulation

Article 19 — paragraph 7 — introductory part

Text proposed by the Commission

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 17 to:

Amendment

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 to:

Amendment 259

Proposal for a regulation

Article 19 — paragraph 7 — point b

Text proposed by the Commission

(b) amend Annex II by updating the references to the standards referred to in the technical specifications set out in that Annex.

Amendment

(b) amend Annex II by updating the references to the standards referred to in the technical specifications set out in that Annex **at the latest six months after their technical adoption.**

Amendment 260

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

*Amendment***Article 21 a****Compensatory regulatory reduction**

The Commission shall present, at the latest one year after the entry into force of this Regulation, and in line with its communication on the application of the ‘one in, one out’ principle^(1a), proposals offsetting the regulatory burdens introduced by this Regulation, through the revision or abolishment of provisions in other EU Regulations that generate unnecessary compliance costs in the affected sectors.

^(1a) EC press release on the working methods of the von der Leyen Commission, 4 December 2019.

Wednesday 19 October 2022

Amendment 261

Proposal for a regulation

Article 22 — paragraph 1

Text proposed by the Commission

By 31 December 2026, the Commission shall review this Regulation, and, **where** appropriate, submit a proposal to amend **it**.

Amendment

The Commission shall monitor the progress made towards achieving the implementation of the Regulation. By 31 December 2026, the Commission shall review this Regulation, paying special attention to the appropriateness of the targets and infrastructure requirements set within this Regulation. If it finds that one or more provisions are not appropriate any more or new technologies have emerged, the Commission shall submit a proposal to amend this Regulation. As part of this review, the Commission shall particularly consider the following:

- ***to decrease the gross tonnage threshold, laid down in Article 9 of this Regulation, to 400, as well as extending these provisions to apply also to all remaining types of ships falling under the scope of Regulation XXXX-XXX FuelEU Maritime;***
- ***to introduce into this Regulation appropriate targets for the infrastructure required to power electric and hydrogen propulsion aircrafts;***
- ***the technological advancement of electric road systems such as contactless inductive charging or overhead line technology and whether the deployment of such infrastructure may impact the deployment of publicly accessible recharging infrastructure and, if appropriate, any consequential adjustment is required of the charging infrastructure deployment targets of this Regulation. As part of this assessment, the Commission shall specifically consider the possibility for Member States to account electric road systems towards the achievement of the total power output targets for light commercial vehicles set out in Article 3 and for heavy commercial vehicles set out in Article 4.***

Amendment 262

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point a — introductory part

Text proposed by the Commission

(a) vehicle uptake projections for 31 December of the years 2025, **2030** and 2035 for:

Amendment

(a) vehicle uptake projections for 31 December of the years 2025, **2027, 2030, 2032** and 2035 for:

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Amendment 263

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point b — introductory part

Text proposed by the Commission(b) targets for 31 December 2025, **2030** and 2035 for:

Amendment(b) targets for 31 December 2025, **2027, 2030, 2032** and 2035 for:

Amendment 264

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point b — indent 7

Text proposed by the Commission

— LNG refuelling points at maritime ports of the TEN-T core and TEN-T comprehensive network, including location (port) and capacity per port;

Amendment— LNG, **hydrogen and ammonia** refuelling points at maritime ports of the TEN-T core and TEN-T comprehensive network, including location (port) and capacity per port;

Amendment 265

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point b — indent 8

Text proposed by the Commission

— Shore side electricity supply at maritime ports of the TEN-T core and TEN-T comprehensive network, including exact location (port) and capacity of each installation within the port;

Amendment— Shore side electricity supply at maritime ports of the TEN-T core and TEN-T comprehensive network, including exact location (port), **grid capacity**, and capacity of each installation within the port;

Amendment 266

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point b — indent 11 a (new)

Text proposed by the Commission

Amendment— **electric recharging infrastructure for L-category vehicles: number of recharging stations and power output.**

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Amendment 267

Proposal for a regulation

Annex I — paragraph 1 — point 1 — point b — indent 11 b (new)

Text proposed by the Commission

Amendment

-
- *The information on recharging stations in indents 1 to 4 shall be disaggregated for normal, smart and bi-directional charging capability.*

Amendment 268

Proposal for a regulation

Annex I — paragraph 1 — point 2

Text proposed by the Commission

Amendment

-
2. utilisation rates: for the categories under point 1(b), reporting the utilisation of that infrastructure;

-
2. utilisation rates: for the categories under point 1(b), reporting the utilisation of, **and expected future demand for**, that infrastructure;

Amendment 269

Proposal for a regulation

Annex I — paragraph 1 — point 3 — indent 1

Text proposed by the Commission

Amendment

-
- level of achievement of the infrastructure deployment targets as referred to in point 1(b) for all transport modes, in particular for electric recharging stations, electric road system (if applicable), hydrogen refuelling stations, shore-side electricity supply in maritime and inland waterway ports, LNG bunkering at TEN-T core maritime ports, other alternative fuels infrastructure in ports, electricity supply to stationary aircrafts, as well as for hydrogen refuelling points and electric recharging points for trains;

-
- level of achievement of the infrastructure deployment targets as referred to in point 1(b) for all transport modes, in particular for electric recharging stations, electric road system (if applicable), hydrogen refuelling stations, shore-side electricity supply in maritime and inland waterway ports, LNG, **hydrogen and ammonia** bunkering at TEN-T core maritime ports, other alternative fuels infrastructure in ports, electricity supply to stationary aircrafts, as well as for hydrogen refuelling points and electric recharging points for trains;

Amendment 270

Proposal for a regulation

Annex I — paragraph 1 — point 3 — indent 3

Text proposed by the Commission

Amendment

-
- alternative fuels infrastructure deployment within urban nodes;

-
- alternative fuels infrastructure deployment within urban nodes **and multimodal transport hubs**;

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Amendment 271

Proposal for a regulation

Annex I — paragraph 1 — point 3 — indent 3 a (new)

Text proposed by the Commission

Amendment

-
- *measures to ensure that the expansion of publicly accessible recharging and refuelling points, as well as alternative fuel powered transport options, in particular public transport, are affordable and accessible for vulnerable consumers and those at risk of, or in, energy poverty;*

Amendment 272

Proposal for a regulation

Annex I — paragraph 1 — point 7 a (new)

Text proposed by the Commission

Amendment

-
- 7 a. explanation of how the ‘energy efficiency first’ principle has been taken into utmost account for vehicle uptake projections, target setting, estimation of utilisation rates, the development and implementation of policy measures supporting the national policy framework and the associated public investments.*

Amendment 273

Proposal for a regulation

Annex III — point 3 — indent 4 a (new)

Text proposed by the Commission

Amendment

-
- *number of bi-directional charging points for each of the categories under point 2.*

Amendment 274

Proposal for a regulation

Annex II — Part 9 — point 9.3 a (new)

Text proposed by the Commission

Amendment

-
- 9.3 a. Technical specification for recharging stations for electricity recharging and hydrogen refuelling facilities for rail transport.*
-

Thursday 20 October 2022

P9_TA(2022)0369

Specific provisions for the 2014-2020 cooperation programmes, following programme implementation disruption *I**

European Parliament legislative resolution of 20 October 2022 on the proposal for a regulation of the European Parliament and of the Council laying down specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption (COM(2022)0362 — C9-0289/2022 — 2022/0227(COD))

(Ordinary legislative procedure: first reading)

(2023/C 149/15)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0362),
 - 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 (C9-0289/2022),
 - 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 21 September 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)0227

Position of the European Parliament adopted at first reading on 20 October 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council laying down specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2022/2192.)

Thursday 20 October 2022

P9_TA(2022)0370

Non-acceptance of Russian travel documents issued in Ukraine and Georgia*I**

Amendments adopted by the European Parliament on 20 October 2022 on the proposal for a decision of the European Parliament and of the Council on the non-recognition of Russian travel documents issued in occupied foreign regions (COM(2022)0662 — C9-0302/2022 — 2022/0274(COD)) (¹)

(Ordinary legislative procedure: first reading)

[Amendment 1]

(2023/C 149/16)

AMENDMENTS BY THE EUROPEAN PARLIAMENT

to the Commission proposal

Proposal for a

Decision (EU) 2022/... of the European Parliament and of the Council on the *non-acceptance* of Russian travel documents issued in *Ukraine and Georgia*

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 Articles 77(2)(a) and (b) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In reaction to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in 2014 and to its continued destabilising actions in eastern Ukraine, the European Union has already introduced economic sanctions in response to Russia's actions destabilising the situation in Ukraine, linked to the incomplete implementation of the Minsk Agreements; sanctions in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; and sanctions in response to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation.
- (2) As a signatory of the Minsk agreements, the Russian Federation has had a clear and direct responsibility to work towards finding a peaceful settlement of the conflict in line with these principles. With the decision to recognise the non-government controlled regions of eastern Ukraine as independent entities, the Russian Federation has clearly violated the Minsk agreements, which stipulate the full return of these areas to the control of the Ukrainian government.
- (3) **That** decision ■ and the ensuing decision to send Russian troops into these areas further undermines Ukraine's sovereignty and independence, constitute a severe breach of international law and international agreements, including the UN Charter, Helsinki Final Act, Paris Charter and the Budapest Memorandum.

(¹) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (C9-0302/2022).

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- (3a) *On 24 February 2022, the European Council, together with its international partners, condemned in the strongest possible terms Russia's unprovoked and unjustified military aggression against Ukraine and expressed full solidarity with Ukraine and its people. Furthermore, the European Council demanded that Russia immediately cease its military actions, unconditionally withdraw all forces and military equipment from the entire territory of Ukraine and fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognised borders ⁽¹⁾. This position was reiterated by the European Council on 25 March 2022, 31 May 2022 and 24 June 2022 ⁽²⁾.*
- (4) A military aggression which takes place in a country bordering the European Union, such as that which has occurred in Ukraine and which has given rise to the restrictive measures, justifies measures designed to protect the essential security interests of the European Union and its Member States.
- (5) Since the illegal annexation of the Crimean peninsula **on 18 March 2014**, Russia has issued Russian international passports to residents of Crimea. **On 24 April 2019, the President of the Russian Federation signed a decree simplifying the procedure for obtaining Russian citizenship by residents of the non-Government controlled areas of Ukraine's Donetsk and Luhansk regions, including the issuance of Russian international passports to those residents. By means of the decree of 11 July 2022, the Russian Federation has extended the practice of handing out ordinary Russian international passports to other non-government-controlled areas of Ukraine, notably the Kherson and Zaporizhzhia regions.** In May 2022, the Russian Federation introduced a simplified Russian naturalisation procedure for orphan children from the so-called 'Donetsk People's Republic' and the so-called 'Luhansk People's Republic', as well as Ukraine. The decree also applies to children without parental care and legally incapable persons who are inhabitants of **those** two occupied regions. The systematic issuance of Russian passports in **those** occupied regions constitutes a further infringement of international law and Ukraine's territorial integrity, sovereignty and independence. **With regard to Georgia, the European Council on 1 September 2008, strongly condemned Russia's unilateral decision to recognise the independence of Abkhazia and South Ossetia and urged other countries not to recognise their independence ⁽³⁾.**
- (5a) *The Union and its Member States as well as Iceland, Norway, Switzerland and Liechtenstein have not recognised the illegal annexation and have condemned the illegal occupation of regions and territories of Ukraine by the Russian Federation. This concerns in particular the annexation of the Autonomous Republic of Crimea and the city of Sevastopol, occupation of Donetsk and Luhansk regions, but also further illegal occupation in the eastern and southern regions of Ukraine, namely the Kherson and Zaporizhzhia regions. Russian travel documents issued in those regions are not recognised or in the process of not being recognised by Member States as well as Iceland, Norway, Switzerland and Liechtenstein. The same applies to travel documents issued in the Georgian territories of Abkhazia and South Ossetia which are currently not under the control of the Georgian government ('breakaway territories').*
- (6) **In order to ensure a common visa policy and a common approach to checks to which persons crossing the external borders are subject, all Russian travel documents issued in or to persons resident in occupied **■** regions **or territories in Ukraine or breakaway territories in Georgia listed in the Annex to this Decision** should not be **accepted** as valid travel documents for the purposes of issuing of a visa and of crossing the external borders. **Member States should be able to make a derogation for persons who were Russian citizens on the date on which the Russian documents started to be issued in the respective occupied region or territory or in a breakaway territory or to descendants of such persons.****
- (6a) *This Decision does not affect Member States' competence for the recognition of travel documents.*
- (6b) *For reasons of legal certainty and transparency, the Commission should draw up, with the assistance of Member States, a list of not accepted Russian travel documents, per region or territory. The list to be drawn up by the Commission should include the dates from which those Russian travel documents started to be issued in those regions or territories and from which the travel documents issued after those dates should not be accepted.*

⁽¹⁾ European Council conclusions 24 February 2022.

⁽²⁾ European Council conclusions of 25 March 2022, 31 May 2022 and 24 June 2022.

⁽³⁾ Presidency Conclusions of the extra ordinary European Council 1 September 2008 (12594/2/08 REV 2).

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The list should be adopted by means of an implementing act, be published in the Official Journal of the European Union and be incorporated in the list of travel documents established under Decision No 1105/2011/EU of the European Parliament and of the Council ⁽⁴⁾, and set out in the accompanying table of travel documents issued by third countries and territorial entities and which is publicly available online.

- I**
- (10) This Decision does not affect the right to free movement of Union citizens and their respective family members, including the possibility for such family members to enter the territory of the Member States without a valid travel document within the meaning in particular of Directive 2004/38/EC and the agreements on free movement of persons concluded by the Union and the Member States, of the one part, and certain third countries, of the other part. Directive 2004/38/EC permits, under the conditions specified therein, restrictions to free movement on grounds of public policy, public security and public health.
- (11) This Decision respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. This Decision should not affect the right to asylum.
- (12) *As recalled in the Communication from the Commission on Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, Member States are free to authorise entry of third-country nationals who do not fulfil one or more of the conditions laid down in Article 6(1) of Regulation (EU) 2016/399 (entry conditions for third country nationals) to their territory on humanitarian grounds, on grounds of national interest or because of international obligations. This wide derogation should be applied in the current crisis to allow entry to all those fleeing the conflict in Ukraine.* Member States retain the possibility to allow holders of travel documents targeted by this Decision who have not exercised their right to apply for international protection to enter the territory of the Member States in individual cases, as provided for in Articles 25 and 29 of Regulation (EC) No 810/2009 and Article 6(5) of Regulation (EU) No 2016/399.
- (12a) *In order to take into account relevant legal and political developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Decision by adding or removing regions or territories included in the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁵⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*
- (12b) *In order to allow the Union to respond quickly in a rapidly evolving situation, it is appropriate to provide for the immediate application of the relevant delegated act amending the Annex to this Decision, where imperative grounds of urgency so require. Where the urgency procedure is followed, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including consultations at expert level.*
- (13) The objective of this Decision is to strengthen the functioning of the common visa policy and the Schengen area. Those objectives cannot be achieved by Member States acting alone. Therefore, introducing an obligation to not **accept** certain travel documents for the purposes of issuing a visa and of crossing the external borders at Union level is necessary. The Union may therefore adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond that what is necessary in order to achieve the objectives.

⁽⁴⁾ Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list (OJ L 287, 4.11.2011, p. 9).

⁽⁵⁾ OJ L 123, 12.5.2016, p. 1.

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- (14) In accordance with Articles 1 and 2 of the Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (15) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part ⁽⁶⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (16) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾ which fall within the area referred to in Article 1, points A and B of Council Decision 1999/437/EC ⁽⁸⁾.
- (17) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁹⁾ which fall within the area referred to in Article 1, points A and B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽¹⁰⁾.
- (18) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹¹⁾ which fall within the area referred to in Article 1, points A and B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹²⁾.
- (19) **As regards Cyprus, Bulgaria, Romania and Croatia**, Article 1, point (a) of this Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession, whereas Article 1, point (b) constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.

⁽⁶⁾ This Decision falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁷⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁸⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁹⁾ OJ L 53, 27.2.2008, p. 52.

⁽¹⁰⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽¹¹⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹²⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

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- (20) Due to the urgency of the situation and the ongoing illegal Russian presence in foreign regions, this Decision should enter into force on the first day following that of its publication,

HAVE ADOPTED THIS DECISION:

Article 1

Russian travel documents issued in or to persons resident in **Russian-occupied** regions **or territories in Ukraine or breakaway territories in Georgia listed in the Annex** shall not be ~~recognised~~ **accepted** as valid travel documents for the following purposes:

- (a) the issuing of a visa in accordance with Regulation (EC) No 810/2009;
- (b) the crossing of the external borders in accordance with Regulation (EU) 2016/399.

The Commission is empowered to adopt delegated acts in accordance with Article 2a to amend the Annex by adding or removing regions or territories, when this is necessary to take into account relevant legal and political developments.

Where, in the case of a rapidly evolving situation, imperative grounds of urgency so require, the procedure provided for in Article 2b shall apply to delegated acts adopted pursuant to this Article.

Article 1a

By way of derogation from Article 1, a Russian travel document referred to in Article 1 may be accepted:

- **if its holder was a Russian citizen before the dates indicated in the implementing act referred to in Article 2. This shall apply also to descendants of such Russian citizen;**
- **if its holder was a child or legally incapacitated person at the time that holder obtained Russian citizenship through the simplified naturalisation procedure under Russian law.**

Member States may allow holders of travel documents covered by this Decision to enter the territory of the Member States in individual cases, as provided for in Articles 25 and 29 of Regulation (EC) No 810/2009 and Article 6(5) of Regulation (EU) 2016/399.

This decision shall not affect the Union asylum acquis and in particular the right to apply for international protection.

Article 2

The Commission shall **draw up, with the assistance of the Member States, a list per region, territory or breakaway territory identified in the Annex** of the travel documents referred to in Article 1. **That list shall indicate the dates from which those travel documents started being issued in the occupied regions or territories including breakaway territories.**

That list shall be **adopted by means of an implementing act, be published in the Official Journal and be incorporated in** the list of travel documents established by Decision No 1105/2011/EU.

Article 2a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 1 shall be conferred on the Commission for a period of two years.

3. The delegation of power referred to in Article 1 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Thursday 20 October 2022

4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*
5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
6. *A delegated act adopted pursuant to Article 1 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Article 2b

1. *Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*
2. *Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 2a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.*

Article 3

This Decision shall enter into force on the first day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Thursday 20 October 2022

ANNEX

Ukraine

Autonomous Republic of Crimea and the city of Sevastopol

Donetsk region

Luhansk region

Kherson region

Zaporizhzhia region

Georgia

Abkhazia

South Ossetia

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