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EUROPEAN PARLIAMENT

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Sittings of 18 to 21 January 2016

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Key to symbols used

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

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

Amendments by Parliament:

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

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2015-2016 SESSION

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TEXTS ADOPTED

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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2016)0004

Annual report on EU Competition Policy

European Parliament resolution of 19 January 2016 on the Annual report on EU Competition Policy (2015/2140(INI))

(2018/C 011/01)

The European Parliament,

- having regard to the Commission report of 4 June 2015 on competition policy in 2014 (COM(2015)0247) and the Commission staff working document as supporting document of the same date,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 101-109, 147 and 174,
- having regard to the relevant competition rules, guidelines and resolutions of the Commission,
- having regard to its resolution of 10 March 2015 on the Annual Report on EU Competition Policy in 2013 ⁽¹⁾, and its resolution of 11 December 2013 on the Annual Report on EU Competition Policy in 2012 ⁽²⁾ and the requirements laid down therein by Parliament,
- having regard to the study by the Directorate-General for Internal Policies (Policy Department A (Economic and Scientific Policy)) for the Committee on Internal Market and Consumer Protection entitled 'Unfair trading practices in the business-to-business food supply chain (UTPs)' ⁽³⁾,
- having regard to the opinion of the European Economic and Social Committee entitled 'Internal market of international road freight: social dumping and cabotage' ⁽⁴⁾,
- having regard to the May 2012 report of the European Competition Network (ECN) entitled 'Report on competition law enforcement and market monitoring activities by European competition authorities in the food sector' ⁽⁵⁾,

⁽¹⁾ Texts adopted, P8_TA(2015)0051.

⁽²⁾ Texts adopted, P7_TA(2013)0576.

⁽³⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/563438/IPOL_STU\(2015\)5_63438_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/563438/IPOL_STU(2015)5_63438_EN.pdf)

⁽⁴⁾ <http://www.eesc.europa.eu/?i=portal.en.ten-opinions.36372>

⁽⁵⁾ http://ec.europa.eu/competition/ecn/food_report_en.pdf

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- having regard to Council Directives 77/799/EEC and 2011/16/EU on administrative cooperation in the field of taxation,
 - having regard to the conclusions and action proposals of the OECD/G20 Base Erosion and Profit Shifting Project,
 - having regard to the Commission Decision of 6 May 2015 initiating an inquiry into the e-commerce sector pursuant to Article 17 of Council Regulation (EC) No 1/2003 (C(2015)3026),
 - having regard to Directive 2014/104/EU of 26 November 2014 on rules governing actions for damages,
 - having regard to the Commission communication of 28 June 2014 on guidelines for State energy subsidies and environmental aid ⁽¹⁾,
 - having regard to Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the TFEU,
 - having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of company amalgamations,
 - having regard to the Commission White Paper ‘Towards more effective EU merger control’ of 9 July 2014 (COM(2014)0449),
 - having regard to the competition inquiry into the pharmaceutical sector of 8 July 2009 and to the follow-up reports, in particular the 5th Report on the Monitoring of Patent Settlements,
 - having regard to the universal framework for Sustainability Assessment of Food and Agriculture systems (SAFA) developed by the Food and Agriculture Organisation of the United Nations (FAO),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection (A8-0368/2015),
- A. whereas EU competition policy is a cornerstone of the social market economy in Europe and an essential instrument for a properly functioning internal market in the Union;
- B. whereas, in the field of competition, the European Union’s voice is heard and respected on the international scene; whereas this unified, independent, external representation, backed up by clearly defined powers, enables the Union to exert its true political, demographic and economic power;
- C. whereas competition policy is in itself a means of safeguarding European democracy, in that it prevents the over-concentration of economic and financial power in the hands of a few;
- D. whereas the European Union is established as an open social market economy with free and fair competition, the purpose of which is to increase the prosperity of consumers and the living standards of all EU citizens, and whereas the European Union is establishing an internal market designed to bring about sustainable development in Europe on the basis of balanced economic growth and price stability;

⁽¹⁾ OJ C 200, 28.6.2014, p. 1.

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- E. whereas the aim of the strong application of competition-law principles under the EU Treaty is to contribute to the achievement of the overall objectives of EU economic policy and, at the same time, to benefit consumers, workers and entrepreneurs, and promote innovation and growth, by controlling and restricting unfair market practices resulting from monopolies and dominant market positions, so that every individual has a fair chance of success;
 - F. whereas the independence of national competition authorities is of paramount importance;
 - G. whereas each year losses of EUR 181-320 billion — approximately 3 % of EU GDP — accrue owing to the existence of cartels;
 - H. whereas, in terms of energy costs, the European single market performs worse than the internal US market, with a price dispersion of 31 %, to be compared with 22 % in the latter;
 - I. whereas in many Member States a severe credit crunch is still affecting SMEs, which represent 98 % of the EU firms and 67 % of employed people;
 - J. whereas tax evasion, tax fraud and tax havens are costing the EU taxpayers an estimated EUR 1 trillion per year in lost revenue, distorting competition in the single market between those companies who pay taxes and those who do not;
 - K. whereas in recent years, in particular, the dynamism in the digital economy and, above all, distortions of competition as a result of aggressive tax practices and national taxation policies (which are probably causing considerable harm to the internal market), have brought with them new challenges for market players, requiring an immediate and targeted response from the Commission; whereas global cooperation on the enforcement of competition rules helps avoid inconsistencies in the corrective measures taken and in the outcomes of enforcement measures, and helps businesses to reduce their compliance costs;
 - L. whereas, given the challenges of the digital age, the existing competition law instruments need to be reviewed fundamentally;
 - M. whereas international air transport rules on fair competition, and the regulation of state-owned enterprises, are deficient with respect to airlines from certain third countries operating to and from Europe dominating certain routes, causing considerable harm to European airlines and impairing the connectivity of European hub airports, thereby reducing choice for European consumers;
 - N. whereas competition does not have the same impact in all Member States;
 - O. whereas competition policy needs to take particular account of the objectives of sustainable development and social cohesion;
 - P. whereas social dumping is a factor distorting the internal market, hurting both consumers' and workers' rights;
 - Q. whereas guaranteeing the free movement of people, goods, services and capital is the basis of Europe's growth;
1. Welcomes the report by the Commission, which underlines the importance of competition policy in the EU, and notes that it essentially covers the term of office of the last Commission under Competition Commissioner Almunia;
 2. Calls on the Commission in future to send the sectoral working paper to Parliament as an integral part of the report;

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3. Welcomes the fact that Competition Commissioner Vestager wishes to work in close cooperation with Parliament to develop competition policy as one of the key instruments of the European Union towards making the common internal market a reality, and calls on the Commission not to implement internal EU competition policy in such a way as to restrict firms' market strategies, so that they can compete on world markets with actors from outside the EU;
4. Stresses that an effective and credible competition policy must not be directed exclusively towards bringing down prices for consumers, but must also be mindful of the strategic interests of the European economy, such as: the ability to innovate; investment; competitiveness and sustainability; the special competitive conditions for SMEs, start-ups and microenterprises; and the need to promote high labour and environmental standards;
5. Calls on the Commission to put a stop to social dumping, and emphasises that competition policy decisions must take particular account of the social impact;
6. Considers that the specific nature of the digital economy, characterised by decreasing marginal costs tending towards zero and by strong network effects, favours an increase in the level of concentration in key markets; invites the Commission to adapt its competition policy to the specificities of this sector;
7. Calls on the Commission to complete the internal market in areas where it is still fragmented and incomplete, and to end unjustified market restrictions and distortions of competition as soon as possible wherever they are found; calls on the Commission to ensure that competition policy at the same time strengthens social cohesion in the Union;
8. Stresses that the prioritisation of the work of the competition authority, and the presentation in the 2014 Competition Report, are largely consistent with the common priorities; sees, however, the need in some areas for a more determined course of action, which the Commission should emphatically address in the coming year; highlights the importance of global cooperation on competition enforcement; supports an active participation of the Commission in the International Competition Network;
9. Calls again on the Commission — as it did with regard to the previous annual report — to prevent the development of excessive market concentration and abuse of market dominance in connection with the creation of the digital single market, as doing so will ensure a higher level of service for consumers and the possibility of more attractive prices;
10. Regards it as essential to guarantee fair terms of competition on the digital market and to combat the abuse of dominant positions and tax optimisation, aims which ultimately benefit consumers;
11. Believes that the development of e-government is an important factor in supporting growth, including as regards the participation of SMEs; calls, therefore, on the Member States to use all the tools made available to them by the new public procurement legislation for promoting growth in the EU, and calls on the Commission to support all initiatives connected with the development of e-government; stresses, furthermore, that the promotion and implementation of e-governance systems in all Member States is instrumental to the efficient monitoring of infringements and to ensuring transparency in both the public and the private sector;
12. Calls on the Commission to ensure that the Member States implement the new public procurement legislation in a timely manner, in particular as regards the deployment of e-procurement and e-administration, and the new provisions on consideration of social and environmental criteria and on the division of contracts into lots, in order to boost innovation and fair competition, support SMEs in procurement markets and ensure best value for money in the use of public funds;
13. Calls on the Commission to go even further in seeking an ambitious opening-up of international public procurement markets, in order to eliminate the imbalance which exists with regard to the degree of opening-up of public procurement markets between the EU and other trading partners, and, to that end, to take account of its report on the Commission's proposal for an international procurement instrument and the forthcoming revision thereof;

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14. Points out that customers on the single market are being sold products containing ingredients that differ from one consignment to another even though the brand name and the packaging is the same; calls on the Commission to determine whether, in the context of EU competition policy, this is a practice that has negative repercussions for suppliers of local and regional produce, in particular SMEs;
15. Considers it essential for the Commission to continue to promote better convergence of, and cooperation among, national competition authorities in the EU;
16. Welcomes the strong interplay between competition enforcement and the digital single market strategy, in particular in actions related to geo-blocking practices and licensing agreements, with a view to completing the digital single market; considers that a similar interplay is vital in the internal energy market to remove barriers to the free flow of energy across borders, and to build the Energy Union;
17. Considers that competition in the telecommunications sector is essential not only to drive innovation and investment in networks, but also encourage affordable prices and choice in services for consumers; calls, therefore, on the Commission to safeguard competition in this sector, including in the allocation of spectrum;
18. Calls on the Commission to scrutinise the unfair and unlawful clauses and practices employed by the banking sector in consumer contracts; calls on the Commission, in the context of the ECN, to foster exchanges of proven practices; urges the Commission to reduce the amount of red tape of all kinds generated by the implementation of competition policy;
19. Believes that competition policy should play an important part in making financial markets more secure and transparent for consumers; welcomes, furthermore, the legislative measures adopted in the field of electronic payments and, in particular, the introduction of ceilings on interbank commissions for card payment transactions;
20. Reminds the Commission that competition policy also entails regulating the price of services for which it is difficult to set a market value, such as ATM fees;
21. Calls on the Commission to examine ATM networks from the perspective of competition policy, given that this is a network infrastructure;
22. Believes that further thought should be given to how European companies must be supported as they compete on a global basis with other like-sized operations from different parts of the world, which do not have to follow the same competition rules that European entities must comply with on their home turf;
23. Calls on the Commission to ensure coherence between the Union's trade and competition policies and the objectives of its industrial policy; points out that the Union's competition policy should not hinder the emergence of European industrial champions in economy; calls, therefore, for trade and competition policies to promote the development and competitiveness of European industry on the world stage;
24. Recognises that many energy-intensive industries are struggling economically and that some, such as the steel industry, are in crisis; urges the Commission to review EU State aid rules for energy-intensive industries, guaranteeing effective carbon leakage protection and providing fair opportunities for EU industries, particularly the most vulnerable energy-intensive industries;

Antitrust proceedings — cases of abuse of dominant position

25. Calls on the Commission to increase its efforts as regards investigations of instances of abuse of dominant market positions to the detriment of EU consumers;
26. Notes that abuses of dominant position are prohibited and constitute a serious competition problem;

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27. Considers that the Commission is working successfully in cases involving infringements of the rules on cartels and is able to demonstrate that it has made a significant contribution towards the realisation of internal market and equal competition rules;

28. Underlines that anticompetitive practices and monopolies can constitute barriers to trade which distort trade and investment flows; calls on the Commission — in the interest of free and fair global trade — to take action internationally against cartels and anticompetitive, oligopolistic and monopolistic practices that are damaging to competition;

29. Considers that the existing rules on fines to be imposed on legal persons for infringements must be supplemented by concomitant penalties against the natural persons responsible; takes the view that the fines should be high enough to act as a deterrent; emphasises the importance of a successful whistleblower policy, which has allowed the Commission to detect cartels;

30. Regards legal certainty as crucial, and calls on the Commission to incorporate the rules on fines, such as those imposed in cartel proceedings, into a legislative instrument;

31. Notes that the original market models of the competition policy may be inappropriate for the digital economy, and that the use of price-based indicators in this dynamic economic sector often fails to achieve the desired outcome; calls on the Commission to carry out, on the basis of new criteria, a comprehensive legal and economic assessment of fast-moving markets and ephemeral business models employed by digital undertakings, in order to obtain a clear understanding of the market structure and market trends, take appropriate measures to protect consumers and take proper account of the importance of data and of the specific market structures of the digital economy; points out that, for the purposes of defining the relevant market, in particular in the digital economy, relevant assessment criteria in terms of competition must be applied;

32. Maintains that the protection of intellectual property is central to fair competition, and notes with regret that global companies are unwilling to acquire the licences required for using European patents; calls on the Commission to provide effective protection for standard essential patents (SEPs) and to exercise close supervision to ensure that patent users obtain licences in the proper way;

33. Calls on the Commission to investigate if there is any kind of correlation between a high incidence of politicians and former ministers on the governing boards of energy companies and oligopolistic practices in the energy sector in some Member States;

34. Call into question the long duration of the investigations into US internet giant Google, and regrets the fact that these investigations have already dragged on for several years, with no transparency and no definitive results to show, reflecting the fact that until 2014 the Commission was reluctant to indicate its intention to abolish market restrictions; points out that, especially where dynamic markets are concerned, proceedings that take so long can amount to de facto market cleansing and create uncertainty for all parties;

35. Calls on the Commission to conduct a thorough investigation into the Google practice whereby the 'Android' operating system is offered only in conjunction with other Google services, and whereby manufacturers may not pre-install rival products; calls, furthermore, on the Commission to examine in detail Google's dominant market position in the area of direct hotel bookings, and to seek an appropriate solution to this problem; supports the Commission measures designed to bring about a greater degree of interoperability and portability across all digital sectors and, thereby, avoid a winner-takes-all scenario; stresses the importance of equipping the Commission with the right tools to maintain an up-to-date overview of swift developments on the digital market;

36. Calls on the Commission to conduct and complete all other pending cartel investigations carefully, and to do away with any market restrictions; welcomes the new Commissioner's refusal to bow to political pressure, and calls for the proceedings to be speeded up so that results can be achieved within the next year; welcomes, therefore, the Statement of Objections sent by the Commission to Google concerning its comparison shopping service; calls on the Commission to continue to examine determinedly all concerns identified in its investigations, including other areas of search bias, in order to guarantee a level playing field for all market players in the digital market;

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37. Points out that under Article 8 of the Cartel Proceedings Regulation, Regulation (EC) No 1/2003, the Commission may order interim measures when there is a risk of serious and irreparable damage to competition; calls on the Commission to determine how far such measures could be applied in protracted competition proceedings, especially on the digital market;

38. Recalls that net neutrality (meaning the principle according to which all internet traffic is treated equally, without discrimination, restriction or interference, independently of its sender, recipient, type, content, device, service or application) is of utmost importance when it comes to ensuring that there is no discrimination between internet services and that competition is fully guaranteed;

39. Stresses that competition policy should be evidence-based, and welcomes the Commission's sector inquiry into e-commerce, focusing on potential barriers to cross-border online trade in goods and services in, e.g., the sectors for electronics, clothing, shoes and digital content;

40. Notes that the Google case has triggered a general discussion on the power of dominant internet platforms such as eBay, Facebook, Apple, LinkedIn, Amazon, Uber, Airbnb, etc., their influence on markets and on the public sphere, and the need to regulate them to protect both; points out that the aim of regulating internet platforms should be to guarantee higher user protection while maintaining incentives to innovate;

41. Calls on the Commission to investigate the market dominance of Google in the market for direct hotel bookings; points out that the company is seeking to have hotel searchers book and pay via Google rather than a third-party travel or hotel site; underlines that this move is potentially controversial as it turns Google into an online travel agency, or its equivalent, charging booking fees; notes that most hoteliers would prefer direct bookings rather than through a third-party site or aggregator; underlines that Google could leverage its dominant position and, by the same token, weaken competitors in travel markets, and thereby harm consumers;

42. Welcomes the Commission's newly adopted amendments to Regulation (EC) No 773/2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, and the related communications arising out of the Directive on Actions for Damages; considers it unfortunate that Parliament was not involved in the drafting of the amendments;

43. Points out that competition policy has a key role to play in the completion of the digital single market; shares the view that a robust competition policy on fast-moving markets requires thorough market knowledge; welcomes, therefore, the fact that a sector inquiry into e-commerce is being carried out in implementation of the digital single market strategy;

State aid

44. Calls on the Commission, as the guardian of the Treaties, to monitor closely the Member States' implementation of the above directive, and to ensure that its provisions are enforced in a uniform manner throughout the EU; calls on the Commission, on the Member States and on authorities at regional and communal administrative levels actively to promote compliance with EU competition policy and to explain its legal basis; emphasises the importance of addressing horizontal and vertical State aid in the same way; sees a need for action to be taken to raise awareness in all parts of the European Union about the classification and granting of illegal State aid, in particular when aid decisions of this kind are tantamount to anti-competitive and protectionist measures; takes the view, however, that remote or outlying regions and islands should be given greater leeway than at present when it comes to applying rules on State aid;

45. Considers that the Commission, particularly in State aid proceedings, must examine evidence provided by the Member States more rigorously, and improve fact security, since there are regular attempts to circumvent the legal basis and the legal constraints, or to seek more or fewer borderline compromises; considers, furthermore, that such examinations should be premised on the recognition that, in strategic and vital sectors such as energy, transport and healthcare, states need to ensure the total security, the continuity of supply and the provision of services for all their citizens, and that they need to take care not to enact legal provisions that are damaging to other Member States or to the Union;

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46. Reiterates that EU Structural Funds may not be used in a way that directly or indirectly encourages the relocation of services or production to another Member State, e.g. by a waiting period for undertakings receiving such funds; stresses that State aid is sometimes necessary in order to guarantee the delivery of services of general economic interest (SGEI), including energy, transport and telecommunications; emphasises that State intervention is often the most effective policy tool for guaranteeing the provision of services that are vital to safeguarding economic and social conditions in isolated, remote or outlying regions and islands in the Union;

47. Welcomes the adoption by the Commission in 2014 of the new Guidelines on State aid for environmental protection and energy, and its implementation of these as the General Block Exemption Regulation (GBER);

48. Welcomes the inclusion in the GBER of social aid for the transport of residents of remote regions, whereby the problem of connectivity is now recognised; stresses that the connectivity of peripheral island regions is also essential for sustaining and developing acceptable levels of economic and social initiative by maintaining vital business connections;

49. Welcomes the current Commission inquiry regarding deferred tax assets and deferred tax credits (DTAs/DTCs), which is to the benefit of the banking sector in several Member States; is of the opinion that DTA/DTCs should retroactively be authorised under State aid provisions if they are tied to explicit conditions regarding financing targets for the real economy;

50. Recalls its request to the Commission that it examine whether the banking sector has benefited, since the beginning of the crisis, from implicit subsidies and State aid in the form of unconventional liquidity support;

51. Welcomes the introduction of new guidelines on State aid for risk financing, the primary purpose of which is to make it possible to promote more effectively SMEs, innovative midcaps and start-ups, which have a significant size disadvantage;

52. Criticises the fact that competition-distorting tax models, in particular, can lead to considerable problems for medium-sized businesses, as well as for a number of Member States that do not apply such tax models;

53. Welcomes the fact that, as part of the modernisation of State aid law, the Commission is taking the initiative of issuing new guidelines that will make it clear what is meant by State aid in the tax sphere and in appropriate transfer pricing;

54. Requests a separate study from the Commission that assesses whether EU State aid provisions are inhibiting the consolidation and strengthening of competitiveness among European firms vis-à-vis their global competitors, not least with regard to state procurement mechanisms, also in the light of the recent conclusion of the Trans-Pacific Partnership (TPP);

Merger control

55. Notes that, in the past, assessments of mergers and takeovers in the digital economy have predominantly been made on the basis of the turnover of the businesses in question, which is inadequate; stresses that businesses with low turnovers and substantial start-up losses may also have a large customer base, and therefore substantial volumes of data, and significant market strength, as the Commission's unconditional approval of the takeover of WhatsApp by Facebook, which set a precedent, proves;

56. Takes the view that in some economic sectors, first and foremost the digital economy, additional criteria should be applied that go above and beyond price-based approaches, market share, and turnover, since mergers can often entail market restrictions;

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57. Considers that particularly in the digital economy, and in the context of consumer protection, the general competition rules must be updated to stay abreast of market realities, and additional new criteria must be introduced in assessing mergers, such as the purchase price, possible market entry barriers, the vital importance of data and of access to data, platform specifications and associated network effects, and also the issue of whether or not there is global competition in the sector in question; calls on the Commission to give particular consideration to the commercial model for businesses in the digital economy and to possible market entry barriers, including factors such as the scope for switching between platforms and data portability;

58. Calls on the Commission to examine the possibility for independent retailers — who under competition law are allowed to work together through their brick-and-mortar shops — to provide joint e-commerce offerings as well;

59. Considers that the erroneous assessment of market strength, combined with the current market definition, is often working to the detriment of European businesses, in particular in times of globalisation and in a dynamic digital market; calls on the Commission to consider a readjustment within the framework of the Merger Regulation;

60. Expresses concern that too often a narrowly national approach is adopted with regard to the issue of market definition, whereby proper account is not taken of the internationalisation of markets, as was the case, for example, of the Merger Regulation;

Financial aid and taxation

61. Stresses that — as stated for the fifth time in its annual competition report — the temporary State aid in the financial sector was necessary for the stabilisation of the global financial system, but must quickly be reduced, or totally removed and scrutinised, if the Banking Union is to be completed; emphasises the continuing urgent need to eliminate subsidies — in the form of implicit guarantees for financial institutions that are still too big to fail — in order to level the playing field in the financial sector, and to protect taxpayers, with regard to whom care must be taken to ensure that this does not generate windfall profits or benefits for private legal persons; stresses the importance of a restrictive approach to State aid;

62. Emphasises that fair tax competition is essential to the integrity of the internal market, to the viability of public finances and to ensuring a level and competitive playing field;

63. Considers that the significant disparities that have emerged among Member States in the use of State aid in the financial sector in recent years may lead to distortions of competition in this sector; calls on the Commission to clarify the rules and procedures under which State aid in the financial sector can be authorised; takes the view that, at the very latest when the Banking Union is completed, State aid for the banking sector must be scaled back, whereby care must be taken to ensure that regulation does not distort competition to the benefit of large banks, and that sufficient credit is available for SMEs;

64. Believes that the Commission should consider the possibility of linking State aid to banks to conditionality on credit to SMEs;

65. Calls on the Commission to launch a road map for less, but better targeted, State aid, aiming for a reduction of State aid that opens up for lower taxes stimulating new businesses and fair competition, rather than supporting old structures and incumbents;

66. Underlines the fact that when State aid is used to promote services of general interest, it is the benefit to citizens, not to individual companies or to public entities today, that is crucial;

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67. Calls on the Commission to follow closely the conditions to be proposed by the European Central Bank for granting new banking licenses, with a view to ensuring the creation of a level playing field without high barriers of entrance to the market; strongly believes that, given the high concentration in the banking sector of some Member States, a higher number of banking entities would be good for consumers and SMEs;

68. Emphasises the key importance of EU subsidy law in the fight against tax avoidance by multinational undertakings;

69. Welcomes the investigations initiated by the Commission in 2014 into unlawful State aid, through unfair tax competition, to the benefit of certain individual companies, which was extended to all the 28 EU countries in 2015; calls, furthermore, on the Member States in future to present to the Commission, in good time and without delay, all relevant information about their tax practice, and, at long last, to comply with their obligation to disclose to the Commission and to Parliament details of any special arrangements that may have an impact on other Member States and SMEs;

70. Notes that, during recent terms of office, the Commission has opened only a very limited number of investigations into potentially tax-related State aid cases, in spite of the well-founded suspicions that have been made public in the meantime; calls on the Commission to use the findings of the current investigations as the basis for more precise and effective guidelines for tax-related State aid, to make use of its full powers under EU competition rules to tackle harmful tax practices, and to penalise Member States and companies found to be involved in such practices; calls on the Commission to specify, at the same time, which tax measures are not consistent with State aid policy;

71. Considers that, in order to ensure fair competition among companies in line with Commission Regulation (EU) No 651/2014, companies located in regions experiencing temporary or permanent disadvantages should be supported, and that increased flexibility should be granted to regions experiencing severe economic problems, such as regions included in the Convergence and Competitiveness objectives, and to insular regions;

72. Regrets that only a very limited number of cases of State aid pertaining to unfair tax competition have been investigated since 1991, underlining the need to ensure broad access to information in order to trigger more investigations on suspicious cases; expresses its concern over the limited resources currently available to the competent Commission services, which may limit their ability to handle a significantly larger number of cases;

73. Stresses that State aid proceedings alone cannot put a permanent stop to the unfair tax competition in a number of Member States; one year after the 'LuxLeaks' revelations, further tangible results are required, such as a common consolidated corporate tax base, a review of the VAT Directive in order to prevent fraud, the obligation on large international companies to report publicly their turnover and profits on a 'country-by-country' basis, and a call on the Member States to introduce greater transparency in their tax practices and mutual reporting requirements;

74. Takes the view that the tax practices currently employed by certain Member States are seriously jeopardising the internal market, that multinational undertakings in particular must make a fair and appropriate contribution to the public finances of the Member States, and that further investigation is needed into widespread harmful tax practices and tax rulings that are leading to corporate tax base erosion and aggressive tax planning in Europe; welcomes the new TAXE committee;

75. Considers that fair tax competition is one of the constitutive elements of the internal market, but that, the primary competence of the Member States notwithstanding, unfair tax competition must be prevented, for example through harmonised tax bases, exchanges of information between tax authorities, and the granting of an explicit legal right to control movements of capital if this is essential to the proper functioning of the tax system in the Union; takes the view that introducing a common corporate tax base (CCTB) would help make the system more transparent; believes that the issue of consolidation can be addressed at a later date, and should not be a barrier to the swift introduction of a CCTB;

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76. Stresses that, on the internal market, new entrants and SMEs doing business only in one country are penalised as compared to multinational companies, which can shift profits or implement other forms of aggressive tax planning through a variety of decisions and instruments, available to them only; notes with concern that, all things being equal, the resulting lower tax liabilities leave multinationals with higher post-tax profits, and create an uneven playing field to the detriment of their competitors on the internal market, who do not have recourse to aggressive tax planning and who pay taxes in the place or places where they generate their profits; stresses that promoting harmful tax practices through the creation of a European single-member private limited liability company (SUP), the governing rules of which explicitly state that it may have two different seats — i.e., a registered office in one place and an administrative headquarters elsewhere — is the wrong approach for the EU;

77. Emphasises that the Commission must, as a matter of course, have access to data exchanged between tax authorities which are relevant in the context of competition law;

78. Considers that fair competition can be hampered by tax planning; invites the Commission to adjust the definition of 'permanent establishment' so that companies cannot artificially avoid having a taxable presence in Member States in which they have an economic activity; stresses that this definition should also address the specific situation of the digital sector, ensuring that companies engaged in fully dematerialised activities are considered to have a permanent establishment in a Member State if they maintain a significant digital presence in the economy of that country;

79. Underlines that the Commission, when dealing with competition rulings, must see the internal market as one market, not as a number of local or national markets;

80. Considers that, in view of studies estimating the annual value of tax fraud and tax avoidance to up to EUR one trillion (1 000 000 000 000), the Member States must ultimately tackle and restrict this practice; takes the view that reducing tax fraud and tax avoidance is fundamental to progress on the consolidation of state budgets; welcomes the recent adoption by the finance ministers of the G20 of new rules drawn up by the OECD on base erosion and profit shifting, which will improve transparency, close loopholes and restrict the use of tax havens; takes the view that, given its degree of integration, the EU must go further than the proposals presented in the OECD's Base Erosion and Profit Shifting (BEPS) project in terms of coordination and convergence aimed at avoiding all forms of harmful tax competition within the internal market; stresses, however, that the OECD approach is still based on soft law, and that its action must be complemented by a proper legislative framework at EU level if it is to address the needs of the single market, e.g. in the form of an anti-BEPS directive going beyond the OECD BEPS initiative in areas that are not sufficiently covered; calls for an assessment of the economic, financial and competition-related impact of tax avoidance and tax fraud;

81. Takes the view, in the light of the unfair tax practices employed by some Member States, that internal market policy and competition policy must go hand in hand, in an effort to ensure that profits are distributed fairly and that the shifting of profits to certain Member States, or even outside the EU, in order to minimise tax liability, becomes impossible;

82. Emphasises that comprehensive, transparent and effective exchanges of tax information are a key prerequisite for preventing aggressive tax planning; stresses, at the same time, that simplifying tax arrangements at Member State level would do much to foster transparency and clarity;

83. Welcomes the intention of the Competition Commissioner to reorganise the control of State aid as part of a fair tax burden for all; expects that, prior to this reorganisation, there will be an unconditional and complete evaluation, and calls on the Member States to make all requested documents available to Parliament and to abandon their current blockade mentality, which is preventing progress in this area, in which connection it must be borne in mind that different Member States must respond to different policy imperatives on the basis of their geographical location, their size, their physical and other endowments and their state of economic and social development, and calls for state aid guidelines on taxation to be revised to cover cases of unfair competition that go beyond tax rulings and transfers;

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84. Calls on the Commission to lay down in the near future detailed guidelines on State aid in the tax sphere and on transfer pricing; emphasises that guidelines of this kind in other policy areas have proved very effective in eliminating and preventing the introduction of certain practices in Member States that do not comply with EU rules on State aid; points out that such guidelines are effective only if they set out very precise provisions, including in the form of quantitative thresholds;

85. Calls on the Commission to consider the introduction of sanctions, either against the state or the company involved, for serious cases of illegal State aid;

86. Calls on the Commission to modify the existing rules without delay, in order to allow the amounts recovered following an infringement of EU tax-related State aid rules to be returned to the Member States which have suffered from an erosion of their tax bases, or to the EU budget, and not to the Member State which granted the illegal tax-related State aid, as is currently the case, as this rule provides an additional incentive for tax dodging; calls on the Commission to make full use of its powers under EU competition rules to tackle harmful tax practices;

87. Calls for an EU legislative framework to prevent distortions of competition by aggressive tax planning and tax evasion; recommends, with a view to creating a level playing field, the introduction of an automatic mandatory exchange of tax rulings, a CCCTB and a guarantee that no profit leaves the EU untaxed;

Competition in the era of globalisation

88. Maintains that international cooperation is essential for the effective application of competition-law principles in the era of globalisation; calls on the Commission, therefore, to foster closer international cooperation on competition-related matters; stresses that competition-law agreements allowing information to be exchanged between investigating competition authorities could make a particularly effective contribution to international cooperation on competition-related matters;

89. Takes the view that the Transatlantic Trade and Investment Partnership (TTIP) and all other trade and investment international agreements should have a strong competition section;

90. Stresses that trading partners should derive benefit from growing competition in the field of trade, from investments by the private sector, including investments under public-private partnerships, and from the greater affluence of consumers;

91. Stresses that the EU should make greater efforts to monitor the implementation of trade agreements in order to assess, *inter alia*, whether competition rules are being complied with, and whether the obligations to which trading partners have committed themselves are fully being complied with and fulfilled;

92. Calls on the Commission to use trade policy as a means of working towards establishing global competition policy rules, with a view to eliminating the numerous persistent barriers to trade; regards the long-term goal of a multilateral agreement on competition rules, concluded within the framework of the World Trade Organisation, as the ideal solution;

93. Supports the competition policy initiatives of the UN Conference on Trade and Development (UNCTAD) and the OECD, and their efforts to improve worldwide cooperation in the field of competition policy;

94. Encourages the Commission and the competition authorities of the Member States to participate actively in the International Competition Network;

95. Calls for measures to ensure that all products imported from third countries comply with the environmental, health and social standards applied by the Union and defended on the world market, so as to protect European industrial producers from unfair competition;

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96. Calls on the Commission to support developing countries in their efforts to promote fair competition; calls on the Commission to develop cooperation further, in particular with the competition authorities of emerging economies, and to ensure that appropriate safeguards are put in place;

97. Notes that access to resources, including energy sources, on equal terms is of vital importance for ensuring fair competition on the global market; highlights, in this regard, the importance of affordable and sustainable energy, and of security of supply in trade agreements;

Competition in the various sectors

98. Calls on the Commission to release the findings of current investigations into competitive practices in the food supply, energy, transport and media sectors;

99. Welcomes the new guidelines on state aid to airlines and airports in the EU, part of the Commission's State Aid Modernisation package; calls on the Commission urgently to establish, in international agreements, a similar set of rules for subsidised airlines operating from third countries to and from the EU, in order to ensure fair competition between EU and third-country carriers;

100. Urges the Commission to foster the exchange of good practices via the European Competition Network, with a view to addressing concerns raised with respect to alliances between distributors, many cases of which are already being investigated by the relevant authorities in the Member States; calls for these discussions to consider interactions between the national and European levels;

101. Encourages the European Competition Network to discuss the growing network of retail-buying alliances at national and EU level;

102. Calls on the Commission to develop progressively the EU competition framework to include in the monitoring of the food supply chain in Europe the Sustainability Assessment of Food and Agriculture systems (SAFA) indicators of the Food and Agriculture Organization of the United Nations (FAO), including indicators under the headings of Fair Pricing and Transparent Contracts (S.2.1.1) and Right of Suppliers (S.2.2.1);

103. Calls for the establishment of a European observatory for food and agricultural prices at origin and at destination; draws attention to the Spanish origin-destination price index IPOD as a possible model for monitoring potential abuses by retailers of farmers and consumers;

104. Calls for binding action in the food supply chain against retailers harming farmers and consumers;

105. Is particularly concerned by the situation in the dairy sector, where retailers have been imposing prices well below costs following the end of the quota system;

Democratic strengthening of competition policy

106. Welcomes the regular dialogue between the Competition Commissioner and Parliament, but considers that the right to a hearing on essential matters of principle is not sufficient;

107. Notes that in the area of competition law Parliament is involved in the legislative process only through the consultation procedure, with the result that it can exert much less influence on legislation than the Commission and the Council;

108. Welcomes the regular dialogue that the Commission conducts with Parliament on competition matters; calls again for fundamental legislative directives and guidelines to be adopted within the co-decision procedure; considers that the current dialogue between Parliament and the EU competition authority should be stepped up, in particular for the purpose of assessing and acting on the calls made by Parliament in previous years; believes that the independence of the Commission's DG Competition is of the utmost importance if it is to achieve its goals in a successful manner; calls on the Commission to re-allocate sufficient financial and human resources to DG Competition; calls in particular for a strict separation between the departments that draw up guidelines and those that have the responsibility to apply those guidelines in specific cases;

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109. Considers that it should have co-decision powers in competition policy; regrets that Articles 103 and 109 TFEU provide only for consultation with Parliament; believes that this democratic deficit cannot be tolerated; proposes that this deficit be overcome as soon as possible, through inter-institutional arrangements in the field of competition policy, and corrected in the next Treaty change;

110. Calls for it to be given codecision powers in competition policy, particularly where fundamental principles and binding guidelines are concerned, and regrets that this area of Union policy has not been strengthened in its democratic dimension in recent Treaty amendments; calls on the Commission to put forward proposals for a corresponding amendment to the Treaties to extend the scope of the ordinary legislative procedure to cover competition law as well;

111. Calls on the Commission to give it greater involvement in sector-specific investigations, while safeguarding the confidentiality of certain information submitted by stakeholders; calls for Council regulations in future to be based on Article 114 TFEU, which deals with the functioning of the internal market, so that they can be adopted under the codecision procedure, if the desired Treaty amendment is not expected soon; emphasises that the work on the Directive on Damages Claims can provide a template for future interinstitutional cooperation in competition matters; calls on the Competition Commissioner to continue the dialogue begun with the relevant Parliament committees, and with the Competition Working Group of Parliament's Committee on Economic and Monetary Affairs;

112. Considers that a results-driven and focused public evaluation of the various proposals by Parliament for development of competition policy should also be undertaken and published by the Commission in the near future;

113. Emphasises that, in its future work, the Commission's DG Competition should take proper account of the standpoints adopted by Parliament in past reports on competition policy;

114. Considers that all forms of dialogue that have been tried and tested to date should be maintained;

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115. Instructs its President to forward this resolution to the Council, the Commission and to national competition authorities.

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P8_TA(2016)0005

The role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values

European Parliament resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values (2015/2139(INI))

(2018/C 011/02)

The European Parliament,

- having regard to Articles 2, 21 and 27(3) of the Treaty on European Union (TEU),
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 165 and 167 thereof, and Article 17 in particular thereof, according to which the Union must respect the status under national law of churches and religious associations or communities as well as philosophical and non-confessional organisations and must recognise their identity and their specific contribution and must maintain an open, transparent and regular dialogue with them,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 10, 11 and 22 thereof, and the preamble thereto,
- having regard to the European Convention on Human Rights, and in particular Article 2 of Protocol No 1 thereto,
- having regard to the United Nations resolution of 20 December 2010 entitled ‘Culture and Development’,
- having regard to the United Nations Millennium Declaration (2000), and in particular the articles under the heading ‘Human rights, democracy and good governance’,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979),
- having regard to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO Convention),
- having regard to the Universal Declaration of Human Rights (1948), in particular Article 16 thereof and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
- having regard to UN General Assembly resolution 67/179 of 20 December 2012 and UN Human Rights Council resolution 22/20 of 22 March 2013,
- having regard to its recommendation to the Council of 13 June 2013 on the draft EU Guidelines on the promotion and protection of freedom of religion or belief⁽¹⁾ and to the EU Guidelines on the promotion and protection of freedom of religion or belief, adopted by the Foreign Affairs Council on 24 June 2013,
- having regard to Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the European Year of Intercultural Dialogue (2008)⁽²⁾,
- having regard to the Council Conclusions of 20 November 2008 on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States⁽³⁾,

⁽¹⁾ Texts adopted, P7_TA(2013)0279.

⁽²⁾ OJ L 412, 30.12.2006, p. 44.

⁽³⁾ OJ C 320, 16.12.2008, p. 10.

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- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012), adopted by the Foreign Affairs Council on 25 June 2012,
 - having regard to the Council of Europe White Paper of 7 May 2008 on Intercultural Dialogue entitled 'Living Together As Equals in Dignity',
 - having regard to the European agenda for culture in a globalising world (COM(2007)0242), which aims to promote awareness of cultural diversity and EU values, dialogue with civil society and exchanges of good practices,
 - having regard to the outcomes and follow-up actions of the Preparatory Action for Culture in EU External Relations, 2014,
 - having regard to the Protocol on Cultural Cooperation annexed to the model Free Trade Agreement ⁽¹⁾,
 - having regard to the Paris Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, adopted at the informal meeting of EU education ministers on 17 March 2015 in Paris (8496/15),
 - having regard to the final joint recommendations of the Trio Presidency from the 2015 EU Youth Conference in Luxembourg, which took into account the Structured Dialogue consultation aimed at empowering young people for political participation in democratic life in Europe and called on Parliament to promote values-based education and active citizenship education,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A8-0373/2015),
- A. whereas Europe represents an immense richness of cultural, social, linguistic and religious diversity; whereas, in this context, the shared values that hold together our societies, such as freedom, social justice, equality and non-discrimination, democracy, human rights, the rule of law, tolerance and solidarity, are crucial for Europe's future;
- B. whereas not being a legal concept, intercultural dialogue is not regulated by national, EU or international law, but is built on international frameworks aimed at protecting human rights and cultural diversity;
- C. whereas intercultural dialogue was tentatively defined in different studies and conclusions during the European Year of Intercultural Dialogue (2008) as a process that comprises an open and respectful exchange or interaction between individuals, groups and organisations with different cultural backgrounds or world views; whereas among its aims are: to develop a deeper understanding of diverse perspectives and practices; to increase participation and the freedom and ability to make choices; to foster equality; and to enhance creative processes;
- D. whereas it is important that the necessary means are provided, especially financially, to prioritise the funding of programmes designed to foster intercultural dialogue and dialogue between citizens in order to strengthen mutual respect in a context of strong cultural diversity and to address the complex realities of our societies and the coexistence of different cultural identities and beliefs, as well as to highlight the contribution of different cultures to European societies and heritage, and to effectively manage conflicts;

⁽¹⁾ OJ L 127, 14.5.2011, p. 1418.

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- E. whereas achieving this objective is not only a task for public authorities and decision makers, but is a shared responsibility of society as a whole, including a broad range of stakeholders such as families, media, educators, businesses, community and faith leaders; whereas in addition to political actors, it is important to emphasise the role of all other stakeholders involved in intercultural dialogue;
 - F. whereas specific articles of the Charter of Fundamental Rights of the European Union are of particular importance to intercultural dialogue by promoting equality, non-discrimination, cultural, religious and linguistic diversity, freedom of expression and movement, citizenship rights to economic and political participation;
 - G. whereas a meaningful intercultural dialogue requires solid knowledge of one's own and other cultures;
 - H. whereas, in light of the European Year of Development 2015, the review of the UN Millennium Development Goals and the outcome of the UN Sustainable Development Summit 2015, the role of culture is instrumental in achieving sustainable development and eradicating poverty in the world; calling furthermore for more explicit integration of culture in the UN post-2015 agenda for sustainable development;
 - I. whereas Europe and the world face numerous challenges linked to globalisation, migration, religious and inter-cultural conflicts and rise of radicalism;
 - J. whereas in the context of intercultural dialogue, the application of both universal human rights (as individual rights) and cultural rights (recognising specific and multiple cultural identities) are essential;
 - K. whereas the development of learning mobility for students and teachers and any other form of international exchange can lead to a better world, in which people move freely and enjoy open intercultural dialogue;
1. Argues that a European Union approach should take stock and resume the excellent work initiated during the 2008 European Year of Intercultural Dialogue, step up the exchange of good practices and promote a new structured dialogue with all stakeholders in intercultural and interfaith issues in the light of all recent and dramatic events: European and national politicians, local and regional authorities, churches, religious associations and communities and philosophical and non-confessional organisations, civil society organisations and platforms, sport, culture and education workers, national and European youth councils, academics and the media;
 2. Encourages all stakeholders to establish an up-to-date, clear, policy-related definition of intercultural dialogue, to implement or harmonise methods, quality criteria and indicators with a view to evaluating the impact of intercultural dialogue programmes and projects, and to research methodologies for intercultural comparisons;
 3. Advocates that fostering an intercultural, interfaith and value-based approach in the educational field should be encouraged in order to address and promote mutual respect, integrity, ethical principles cultural diversity, social inclusion and cohesion, including through exchange and mobility programmes for all;
 4. Advocates that cultural diversity should also be addressed in the audio visual and cultural industries; encourages these industries to find creative ways to push for an agreement on national, regional and local action plans for the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

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5. Calls for interfaith dialogue to be taken into account as a component of intercultural dialogue, a precondition for peace, and an essential tool of conflict management, focusing on the dignity of the individual and on the need to uphold human rights around the world, with particular reference to freedom of thought, conscience and religion and religious minorities' right to protection;
6. Stresses that a genuine intercultural and interfaith dialogue encourages positive and cooperative interactions, promotes understanding and respect between cultures, increases diversity and respect for democracy, liberty, human rights as well as tolerance for universal and culture specific values;
7. Highlights the importance of the timely integration and education of segregated communities;
8. Advocates that the EU, acting as global peace actor, should include culture and cultural exchanges and enhance education in EU external relations and development policy, as vehicles for strengthening common core values such as the values of respect and mutual understanding, providing effective tools for a meaningful and sustainable approach to conflict resolution, peace-making and crisis prevention;
9. Considers that, in line with Article 167(4) TFEU, cultural dialogue and diversity should be integrated in a transversal way in all EU policy areas that impact on shared EU fundamental values and rights such as youth policy, education policy, mobility, employment and social affairs, external policies, women's rights and gender equality, trade and regional development;
10. Highlights the need to train and prepare future generations to be audacious problem solvers and address effectively and innovatively the challenges European citizens will face in the future by giving them access to a genuine education in citizenship and ensuring that they have the motivation and commitment to acquire competences and skills such as entrepreneurship, leadership and capacity building;
11. Recognises that intercultural dialogue is a tool for inclusive democratic participation and empowerment of citizens, in particular in relation to common goods and public spaces; argues that as such, intercultural dialogue may significantly contribute to the improvement of democracy and the development of greater and deeper inclusivity and sense of belonging;
12. Believes that increasing public investment in inclusive, quality and accessible formal, non-formal and informal education is the first step to providing equal access and opportunities for all; recalls the need to ensure cultural and social diversity in classrooms and learning settings including among educators, to reduce early school leaving and to foster the education of disadvantaged children in order to promote equity and foster social cohesion among future generations;
13. Stresses that formal, non-formal and informal education and access to lifelong learning not only provide knowledge, skills and competences, but should also help learners to develop ethical and civic values and become active, responsible, open-minded members of society; stresses, in this regard, the need for civic education to start from an early age and recognises the importance of cooperation among all education stakeholders; advocates building on children and young people's sense of initiative and engagement in order to strengthen social ties as well as generate a sense of belonging and develop ethical codes to challenge discrimination;
14. Highlights the important role of non-formal and informal learning and recognises the benefit of building synergies and partnerships between all levels and forms of learning, including across generations; highlights as well the importance of participation in sports and volunteering activities in stimulating the development of civic, social and intercultural competences and contributing to the social inclusion of disadvantaged and vulnerable groups, and of citizens more generally, particularly children, by teaching the spirit of teamwork and respect for diversity, thereby combating social phenomena such as violence, radicalism, racism and xenophobia and rebuilding the foundations for a constructive and peaceful dialogue among communities; recalls in this regard the crucial role of EU programmes in the field of culture, media, education, youth and sport as tools to tackle intolerance and prejudices and foster a sense of common belonging and respect for cultural diversity;

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15. Stresses the importance of building strong bridges between culture and education in order to develop competences and transferable skills, increase high-level and secure jobs in line with the ILO Decent Work Agenda and achieve a higher level of social inclusion and active citizenship; considers these among the main goals in the implementation of EU fundamental values as enshrined in Article 2 of the Treaty of the European Union (TEU) and in the Charter of the Fundamental Rights of the European Union; recalls the value of CONNECT, the only EU programme promoting culture and education projects and encourages the Commission to consider a new pilot action line to test the present feasibility of such a scheme;

16. Supports the mobility of young people and teachers as well as all forms of cooperation between schools and universities, for example common educational platforms, joint study programmes and joint projects, as a means to foster understanding and appreciation of cultural diversity and to provide young people with social, civic and intercultural competences and skills; is of the opinion, in this regard, that exposing children to other cultures at a very young age helps them obtain basic life skills and competences necessary for their personal development, future employment and active EU citizenship; stresses that including targeted educational school visits in different Member States and transnational mobility of young children is also a tool for laying down the foundations of European cultures, arts, languages and values; encourages mobility specifically for teachers from primary and secondary levels in order to share experiences and develop their own tools to face and answer evolving societal challenges; emphasises the role and importance of the Erasmus+ programme which fosters a European awareness among young people and creates a sense of common belonging and a culture of intercultural dialogue by facilitating their mobility, as well as increasing their employability; encourages in particular further measures to facilitate the access and integration of disadvantaged groups and people with special needs in Erasmus+ mobility actions;

17. Encourages the Member States to develop quality training programmes promoting diversity, empowering educators, youth and community workers, as well as counselling services at schools and in non-formal and informal settings, for both children and their parents, to meet the educational and training needs of children from different cultural and social backgrounds and to address all forms of discrimination and racism, including bullying and cyber-bullying; notes that educational resources should be re-examined to foster multi-perspective and multi-language learning and that the multi-lingual and intercultural experiences and skills of teachers must be valorised and promoted systematically in this context;

18. Underlines the importance of investing in lifelong learning programmes for teachers, equipping them with the necessary pedagogical competencies on the topics of migration, acculturation and social psychology as well as enabling them to utilise diversity as a rich source for learning in classrooms;

19. Notes the essential role of teachers in strengthening — in cooperation with families — social ties, generating a sense of belonging and helping young people to develop ethical and civic values;

20. Reiterates the need to create rights-based and gender-sensitive learning environments for students to learn about and stand up for human rights, including women's and children's rights, fundamental values and civic participation, rights and responsibilities of citizens, democracy and the rule of law, being confident in their identity, knowing their voice is heard and feeling valued by their communities; encourages the Member States and educational settings to strengthen students' active participation in the governance of their learning structures;

21. Highlights the role of new information and communication technologies and the internet as instruments for promoting intercultural dialogue; promotes the use of social media in order to strengthen the awareness of common fundamental values and principles of the European Union among citizens and underlines the importance of media literacy at all levels of education as a tool for promoting intercultural dialogue among young people; also encourages the EEAS and all the heads of EU representations to make the most of new digital tools in their work;

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22. Recognises the need to provide sustainable and structural support to NGOs, human rights organisations, youth organisations and training institutions to challenge extremism through social cohesion and inclusion, active citizenship and empowerment and participation of youth, in particular small-scale local initiatives and those working at grassroots level;

23. Recognises the key role NGOs, cultural networks and platforms, as well as the abovementioned institutions play and should continue to play where formal intercultural dialogue structures, policies or programmes are less developed; encourages further dialogue between the EU and large cities, regions and local authorities, with a view to analysing more effectively (i) the connection between the urban models, which are home to citizens, and the success or failure of school systems, (ii) the benefit of formal and informal education for all children and families, and (iii) the coordination of education structures to promote an efficient intercultural dialogue;

24. Calls for renewed attention to be paid to the promotion of a solidarity-based and intercultural society, especially among young people, through the implementation of the Europe for Citizens programme, using adequate funding to enable the fulfilment of its objectives of building a more coherent and inclusive society and fostering an active citizenship open to the world, respectful of cultural diversity and based on the common values of the EU;

25. Encourages inclusive artistic and sports educational and training activities for all ages, as well as volunteering, in order to strengthen socialisation processes and the participation of minorities, disadvantaged groups, marginalised communities, migrants and refugees, in cultural and social life including in leadership and decision making;

26. Recognises the importance of formal, non-formal and informal learning, as well as volunteering, to promote self-development focusing on cognitive and non-cognitive skills and competences, critical thinking, capacity to deal with different opinions, media literacy, anti-discrimination and intercultural skills and competences and language learning as well as social and civic competences including learning about cultural heritage as a tool to address contemporary challenges through sensitive interpretation;

27. Affirms the need, when dealing with the issue of intercultural dialogue and education, to keep a gender perspective and to take into account the needs of people suffering multiple forms of discrimination, including people with disabilities, people identifying as LGBTI and people from marginalised communities;

28. Encourages the EU institutions to broaden their analysis of all forms of radicalisation and initiate new reflections on the nature and the processes of political extremism and violence, starting from the premise that radicalisation is a dynamic, relational process and an unforeseen and unpredictable consequence of a series of transformations; welcomes therefore the Paris Declaration of 17 March 2015 on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education as an effort to foster active dialogue between cultures as well as global solidarity and mutual respect, focusing attention on the importance of civic education, including raising awareness of the unique role of cultural tools to foster mutual respect among pupils and students;

29. Recalls the legitimacy and accountability that governments and European institutions have, with the support of intelligence services and law enforcement agencies, to address criminal activities; notes nevertheless that, in compliance with the Charter of Fundamental Rights of the EU, punitive measures must always respect fundamental rights such as the right to data protection, freedom of expression, presumption of innocence and effective remedy;

30. Believes that the EU, when promoting fundamental values, intercultural dialogue and cultural diversity at international level, should strongly condemn any inhuman and degrading treatment and all human rights violations so as to concretely promote the full respect for the Universal Declaration of Human Rights;

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31. Calls on the Member States to ensure the full implementation of binding European and international anti-discrimination standards in national law;

32. Calls on the Member States to involve marginalised communities, migrants, refugees and host communities as well as faith and secular communities in respectful and empowering inclusion processes, ensuring their participation in civic and cultural life in a human, respectful and sustainable way in all situations, in particular in emergency situations;

33. Welcomes the Preparatory Action on Culture in EU External Relations and its role in enhancing the role of culture as a strategic factor for human, social and economic development, contributing therefore to external policy objectives, and calls on the European External Action Service and EU representations all over the world to also include culture as an integral element of external EU policy, to appoint a cultural attaché in each EU representation in third partner countries and to provide EEAS staff with training on the cultural dimension of external policy; calls on the Commission to mainstream cultural diplomacy and intercultural dialogue in all EU external relations instruments and in the EU development agenda; calls furthermore on the EU and the Member States to strengthen cooperation with other European and international organisations such as the United Nations and its related agencies, in particular UNESCO, UNICEF and UNHCR, and to require an effective and stronger EU representation within their bodies; calls moreover for cooperation with national cultural institutes with the aim of improving implementation of existing instruments, such as cultural network-based clusters of European Union National Institutes for Culture (EUNIC), and the design of new tools to tackle common challenges in a globalised world;

34. Considers that culture should become an essential part of political dialogue with third countries and recalls the need to systematically integrate culture into development projects and programmes; highlights therefore the need to remove obstacles to mobility for artists, educators, academics and culture professionals, by harmonising and simplifying visa procedures to encourage cultural cooperation with all parts of the world;

35. Calls on the Commission and the Member States to develop strategies which recognise intercultural dialogue as a process of interactive communication within and between cultures, to ensure mutual respect and equal opportunities, to deliver and implement effective solutions to tackle the economic and social inequalities and causes of exclusion as well as all forms of discrimination and to develop a deeper understanding of diverse perspectives and practices; recalls the key role played by the media, including social media, both as a potential platform for extreme discourses and as a vehicle for countering xenophobic narratives, breaking down stereotypes and prejudices and promoting tolerance;

36. Recalls that cultural heritage represents the diversity of cultural expressions and it should therefore be protected and promoted through the adoption of harmonised legislation and international agreements, in close cooperation with UNESCO;

37. Calls on the Member States and the Commission to prevent extremism, such as xenophobia, racism and all forms of discrimination and marginalisation through community cohesion measures that are able to successfully challenge economic and social inequalities, involving a broad range of actors such as urban planners, social workers, community, churches and religious associations, educators, family support organisations and health professionals, with the objectives of countering extremism, ensuring social inclusion as well as formal and substantial equality, promoting diversity and fostering community cohesion;

38. Recommends that the EU cooperate in making learning and schooling accessible for refugee children by continuing to support programs on access to education in humanitarian crises and to ensure the integration of migrant students in Europe;

39. Calls on the Commission and the Member States to explore, design and implement interactive youth and child-focused methods of participation at all levels of government;

40. Underlines the family role in the preservation of cultural identity, traditions, ethics and the value systems of society, and stresses that the introduction of children to the culture, values and norms of their society begins in the family;

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41. Calls on the Commission and the Council to adopt intercultural dialogue as a strong and committed political objective of the EU and therefore guarantee EU support through various policy measures, initiatives and funds, including intercultural dialogue with third countries, especially fragile states;
 42. Encourages the Commission and the Member States to further prioritise initiatives directed towards supporting cultural diversity, intercultural dialogue and education, and to fully exploit EU financial instruments, programmes and initiatives, such as the Erasmus+, Europe for Citizens, Creative Europe and Horizon 2020 programmes, EU neighbourhood policy and external relations instruments, and bodies such as the European Union Agency for Fundamental Rights, for the promotion and support of intercultural dialogue and cultural diversity within Europe and with its neighbour countries and other world regions;
 43. Emphasises the rich contribution of European artistic production to cultural diversity and the role it thus plays in spreading the values of the EU and exhorting European citizens to develop critical thinking;
 44. Recalls the role played by the LUX Prize in rewarding European films celebrating European identity or European cultural diversity;
 45. Encourages the Commission and the Member States to assess the impact of the measures taken in the context of this report and calls on the Commission to submit a monitoring report and review;
 46. Instructs its President to forward this resolution to the Council and the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights and to the Member States.
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P8_TA(2016)0006

Stocktaking and challenges of the EU Financial Services Regulation

European Parliament resolution of 19 January 2016 on stocktaking and challenges of the EU Financial Services Regulation: impact and the way forward towards a more efficient and effective EU framework for Financial Regulation and a Capital Markets Union (2015/2106(INI))

(2018/C 011/03)

The European Parliament,

- having regard to the Commission Green Paper entitled ‘Building a Capital Markets Union’ (COM(2015)0063) and to Parliament’s resolution of 9 July 2015 thereon ⁽¹⁾,
- having regard to the report of 25 February 2009 by the High-Level Group on Financial Supervision in the EU, chaired by Jacques de Larosière,
- having regard to the Basel Committee on Banking Supervision’s Report on the impact and accountability of banking supervision of July 2015,
- having regard to the Commission Staff Working Document entitled ‘Initial reflections on the obstacles to the development of deep and integrated EU capital markets’ (SWD(2015)0013),
- having regard to the Council conclusions on a Capital Markets Union, adopted by the Economic and Financial Affairs Council on 19 June 2015,
- having regard to the Commission communication of 26 November 2014 entitled ‘An Investment Plan for Europe’ (COM(2014)0903),
- having regard to the informal ECON report ⁽²⁾ entitled ‘Enhancing the Coherence of EU Financial Services Legislation’, adopted in committee on 30 January 2014,
- having regard to the Commission communication of 15 May 2014 entitled ‘A reformed financial sector for Europe’ (COM(2014)0279),
- having regard to the Commission Staff Working Document ‘Economic Review of the Financial Regulation Agenda’ (SWD(2014)0158),
- having regard to its resolution of 11 March 2014 on the European System of Financial Supervision (ESFS) Review ⁽³⁾,
- having regard to the Commission report on the mission and organisation of the European Systemic Risk Board (ESRB) (COM(2014)0508),
- having regard to the Commission report on the operation of the European Supervisory Authorities (ESAs) and the European System of Financial Supervision (ESFS) (COM(2014)0509),

⁽¹⁾ Texts adopted, P8_TA(2015)0268.

⁽²⁾ <http://www.europarl.europa.eu/document/activities/cont/201402/20140210ATT79138/20140210ATT79138EN.pdf>

⁽³⁾ Texts adopted, P7_TA(2014)0202.

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- having regard to its resolution of 26 February 2014 on long-term financing of the European economy ⁽¹⁾,
 - having regard to the Commission communication of 27 March 2014 on 'Long-Term Financing of the European Economy' (COM(2014)0168),
 - having regard to the Commission communication of 19 May 2015 entitled 'Better regulation for better results — An EU agenda' (COM(2015)0215),
 - having regard to the Commission communication of 19 May 2015 entitled 'Proposal for an Interinstitutional Agreement on Better Regulation' (COM(2015)0216),
 - having regard to the European Systemic Risk Board report on the regulatory treatment of sovereign exposures of March 2015 ⁽²⁾,
 - having regard to the UK Parliamentary Commission for Banking Standards' final report 'Changing banking for good',
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Industry, Research and Energy (A8-0360/2015),
- A. whereas the financial crisis of 2007-2008 and its widespread negative impact were caused, inter alia, by a lack of application of appropriate, high-quality financial services regulation for increasingly complex markets and products; whereas in recent years an ambitious reform agenda for the EU financial sector has been launched to strengthen financial regulation and supervision, restore financial stability and make the financial system more resilient to shocks, limit risks to taxpayers and better serve the needs of investors and the funding needs of the real economy; whereas, while the outlook for growth in Europe has improved, full recovery has not yet been achieved;
- B. whereas profound changes have occurred, and are still ongoing, in all financial sectors, including banking, insurance, securities markets, investment funds and financial market infrastructure;
- C. whereas the transposition and implementation of the financial regulatory reform is still ongoing and not yet completed, with a number of important reforms still due and many delegated and implementing acts in particular still to be finalised; whereas the situation in the banking and insurance sectors and the financial markets is marked by continual change and innovation, which means that the regulations governing these sectors have to undergo permanent evaluation with a view to ensuring proportionality and effectiveness and consequently continual adaptation of those regulations;
- D. whereas the capital market in the Union remains fragmented; whereas the Capital Markets Union (CMU) potentially offers a valuable framework to safeguard equal access to finance for SMEs throughout the EU and to promote innovative venues for market-based funding; whereas specific shortages of credit to SMEs and micro enterprises derive also from economic instability and a lack of targeted solutions for the real economy; whereas the capital-market-based context in the United States is often cited, but fundamentally differs from the banking-based EU context, and should not be copied or used as a template; whereas the CMU is a chance to strengthen capital markets in the EU as a complement to banking-based finance; whereas in the US, following the financial crisis, bank lending to corporates has developed stronger than capital markets based financing;

⁽¹⁾ Texts adopted, P7_TA(2014)0161.

⁽²⁾ <http://www.esrb.europa.eu/pub/pdf/other/esrbreportregulatorytreatmentsovereignexposures032015.en.pdf?29664e3495a886d806863aac942fcdae>

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Stocktaking and challenges for the current framework

1. Notes that the Commission communication entitled 'A reformed financial sector for Europe' provides a first stocktake of the financial sector reforms but does not provide a full assessment and quantitative analysis of the overall effects and the interaction of the individual measures;
2. Welcomes the Commission's Investment Package, including the CMU; underlines the need for complementary non-bank financing of companies and furthermore that a core principle for building a CMU must be to place greater focus on the end-users of capital markets, i.e. companies and investors; stresses that an efficient and effective financial services framework ensuring financial stability is a prerequisite for increasing (long-term) investment and fostering growth in a competitive European economy; underlines the link between economic and financial stability; stresses further that reliable economic policies, effective structural reforms and sound budget policies pave the way for the health and growth potential of the real economy in the Member States and in the EU; acknowledges the important role that capital markets can play in addressing the financing needs of Member State economies;
3. Acknowledges the fact that the ongoing financial and debt crisis has led to unprecedented negative consequences, in particular for the real economy and taxpayers' money; recognises, in this context, the financial regulation agreed by the European institutions in the last five years, which has strengthened Europe's financial architecture for future crises; welcomes the Commission's CMU action plan; welcomes the Commission's inclusion of an effective level of consumer and investor protection as one of the principles underpinning the CMU;
4. Recognises the achievements of financial regulation in responding to the ramifications of the financial crisis; notes concerns about the increased complexity, reflected in the greater amount, detail and number of layers of regulation and supervision with requirements at international, European and national level; notes that complex regulation also reflects complex financial markets, including financial instruments, market infrastructure and institutions; underlines that overly complex regulation and tighter preconditions can affect investments negatively; believes that the complexity of regulation must also be addressed regarding its application to non-financial end-users of financial products; stresses the need for international regulatory cooperation in a global framework with improved cooperation and increased accountability;
5. Notes that a sound and robust CMU has to acknowledge the interdependencies with other financial sectors, explore additional market-based sources of funding for the real economy and be based first and foremost on well-established existing structures; stresses the need for a holistic view of EU financial services regulation in which the CMU contributes to complementing banking financing; calls for the CMU to reflect the perspective of consumers and investors, besides its orientation towards the financing of companies; to that end, the Commission should work closely with the ESRB, ESAs and National Competent Authorities to resolve any mismatches in approach that could risk undermining the objectives of the CMU; asks the Commission to use well-functioning best practices in order to develop a capital market for the whole Union;
6. Considers that legislation is not always the most appropriate policy response and that non-legislative and market-based approaches should be duly taken into account;
7. Calls on the Commission to pursue an integrated approach in the CMU and pay attention to other policy agendas, such as the development of a digital single market and ongoing reforms in the field of company law and corporate governance; believes further that the Commission should take account of the latest technological developments; raises concerns, in this connection, of threats to cyber security and asks the Commission to ensure that this is an integrated dimension of the EU strategy;
8. Believes that effective and efficient EU financial services regulation should be coherent, consistent (also on a cross-sectoral basis), proportionate, non-duplicative and free of superfluous complexity and prevent legal uncertainty, regulatory arbitrage and high transaction costs; believes further that it should enable intermediaries to fulfil their role in channelling funding to the real economy, thereby facilitating its financing, serve savers and investors and effectively address risks to financial stability and to the taxpayer, preventing financial crises from reoccurring and acting as a shield against systemic risks; considers that it should support the deepening of the single market and focus on tangible goals that can be achieved better at European level, while leaving space for innovative financing with a local focus;

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9. Expresses concern at the persistent problems concerning IBAN codes, which are still not considered valid for making direct debits from bank accounts domiciled in Member States other than that of the beneficiary;

10. Underlines the need to take stock of the financial services framework using a both quantitative and qualitative approach; notes that similar exercises are being undertaken in other jurisdictions, notably in the US; stresses that this stocktaking exercise should contribute to building better functioning financial markets serving the financing needs of the real economy, including by addressing loopholes, gaps, inconsistencies, incoherence and disproportionality, should not undermine the legislative achievements obtained so far, bearing in mind the requests made in review clauses as adopted in each specific legislative act, and without anticipating results should not be seen as an exercise leading to deregulation;

11. Believes that a single market for financial services serves businesses, but ultimately has to benefit customers and investors; insists that numerous barriers and obstacles to cross-border access, marketing and investment remain and have to be analysed, addressed and overcome while maintaining the highest level of investor protection; recalls that reduced barriers to capital flows can only be safely predicted to enhance long-term growth prospects if the overall incentives for companies are set right; considers further the importance of a well-developed local ecosystem that enables smaller companies to attract capital for growth;

12. Believes that consumer protection does not necessarily entail large volumes of information and that the focus should rather be on the quality and comprehensibility of information enabling proper decision-making — information must be relevant, accurate, comparable, user-friendly, reliable and timely; is concerned that the multiplicity and complexity of customer information might not ultimately serve real customer needs; argues for a balance to be struck to provide consumers with the information they need to make informed choices, and to understand the risks involved, while not unnecessarily burdening businesses, especially SMEs; encourages further digitalisation of information; stresses that financial advisers and employees providing consumer advice at financial institutions should be given the training and time necessary to be able to serve customers in an accurate way; notes the importance of effective supervisory powers to intervene in the marketing of products where necessary; points to the need for a European initiative for more and better financial education by no later than the end of 2016, taking account of the specific needs of each Member State, also to ensure full awareness of the advantages and disadvantages of capital market investments; underlines also that financial education should be targeted towards SMEs, teaching them how to use capital markets; believes in the benefit of better transparency in order to enable companies, investors and consumers to understand the comparative costs and benefits of different services provided by market participants, but also notes that more transparency has to come with added value for customers or competent supervisors and be targeted towards the practical use of the information and data;

13. Highlights the benefits of asset diversification, both in terms of asset classes and asset origin, for allowing better risk diversification and matching investors' needs; emphasises that the purpose of prudential regulation is not to favour certain asset classes; calls for a risk-based approach to regulation, with the same rules being applied to the same risks, and which is complemented by other standardised measures; believes that a more granular categorisation of asset classes is appropriate, in particular by establishing categories such as infrastructure; recognises that infrastructure projects are not less risky per se and calls for appropriate prudential regulation; supports further research concerning risks and benefits of infrastructure, including the disclosure of the applied methodology, to be able to draw evidence-based conclusions;

14. Stresses the need for consistency in the risk-based approach, and thus also for reduced opportunities for regulatory arbitrage; stresses the need to break the link between sovereigns and banks at national level through full and consistent national implementation of the Bank Recovery and Resolution Directive (BRRD) and the Single Resolution Mechanism (SRM) and Single Resolution Fund (SRF) provisions; takes note of the contributions of the Basel Committee on Banking Supervision (BCBS) and the European Systemic Risk Board (ESRB) on sovereign debt exposure of banks, which include careful consideration of the next steps; stresses that policies should explicitly take into account the interactions between both individual and endogenous risk, in particular when financial institutions use the same regulator-approved standard risk models;

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15. Notes the possible unintended consequences of multiple capital, liquidity and leverage requirements on maturity transformation, the provision of long-term financing and market- and liquidity making, while recalling that the requirements were put in place as a response to the financial crisis; is concerned that the disproportionality of requirements might endanger the business model of small- and medium-sized banks and therefore have unintended consequences for the structure of the financial industry; calls on the Commission, in cooperation with the supervisors, to analyse these consequences for banking and insurance and possible complementarities as a matter of priority;

16. Expresses concern about the interaction between markets legislation and capital requirements where new entities have been brought into scope as regulated entities in the review of the Markets in Financial Instruments Directive (MiFID) but the Capital Requirements Regulation has not been calibrated to reflect more diverse types of firms;

17. Expresses concern that valid exemptions in the European Market Infrastructure Regulation (EMIR) for non-financial companies have been partly undone in the Capital Requirements Directive and Regulation with regard to the application of the Credit Valuation Adjustment (CVA) charge; calls on the Commission to better perform its role in ensuring consistency in policy approach and outcome across different legislative proposals;

18. Considers that specialised provisions in existing regulation for non-financial companies should be extended and made more proportionate so as to limit the administrative burden and not to reduce capital available to the economy for future investment; calls on the Commission, when reviewing EMIR, to respond to difficulties in applying complex regimes by simplifying procedures, but to continue to recognise the purpose of the exemption so as to ensure that non-financial companies are not burdened by legislation aimed at financial market participants;

19. Calls on the Commission, when reviewing EMIR, to examine the effect that lowering the quality of collateral accepted by central counterparties (CCPs) could have on the resilience of CCPs and to consider whether certain market participants such as pension funds should be permanently exempt from central clearing should their participation decrease the stability of the overall financial system due to alternative non-cash collateral being accepted;

20. Is concerned about the lack of available and attractive risk-appropriate (long-term) investments and cost-efficient and suitable savings products for consumers; reiterates the need for diversity in investor and consumer choices, as investor confidence is key to more investment; stresses that an environment must be fostered that stimulates financial product innovation, creating more diversity and benefits for the real economy and providing enhanced incentives for investments, and that may also contribute to the delivery of adequate, safe and sustainable pensions, such as, for example, the development of a Pan European Pension Product (PEPP), with a simple transparent design; calls on the ESAs to analyse and report, in compliance with their mandate, on consumer trends, in particular in relation to retail products;

21. Welcomes the diversity of business models; calls for the need to reflect this diversity in regulation and supervision fully taking into account the nature, size, riskiness and complexity of the entities under consideration, provided that the principles of fair competition and effective supervision are met; recalls that diversity in funding means is a strength;

22. Believes that a successful CMU should enable EU companies of all sizes and at different stages of growth to access EU capital markets in a user-friendly, efficient and low-cost manner; believes that regulation should not complicate listings and should not prevent non-listed companies from becoming listed; stresses the need for a streamlined primary market regulatory regime to facilitate raising funds while ensuring appropriate levels of protection for investors; underlines the potential of innovative market-based funding, in particular the opportunities of financial technologies, including crowdfunding and peer-to-peer loans, and stresses the need to streamline the respective regulatory requirements; asks the Commission to give breathing space for the emergence of these new models and to explore and promote them, giving priority to their cross-border dimension and ensuring the reduction of market entry barriers; calls on the Commission to support those Member States with developing capital markets sectors through its Structural Reform Support Service;

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23. Calls for an appropriate and clear-cut division of competences between EU and national level, bearing in mind that national supervisors have more knowledge of local market characteristics; highlights that the effectiveness of the Single Supervisory Mechanism (SSM), a level-playing field and transparency are to be ensured and that conflicts of interest between supervisory authorities and supervised entities are to be avoided; is concerned about the effect of a one-size-fits-all supervisory approach on entities that are smaller and primarily active at national level within the Single Supervisory Mechanism (SSM);

24. Notes the achievements in establishing a banking union and stresses its crucial role in addressing interdependencies between sovereign and bank risks and reducing systemic risks through joint action; takes note of the step-by-step completion of the banking union; stresses that full and timely implementation of the existing legislation is required; notes the discussions on a European Deposit Insurance Scheme (EDIS), on which Parliament will have its say as co-legislator; emphasises the aim of avoiding moral hazard, ensuring that the principle of liability remains a guiding theme; criticises the low sensitivity to risk in the calculation of contributions to the SRF; recognises the efforts to conclude the Regulation on Bank Structural Reform;

25. Underlines the need to implement and enforce the application of adopted legislation before any consideration is given to a substantial revision of this legislation; stresses that the rapid transposition into national law of Directive 2014/59/EU and the adequate funding and effectiveness of the SRM must be paramount, and therefore insists that the full implementation of these measures must be completed within the proper legislative framework; stresses in this connection the fundamental importance of cutting direct reciprocal links between state budgets and bank risks, which represent a major threat to financial stability; notes that, owing to the lack of rules for dealing with states that lose access to the financial markets through severe indebtedness, action is often taken too late, which may adversely affect financial stability;

26. Reiterates the need for a level playing field within the EU, including with regard to SSM-supervised banks and the banks of non-participating Member States, and encourages the full inclusion of non-euro Member States into the Banking Union, while recognising that certain elements currently provide for voluntary participation; calls on the Commission to ensure that the single market continues to be developed, while recognising national specificities; calls on the Commission to further pursue a strong approach, in terms of regulation and supervision, to 'parallel' or 'shadow banking' with the aim of mitigating systemic risks and improving transparency; welcomes the major steps achieved in European insurance regulation by the application of Solvency II, as of 1 January 2016, which has to be assessed and possibly developed further, while considering the international framework for global systemically important insurers;

27. Acknowledges the traditional reliance of SMEs on bank funding on account of their specific nature, different risk profiles and variety across Europe; calls on the Commission, in cooperation with the ESAs, the ECB and national authorities, to assess the sufficiency of SME funding, to analyse the obstacles to, and benefits of, the diversification of funding channels and how to enable banks and non-banks to increase SME funding, widening companies' choice among different methods of funding for different stages of their development; recalls the importance of tools such as the 'SME Supporting Factor'; suggests that the initiatives for improved SME funding should be expanded to start-ups, micro enterprises and mid-cap companies; highlights the potential of innovative and largely untapped venues for financing SMEs, including peer-to-peer lending, crowdfunding and private placement, and stresses the need to streamline the respective regulatory requirements;

28. Stresses the importance of rapidly implementing measures already adopted which accompany the objectives of the CMU; calls on the Commission and the Member States to make active use of the SME Growth Market category in future financial services regulation;

29. Believes that companies should have access to an appropriate choice of market types in the EU depending on their size, complexity and fund-raising ambitions, and stresses the need to have deeper, more integrated pan-European capital markets that are separate from, but compatible with, critically important regional local markets;

30. Welcomes the upcoming review of the Prospectus Directive; stresses that the review should be geared towards reducing costs and simplifying procedures for SMEs, while striking the right balance in terms of investor protection;

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31. Recognises the ongoing efforts for establishing a more transparent securitisation market, ensuring high standards for the process, legal certainty and comparability across securitisation instruments; stresses the need to set up a data repository; emphasises that stringent requirements for underlying high-quality assets and calibrations according to the actual risk profile and the risk awareness of all participants in the securitisation markets are necessary, taking into account the riskiness of securitisation, in particular synthetic securitisation, as shown during the crisis, while recognising the differing experiences in the EU and the US; insists that retention requirements must not be lowered so as to avoid moral hazard; stresses the need to consider independent certification of compliance with qualifying criteria; calls on the Commission to conduct a thorough assessment of the risks and benefits of securitisation for SMEs, investors and financial stability and the marketability of securitisation instruments as a matter of priority, and to report to Parliament;

32. Believes that an approach aimed at greater standardisation of products and procedures may reduce complexity but also intensify concentration risks; is concerned about the danger that market participants may run in the same direction in the event of market stress, and calls for appropriate safeguards and supervision at the competent level with regard to the development of a quality securitisation market;

33. Underlines the need to streamline the content and frequency of reporting requirements and reporting fields, including by providing entities with one point of contact, in order to avoid any duplication of requirements and reporting channels; calls on the Commission, the ESAs and SSM to examine what data are actually needed, to align templates and provide simplifications and, for SMEs, exemptions; underlines that reporting data is of best use to supervisors if it can be interrogated and is internationally consistent; considers it necessary to apply a proportionate approach in the development of the Analytical Credit Dataset (AnaCredit); believes that the scope and the level of granularity has to be further assessed as regards its costs and benefits;

34. Asks the Commission and supervisors to address the interaction between International Financial Reporting Standards (IFRS) and prudential requirements, as more coherence would serve both the economy and the prudential supervisor, and to review the impact of tax accounting on own funds; supports attempts to harmonise the definition of non-performing loans;

35. Calls for a considerable reduction in the debt-equity bias so as to enhance economic resilience and capital allocation, and to strengthen the CMU, which will make equity more attractive to issuers and investors; underlines that a transaction tax affects market liquidity, especially in the short term, while also contributing to limiting excessive speculation;

36. Stresses that, in addition to regulation and supervision, efforts towards a cultural change in the financial sector have to be pursued further; calls on all actors in the financial sector, including banks, non-banks, national central banks and the ECB, to work towards a cultural change and a culture of compliance within their organisations that puts the interest of customers first, ensures a system of liability for responsible key managers and a longer-term orientation of financial market participants, and contributes to the diversity of funding sources; stresses the benefits of a long-term partnership approach to funding and a diversified European banking sector with an important role of relationship banking for consumers and micro, small and medium-sized enterprises, in particular in terms of reducing asymmetries in information, thanks also to instruments available through new digital technologies;

37. Calls for the promotion of additional rating providers with a view to increasing competition in a highly concentrated market; recalls that the Commission is due to publish a report on the appropriateness and feasibility of supporting a European Public Rating Agency for sovereign debt and/or a European credit rating foundation for all other credit ratings by the end of 2016; criticises the high level of costs incurred by SMEs when obtaining an external credit rating; stresses the need to further explore how SMEs can be rated in a comparable and affordable way, including the advanced internal rating-based (AIRB) approach; calls on the Commission to continue its efforts to bridge information asymmetries;

38. Calls for a stronger focus in policy-making on the global competitiveness of the EU financial sectors, while avoiding a regulatory race to the bottom and without detriment to financial stability and consumer protection; underlines that an EU-wide CMU must be seen in the context of improving the competitiveness of European business and the EU economy; emphasises that an effective financial sector is a necessary condition for efficient capital allocation and thus growth;

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39. Underlines the importance of the international framework with respect to its scope, methodologies and implications for the EU framework; calls on the Member States, the Council, the Commission and ESAs to streamline the EU position, with a view to increasing its influence and promoting the legislation it has adopted through a democratic process; stresses the need to achieve consistency of new regulation, both with the European *acquis* and with international guidance, and proportionate implementation, including in scope, to avoid unnecessary divergences and duplication in legislation; believes that these are prerequisites for succeeding in the overarching goals of promoting long-term global stability, keeping Europe as an attractive place for international investors and avoiding unnecessary adverse impacts on the competitiveness of the EU financial sectors; recalls the principle of sincere cooperation between the Union and the Member States, referred to in Article 4(3) of the Treaty on European Union; believes that the ESAs should be involved in the discussions on global regulatory principles within the international standard-setting bodies; stresses that the regulatory dialogue with the US should be further strengthened; reiterates, in this context, that financial services regulatory matters should be included in international negotiations where appropriate;

40. Underlines that equivalence decisions are needed in addressing obstacles regarding market access and the respective regulatory frameworks, bearing in mind that such unilateral decisions must benefit European businesses and consumers and that equivalence with other jurisdictions has the potential to increase capital inflows and attract further investment into Europe; underlines the need to evolve towards a consistent and coherent system of sensible recognition of each other's equal or similar standards;

41. Asks the Commission to propose a consistent, coherent, transparent and practical framework for procedures and decisions on third-country equivalence, taking into account an outcome-based analysis and international standards or agreements; calls for all equivalence decisions to be adopted by means of delegated acts; considers that the ESAs should play an appropriate role in aligning assessments of third countries for equivalence decisions;

Better EU financial services regulation

42. Believes that better financial regulation implies a robust framework and starts with Member States applying the current *acquis*; stresses that effective, efficient and consistent implementation of the legislation is crucial and calls on the Commission for regular reports to Parliament on the state of transposition and implementation of the legislation, and where applicable, the infringement proceedings brought against Member States; urges the Member States to properly enforce the legislation; considers that gold-plating does not facilitate the functioning of the internal market and competition; considers that attracting business through the discretionary use of lower standards does not facilitate the functioning of the internal market either; asks the Commission to come up with a thorough analysis and report of all gold-plating measures taken by Member States in the field of financial legislation and to submit them to Parliament by the end of 2016;

43. Calls on the Member States to commit to respecting the deadlines set for the transposition of directives since, in addition to being a legal requirement, this is key in order to avoid undue delays in the full implementation of legislation, as well as its partial or uneven application across the Union, which might result in the absence of a level playing field for the different actors involved and in other types of distortions;

44. Highlights the need for better quality and cross-sectoral coordination in the Commission's or the ESAs' drafts and drafting processes, encompassing timing, prioritisation and the avoidance of overlaps; stresses that this should avoid any duplication of the basic act in delegated acts, but also avoid political decisions which should be resolved within the basic act from being left to the delegated acts;

45. Calls on the Commission to enable the early involvement of all relevant stakeholders, including at the level of experts groups; urges the Commission to ensure balanced participation in consultations by reflecting the diversity of stakeholders, and by facilitating and providing better conditions for the participation of small stakeholders representing business, consumers and civil society, including the way consultations are organised and questions asked;

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46. Welcomes the objectives of the better regulation agenda; acknowledges the general need to examine the fitness of regulation now and in the future; however, this fitness cannot be decoupled from the functioning of the financial sector as a whole; underlines the role of REFIT in achieving efficient and effective financial services regulation that takes due account of the proportionality principle and in supporting the stocktaking exercise; calls for Parliament to have a bigger role in the decisions and assessments intrinsic to REFIT; recalls that the focus must be on improving regulation, not deregulating; stresses that ensuring transparency, simplicity, accessibility and fairness across the internal market should be part of the better regulation agenda for consumers; stresses also that the EU must not create an unintended compliance burden in the drive to bring about greater harmonisation under the CMU;

47. Believes that the ESAs and SSM have a crucial role to play in achieving the objectives of better regulation and supervision; highlights the role of the ESAs and the SSM in ensuring coherence and consistency between different pieces of legislation, in reducing uncertainty and regulatory arbitrage and in fostering mutually beneficial cooperation among market participants; stresses that the ESAs and SSM have to be adequately funded and staffed if they are to fulfil the tasks given to them by the co-legislators;

48. Highlights that the revision of the ESA regulations must reflect the accountability and transparency provisions for enhanced scrutiny by Parliament, as laid down in the SSM and SRM regulations, and must reinforce the independence of the ESAs from the Commission; considers it necessary to explore possibilities for facilitating greater ESA participation at an advisory level during the level 1 phase while respecting the prerogatives of the co-legislators;

49. Stresses the need to respect the interplay, consistency and coherence between the basic acts and delegated and implementing acts; stresses again that political decisions have to be made by the co-legislators within the basic act, and should not be left to the delegated acts, which are meant 'to supplement or amend certain non-essential elements of the legislative act' (Article 290 of the Treaty on the Functioning of the European Union); insists that the Commission and the ESAs, when drafting delegated and implementing acts and guidelines, stick to the empowerments laid down in the basic acts and respect the co-legislators' agreement; regrets that in the past the supervisory authorities, in drawing up implementing acts, have not always adhered to the mandate set out by the European legislators; deplores that the coordination between the Commission (delegated acts) and the ESAs (technical standards) is insufficient and may therefore negatively affect the quality of compliance, particularly where detailed requirements are not adopted until shortly before the implementation deadline of the basic act;

50. Calls on the Commission to fully unbundle both delegated and implementing acts and to avoid package approaches in order to allow for the timely adoption of those acts;

51. Calls on the Commission to make any amendments made to the draft regulatory technical standards (RTS) and implementing technical standards (ITS) submitted by the ESAs transparent to the co-legislators and stakeholders;

52. Emphasises that an early legal review by the Commission should not reduce either the transparency of the process vis-à-vis Parliament or Parliament's right to be consulted; requests that during the drafting process the ESAs proactively provide Parliament regularly, comprehensively and without delay with provisional drafts and interim information on the progress of work and consult Parliament thereon;

53. Calls on the Commission and the ESAs to fully respect the deadlines for submission set by the co-legislators and to immediately provide the co-legislators with an explanation when a deadline is not expected to be met;

54. Reminds the ESAs that technical standards, guidelines and recommendations are bound by the principle of proportionality; calls on the ESAs to adopt a careful approach to the extent and number of guidelines, particularly where they are not explicitly empowered in the basic act; notes that such a restrictive approach is also required in view of the ESAs' limited resources and the need to prioritise their tasks, whereby the practical limits of effective supervision must not be set by budgetary constraints, and asks that adequate resources be secured for ESAs so as to enable them to carry out reliable, independent and effective supervision in the performance of their mandate;

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55. Calls on the ESAs to make use of their right to request information on how basic acts are applied by Member States and to conduct peer reviews more regularly on national competent authorities with a view to enhancing supervisory convergence across Member States;

56. Calls on the Commission and ESAs to regularly publish consolidated versions of EU financial services regulations on their websites, including a summary which can be accessed and understood by businesses, consumers, civil society organisations and others; believes that the creation of a common register that includes references to national implementation would be an option worth exploring;

The way forward

57. Calls on the Commission and ESAs to conduct regular (at least annual) coherence and consistency checks, including on a cross-sectoral basis and on every draft legislative act, and on the implementation of adopted legislation, including RTS and ITS, and to dedicate resources to this activity;

58. Calls on the Commission and ESAs to conduct regular (at least annual) proportionality and effectiveness checks, particularly with regard to the requirements applicable to small and medium-sized market participants, and on every draft legislative act, and to dedicate resources to this activity; calls on the Commission to publish a Green Paper exploring new approaches to promoting proportionality in financial regulation;

59. Stresses that the impact of individual legislative measures differs from their cumulative impact; calls on the Commission services, in cooperation with the ESAs, SSM and ESRB, to conduct a comprehensive quantitative and qualitative assessment every five years of the cumulative impact of EU financial services regulation on financial markets and its participants at EU and Member State level in order to identify shortcomings and loopholes, to assess the performance, effectiveness and efficiency of the financial services regulation and to ensure that it is not impeding fair competition and the development of the economy, and to report back to Parliament; stresses the importance of performing detailed impact assessments and cost-benefit analyses for any future legislation in order to demonstrate the added value of legislation, in particular as regards economic growth and job creation; underlines that impact assessments and cost-benefit analyses should include thorough evaluations of the impact of Level-2 measures, which form a significant part of the EU financial regulatory framework; recalls that quantifying the impact of legislative measures might be difficult, in particular given that their benefits are difficult to measure, but methods for quantification should still be used;

60. Calls on the Commission services to complete the first assessment by the end of 2016 and to report on the overall impact and, in separate chapters, relying also on independent research, on the following:

- the effects on the different financial sectors, including an appropriate differentiated breakdown of the market participants by size, complexity and business model, and on non-financial entities,
- possible gaps and loopholes, while considering the possible development of new threats and risks as well as overlaps and unintended consequences,
- the actual and expected economic effects, as well as the competitiveness of the European financial sector in the world,
- the possibilities of benefiting the real economy, including SMEs, consumers and employment,
- the need to further improve existing, and extend complementary, funding channels, including the effect on access to finance for SMEs and mid-cap companies,
- the effects on supply and demand of long-term financing,
- the effects on the allocation and diversification of assets and risks, and on the development of equity tier 1 to total asset ratios in financial institutions,
- the effectiveness and appropriateness of the framework for retail investors, institutional investors and consumers and customers, including the framework on transparency,

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- the effectiveness of removing barriers to the single market, limiting regulatory arbitrage and fostering competition,
- the overall effect on financial stability and moral hazard, including an assessment of the possible costs and risk of the lack of regulation, while taking into account the effective implementation of G20 recommendations, and the level of interconnectedness between financial firms,
- the impact on financial stability of IFRS fair value accounting compared with prudent accounting,
- the effectiveness and appropriateness of the framework for macroprudential supervision in the EU,
- the capacity of ESAs to fulfil the tasks given to them under the current legislative framework and on the steps that may be needed to improve the framework, especially the financing of ESAs in the near future,
- the interdependencies with international standards and the effects on the global competitiveness of European businesses, taking into account a comparison between the EU and other major jurisdictions in terms of existing regulation and the extent to which it is implemented;

61. Calls on the Commission to present its findings to Parliament and the Council and to suggest measures where appropriate;

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

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P8_TA(2016)0007

External factors that represent hurdles to European female entrepreneurship**European Parliament resolution of 19 January 2016 on external factors that represent hurdles to European female entrepreneurship (2015/2111(INI))**

(2018/C 011/04)

The European Parliament,

- having regard to Articles 2 and 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 16, 21 and 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly Resolution 34/180 of 18 December 1979,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽¹⁾ and the related judgment of 1 March 2011 of the Court of Justice of the European Union in the Test-Achats case (C-236/09) ⁽²⁾,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ⁽³⁾,
- having regard to the Commission report of 3 October 2008 entitled 'Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children' (COM(2008)0638),
- having regard to the Commission communication of 21 September 2010 entitled 'Strategy for equality between women and men 2010-2015' (COM(2010)0491),
- having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC ⁽⁴⁾,
- having regard to the proposal for a 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 (the Women on Boards Directive -COM(2012)0614),
- having regard to the Commission communication of 9 January 2013 entitled 'Entrepreneurship 2020 Action Plan: Reigniting the entrepreneurial spirit in Europe' (COM(2012)0795),
- having regard to the Commission progress report on the Barcelona objectives of 29 May 2013 entitled 'The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth' (COM(2013)0322),

⁽¹⁾ OJ L 373, 21.12.2004, p. 37.

⁽²⁾ OJ C 130, 30.4.2011, p. 4.

⁽³⁾ OJ L 204, 26.7.2006, p. 23.

⁽⁴⁾ OJ L 180, 15.7.2010, p. 1.

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- having regard to its resolution of 13 September 2011 on women entrepreneurship in small and medium-sized enterprises ⁽¹⁾,
 - having regard to its resolution of 12 March 2013 on eliminating gender stereotypes in the EU ⁽²⁾,
 - having regard to its resolution of 10 September 2015 on social entrepreneurship and social innovation in combatting unemployment ⁽³⁾,
 - having regard to its resolution of 9 September 2015 on women's careers in science and universities, and glass ceilings encountered ⁽⁴⁾,
 - having regard to its resolution of 8 September 2015 on promoting youth entrepreneurship through education and training ⁽⁵⁾,
 - having regard to the Commission communication of 25 October 2011 entitled 'Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation' (COM(2011)0682),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality (A8-0369/2015),
- A. whereas entrepreneurship is crucial for employment, economic growth, innovation, development and the reduction of poverty at large;
- B. whereas Article 16 of the Charter of Fundamental Rights of the European Union explicitly refers to the freedom to conduct a business for all EU citizens and as such empowers and encourages entrepreneurship, including female entrepreneurship;
- C. whereas women only accounted for 31 % of entrepreneurs (10,3 million) in the EU-28 in 2012 ⁽⁶⁾, and only 34,4 % of the self-employed in the EU are women;
- D. whereas women are often only the officially registered owners of firms, for the sole purpose of securing financial concessions and advantageous conditions from credit institutions and European, national and regional public administrations; whereas in reality these women function as 'fronts' since while they bear the business risk the actual decision-making of the company is left to men;
- E. whereas the female entrepreneurial rate lags behind in all Member States and hides an unexploited growth and prosperity potential;
- F. whereas obstacles to female entrepreneurship such as the predominance of women in unemployment, the consistent gap in entrepreneurial activity, and the under-representation of women in management activities, are interwoven and difficult to deal with, and their removal will call for complex criteria;
- G. whereas quantitative research on female entrepreneurship is sparse but recent studies show that men are more likely than women to prefer entrepreneurial careers ⁽⁷⁾;
- H. whereas female entrepreneurship, once carefully distinguished from 'bogus' self-employment, is a powerful source of economic independence that offers women the opportunity of further integration into labour markets; whereas female entrepreneurship offers the opportunity for women to strengthen their role as business leaders and to induce cultural change both inside and outside their companies; whereas these women can be important role models for girls and young women following in their footsteps;

⁽¹⁾ OJ C 51 E, 22.2.2013, p. 56.

⁽²⁾ Texts adopted, P7_TA(2013)0074.

⁽³⁾ Texts adopted, P8_TA(2015)0320.

⁽⁴⁾ Texts adopted, P8_TA(2015)0311.

⁽⁵⁾ Texts adopted, P8_TA(2015)0292.

⁽⁶⁾ Commission report (2014), 'Statistical data on Women entrepreneurs in Europe'.

⁽⁷⁾ Commission (2012), Flash Eurobarometer 354, on 'Entrepreneurship in the EU and beyond'.

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- I. whereas women have huge entrepreneurial potential, and female entrepreneurship is about economic growth, job creation and the empowerment of women;
- J. whereas the decision to become self-employed is an act of self-realisation, but one which calls for a high level of commitment; whereas the high level of personal responsibility leads to exceptionally long working hours, so that self-employment should not be seen simply as an additional source of income; whereas women entrepreneurs can only reconcile family life and work if external circumstances permit, that is to say if suitable childcare is available and fathers play an active role in providing care and running the household;
- K. whereas the availability, quality and affordability of childcare facilities and care facilities for the elderly and people with disabilities remains a key driver for enhancing female labour force participation;
- L. whereas the sharing of family and carer's responsibilities between women and men impacts female entrepreneurship as well as women's participation in the labour market and achieving work-life balance is a necessity when it comes to women's economic independence; whereas a quarter of Member States do not provide paternity leave;
- M. whereas administrative burdens continue to have a negative effect on the entrepreneurial spirit of both women and men, and therefore effective regulation and legislation are needed in order to economically empower women and create a stable economy with sustainable, smart, and inclusive growth;
- N. whereas women tend to self-assess the level of innovation of their businesses lower than men, and only a small percentage of patents issued by the European Patent Office (EPO) are awarded to women ⁽¹⁾;
- O. whereas choices made by women during their education and horizontal and vertical gender segregation in employment mean that fewer women than men would be able to set up a business in the science and technology field or turn an invention into a profitable item; whereas science and technology, innovation and invention are also concepts that are associated for the most part with men, which renders these fields less attractive to women and results in innovations and inventions by women being recognised and appreciated less;
- P. whereas female entrepreneurs more often tend to concentrate on sectors that are considered less profitable, such as education, healthcare and community work, as opposed to the male-dominated, high growth-potential sectors of technology and IT, and more often operate in small-scale enterprises with lower growth and turnover; whereas this resulted in 2012 in an EU-28 average net income gap of 6 % between female and male entrepreneurs ⁽²⁾;
- Q. whereas new green technologies and ecological entrepreneurship constitute a sector that offers enormous potential for developing and promoting parity in entrepreneurship, in terms of both equal access to funding and equal numbers of participating women and men entrepreneurs;
- R. whereas self-employment in one-woman firms, the arrangement many women find themselves in, does not usually generate substantial profits, so that the women in question are particularly at risk of poverty during their working lives and in old age;

⁽¹⁾ Commission report (2008), 'Evaluation on policy: promotion of women innovators and entrepreneurship'.

⁽²⁾ Commission (2014), Study on 'Statistical data on Women entrepreneurs in Europe'.

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- S. whereas various studies ⁽¹⁾ reveal that female entrepreneurs start businesses with lower capital levels, opting for smaller loans and using family for advice and funding rather than debt or equity finance from banks, angel investors, private equity or venture capital;
- T. whereas the European Progress Microfinance Facility has the objective of promoting equal opportunities for women and men, but the male-to-female ratio of microloans was 60:40 in 2013 ⁽²⁾;
- U. whereas female entrepreneurs, compared to men, are more reluctant to assume a position of debt or to expand their business, thanks largely to lower levels of self-confidence as regards their business;
- V. whereas the greater difficulty for female entrepreneurs in accessing financing could in part be related to a difficulty in building up sufficient credit history and managerial experience;
- W. whereas stereotypes relating to women's and men's abilities in the area of entrepreneurship may influence stakeholders' judgements about new businesses; whereas the high probability of being discriminated against when trying to access financing could have an impact on women's decisions to start companies or to do so with smaller loans;
- X. whereas involving people from diverse backgrounds in investment processes may help prevent group and stereotyped thinking;
- Y. whereas Directive 2004/113/EC prohibits gender discrimination in access to goods and services and its scope includes banks and financial services, as well as services associated with setting up businesses; whereas it is difficult to prove indirect discrimination in this context and Member States do not have data or precise information on cases of discrimination in terms of access to finance;
- Z. whereas data show that women, despite the belief existing that female investors are better risk managers ⁽³⁾, are likely to have a greater risk aversion tendency and a greater lack of confidence; whereas this may lead to a lesser ability to generate confidence from external parties and could subsequently influence their financing possibilities;
- AA. whereas female entrepreneurs contribute significantly to the creation of new development opportunities as well as the reduction of social exclusion and the strengthening of social cohesion; whereas barriers to social entrepreneurship seem less pronounced for women, and equal participation in social sectors constitutes an empowering experience for women that makes it easier for them to embark on entrepreneurship in other sectors;
- AB. whereas in most cases women entrepreneurs operate in sectors which are secondary from the point of view of economic returns and competitiveness on the market;
- AC. whereas there is a lack of research on gender and access to finance for social entrepreneurs while in general it seems a more complex matter for social enterprises to obtain funding;
- AD. whereas entrepreneurship education, both formal and informal, is key to encouraging more women and girls into the field;

⁽¹⁾ European Parliament (2015), Policy Department study on 'Women's Entrepreneurship: closing the gender gap in access to financial and other services and in social entrepreneurship'.

⁽²⁾ Commission (2015), Interim evaluation of the European Progress Microfinance Facility.

⁽³⁾ KPMG (2015), Report on 'Women in Alternative Investments'.

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1. Encourages the Member States to recognise the value of female entrepreneurship for their economies and the hurdles that need to be overcome; calls on Member States and regions to put forward concrete strategies to promote a culture of female entrepreneurship, bearing in mind work being done on needs, motives and conditions in relation to the eradication of gender stereotypes, as well as different management and leadership styles and new ways of organising and managing companies;
2. Calls on the Commission to ensure the full mainstreaming of gender into all future policy in the area of entrepreneurship;
3. Calls on the Member States to collaborate actively with the private sector in order to highlight those companies that are seeking to promote gender equality and their best practices;
4. Calls on the Member States to adopt programmes to help, support and advise female entrepreneurs in starting up value- and wealth-generating and pioneering companies based on socially responsible principles;
5. Calls on Member States to collect at regional level gender-disaggregated data, including on various female entrepreneurship fields, in order to acknowledge female entrepreneurs' contribution in the social field, and to report regularly on their numbers; recommends that data be collected and consolidated at European level with the support of the European Institute for Gender Equality and Eurostat; recommends that gender should be mainstreamed into the methodology of any research undertaken on entrepreneurship, social economy and social enterprise, by a qualified gender expert, and that particular attention should be paid to the experiences of women with multiple marginalised identities;
6. Calls on the Commission to incorporate the issue of women's entrepreneurship into its post-2015 strategy on equality between women and men;
7. Calls for a holistic approach to female entrepreneurship, aimed at encouraging and supporting women in building a career in entrepreneurship, facilitating access to finance and business opportunities, and creating an environment enabling women to realise their potential and become successful entrepreneurs by ensuring, inter alia, the reconciliation of professional and personal life, access to childcare facilities, and tailor-made training;
8. Calls on the EU institutions, the Member States and regional and local authorities to step up their fight against gender stereotypes and to put in place measures aimed at combating the stereotypical beliefs about men's and women's traits and abilities that still persist in male-dominated sectors such as science and technology, innovation and invention; considers that in these sectors, decision-makers, investors, the financial sector and the market may perceive women as being less credible or less professional, as a result of which potential customers, suppliers, partners, banks and investors sometimes regard female entrepreneurs with scepticism, with the latter needing to be far more persistent in proving their knowledge, skills and abilities in order to obtain the funding they need;

Work-life balance

9. Calls on the Commission and the Member States to recognise the value of entrepreneurship for the work-life balance of women and men, to eliminate barriers that hinder or even prevent female entrepreneurship, and to adopt a coherent framework of measures to support female labour market participation; in the aftermath of the decision to withdraw the proposal to amend the Maternity Leave Directive and in order to safeguard progress on equality policies at EU level, encourages a constructive dialogue among institutions to see how best to support and implement work-life balance policies as well as an equal distribution of family responsibilities, also by highlighting the role of men in promoting equality; reiterates that parental and paternity leave can have a positive impact on female labour force participation, and encourages Member States, if they have not yet done so, to consider introducing paternity leave; calls on the Commission, by the end of 2016, to propose concrete steps, including legislative proposals, for increasing the participation of women in the labour market through measures to improve work-life balance;

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10. Calls on the Commission and the Member States to recall the importance of achieving the Barcelona targets in order to make work-life balance a reality for all, as well as of implementing the appropriate legislative and non-legislative actions foreseen in the Commission's roadmap on work-life balance published in August 2015, and using the appropriate tools and incentives, including European funds such as the European Social Fund, the European Regional Development Fund and the European Agricultural Fund for Rural Development, to guarantee the provision of affordable quality care for children and other dependent persons, including elderly dependents and family members with disabilities; stresses the importance of rational and flexible working hours in order to enable parents and carers to contribute to a sound work-life balance; recalls the importance of full protection of social rights for the specific circumstances of the self-employed, without which innovative and inclusive entrepreneurship is not possible;

11. Emphasises the need to change the way that gender roles have traditionally been assigned in society, the workplace and the family, by encouraging men to become more involved in housework and caring for dependent relatives, by means of, for example, mandatory paternity leave, non-transferable parental leave and public policies enabling effective reconciliation of family- and work-related responsibilities, particularly for women and especially in highly competitive and mobile sectors, where long and flexible working hours are the norm, as well as lifelong learning in order to keep up with the latest technological developments and market opportunities;

Information and networks

12. Underlines the importance of looking beyond the start-up phase to help those women who have chosen the path of entrepreneurship to consolidate and expand their businesses, as also of networking and sharing best practices, mentorship, female role models and peer-to-peer support for these women, including with a view to moving towards more innovative, sustainable and profitable sectors while not undermining the conditions for a healthy general wellbeing;

13. Underlines the huge potential of women innovators and entrepreneurs and the important role they can play in the digital transformation of the economy; calls on the Commission and the Member States to invest in women's and girls' digital potential, and to fully support and promote a digital entrepreneurial culture for women and women's integration and participation in the information society;

14. Emphasises the great importance of public spaces in helping to develop projects (providing visibility and acting as incubators for companies) and providing financial and tax-related support, relevant and up-to-date information, and advice on starting up a business, in particular for new female entrepreneurs; stresses, likewise, the importance of funds for business consolidation, greater presence in social forums, work-life balance policies and recognition by the authorities of the importance of this group — both new and long-established entrepreneurs — to society;

15. Welcomes the creation of the various European networks for female entrepreneurs; urges the Commission to communicate more actively on the achievements of female entrepreneurs and to recognise them explicitly as potential role models, through the Enterprise Promotion Awards and the European Social Innovation Competition;

16. Considers that European networks of women entrepreneurs should create a European and national network to facilitate and assist women in seeking financing and advice services for ease of access;

17. Calls on the Commission to emphasise the use of forums in its upcoming European e-Platform for Women Entrepreneurship, and to include a step-by-step plan for accessing European funding possibilities, while also making the e-Platform attractive for potential investors and for Member States' government services, in an attempt to cut red tape for female entrepreneurs by clarifying administrative procedures, thus creating an e-Platform that could become a future reference in the sector;

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18. Calls on the Commission to establish, with no impact on the Commission budget and in the framework of the existing structure, a European Business Centre for women, in close cooperation with Member States and companies from the private sector, which would function as a focal point to promote the Commission's initiatives for female entrepreneurs, providing management and technical assistance, creating and boosting existing networks, and monitoring and gender-mainstreaming business initiatives and programmes financed from the EU budget;

19. Calls on the Commission and the Member States to facilitate the access of women entrepreneurs to the most relevant technical, scientific and business networks, since such access is essential for developing business concepts, meeting potential customers, suppliers and partners, understanding the market with its trends, opportunities and weaknesses, and obtaining strategic information, cooperation and support;

Access to funding

20. Calls on Member States' governments, authorities and equality bodies (where they exist) to collaborate with the financial sector regarding their obligation to ensure equality between men and women in access to capital for freelancers and SMEs; invites them to explore the possibilities of introducing gender equality into their reporting structures on the attribution of loans, into the tailoring of their risk profiles, investment mandates and staff structures, and into financial products and the advertising thereof;

21. Calls on the Member States to draw up aid maps setting out measures to support entrepreneurship among women and competitiveness and entrepreneurship in business, ranging from the fostering of an entrepreneurial culture to the adoption of new technologies or funding for RDI;

22. Calls on the Commission to diligently monitor the implementation of gender mainstreaming in the allocation of EU funds in relation to entrepreneurship; suggests to the Commission the introduction of gender quotas in all forms of targeted support provided to under-represented and disadvantaged groups, in order to ensure progress towards achieving parity in entrepreneurship;

23. Calls on the Commission and the Member States to enhance the visibility of financing for entrepreneurial activity by drawing up aid maps for microfinance, among other measures, under the European Progress Microfinance Facility, and to look into the possibilities of collaboration with the private sector for investment in 'female' sectors, such as government loan guarantees;

24. Stresses the importance of using all possible financial streams, and especially the Structural Funds, within the next programming period 2014-2020;

25. Urges the Member States to promote measures and actions to assist and advise women who decide to become entrepreneurs, to encourage business enterprise on the part of women by facilitating and simplifying access to funding and other support, and to remove bureaucratic and other obstacles to women's start-ups;

26. Calls on the Commission to explore and develop proposals for ways of interesting women in business start-ups; stresses that women with the necessary business acumen should be made aware of support programmes and funding opportunities;

27. Calls on the Commission and the Member States to start accumulating gender-disaggregated data on entrepreneurs' access to finance, in close collaboration with the European Institute for Gender Equality, and to further explore and research whether there is any hard evidence of direct or indirect discrimination against women in this context and, if so, how the external factors that influence investors' assessments of the viability of female-led start-ups should be addressed;

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28. Calls on the Commission to address the specific challenges faced by women entrepreneurs in its next review and update of the Small Business Act (SBA), as well as the annual SBA reports; believes that these challenges should be taken into consideration in all SBA programmes, and that an additional Action Plan should be established to overcome the obstacles facing women entrepreneurs;

29. Welcomes the Commission's review of the application of Directive 2004/113/EC and its transposition into national law by Member States, but regrets the lack of focus on identifying indirect discrimination; asks the Commission to further review the Directive by considering more effective measures to tackle this type of potential discrimination;

30. Considers that easier access to financing should be provided for women entrepreneurs in innovative and sustainable sectors where men are in the majority, with particular reference to ICT, construction and transport; calls in this respect for greater monitoring to avoid the phenomenon of women being used by men as 'fronts' in order to secure financing on easier terms;

Entrepreneurial education and training

31. Encourages the Member States to promote an entrepreneurial culture within education and training; highlights the importance of education at all levels, both formal and informal and including lifelong learning, for boosting entrepreneurship and new business development, including in ICT, and especially in subject areas mostly studied by girls, such as healthcare and other services; calls on the Commission and the Member States to provide incentives to ensure a more balanced representation of women and men in the business sector and to boost this representation by making women more aware of the advantages of business training;

32. Calls on schools and universities to encourage girls and women to take up subjects that lead to careers in sectors in the areas of science, finance and high-growth profitable sectors such as new technologies, including green technology, digital environments and IT;

33. Calls on the Member States to collaborate with the public sector, the private sector, NGOs, universities and schools in order to establish more apprenticeships and non-formal and informal learning programmes, including those enabling students to conduct development projects based on real business concepts from a young age onwards and business incubators that aim to empower young entrepreneurs while learning, understanding and implementing the labour rights culture;

34. Calls for the EU to invest in programmes providing continuing training for women, both workers and entrepreneurs, constantly updating their skills and ensuring quality professional development, with particular reference to the commercial sector;

35. Underlines the importance of facilitating access for female entrepreneurs, including through grants and training courses on basic legal aspects of starting and running a company, such as laws on starting a business, intellectual property and data protection, tax rules, e-commerce, available public grants, etc, and of training in new information and communications technologies, social networks, online commerce, networking, etc;

36. Notes with concern that women often underrate their skills, probably as a result of stereotypes anchored in society, and are more likely than men to confess to a lack of entrepreneurial skills, self-confidence, assertiveness and willingness to take risks when starting a business, and that there is thus a need for motivational and psychological support programmes to boost the self-confidence of female entrepreneurs;

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Social entrepreneurship

37. Calls on the Commission and the Member States to conduct research with a view to explaining women's greater entrepreneurial activity in social entrepreneurship and its possible multiplier effect on traditional entrepreneurship;

38. Calls on the Commission and the Member States to support the development of financial instruments that value companies in correlation with their contribution to society and the development of trustmarks for social and environmental entrepreneurship; recommends the inclusion of gender equality and women's empowerment as measures of social impact which, in turn, would encourage more social entrepreneurs to consider their enterprise from a gender perspective;

39. Highlights that alternative business models such as cooperatives and mutuals play an important role in promoting gender equality and advancing sustainable and inclusive development and growth; calls on the Commission and the Member States to facilitate and promote such alternative models;

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

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P8_TA(2016)0008

Skills policies for fighting youth unemployment

European Parliament resolution of 19 January 2016 on skills policies for fighting youth unemployment (2015/2088(INI))

(2018/C 011/05)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165 and 166 thereof,
- having regard to its resolution of 6 July 2010 on promoting youth access to the labour market, strengthening trainee, internship and apprenticeship status ⁽¹⁾,
- having regard to the Council Recommendation on establishing a Youth Guarantee,
- having regard to its resolution of 16 January 2013 on a Youth Guarantee ⁽²⁾,
- having regard to its resolution of 15 April 2014 entitled 'How can the European Union contribute to creating a hospitable environment for enterprises, businesses and start-ups to create jobs?' ⁽³⁾,
- having regard to its resolution of 22 October 2014 on the European Semester for economic policy coordination: implementation of 2014 priorities ⁽⁴⁾,
- having regard to the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning ⁽⁵⁾,
- having regard to the Council Recommendation on a Quality Framework for Traineeships ⁽⁶⁾, and having regard to written question E-010744/2015 of 2 July 2015 on the Council Recommendation on a Quality Framework for Traineeships,
- having regard to the Council Conclusions of April 2015 on enhancing cross-sectoral policy co-operation to effectively address socio-economic challenges facing young people ⁽⁷⁾,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities,
- having regard to the UN Committee on the Rights of Persons with Disabilities' 'List of issues in relation to the initial report of the European Union' ⁽⁸⁾,
- having regard to the Cedefop briefing note of June 2013 entitled 'Roads to recovery: three skill and labour market scenarios for 2025',
- having regard to the Cedefop briefing note of March 2014 entitled 'Skill mismatch: more than meets the eye',

⁽¹⁾ OJ C 351 E, 2.12.2011, p. 29.

⁽²⁾ OJ C 440, 30.12.2015, p. 67.

⁽³⁾ Texts adopted, P7_TA(2014)0394.

⁽⁴⁾ Texts adopted, P8_TA(2014)0038.

⁽⁵⁾ OJ L 394, 30.12.2006, p. 10.

⁽⁶⁾ OJ C 88, 27.3.2014, p. 1.

⁽⁷⁾ OJ C 172, 27.5.2015, p. 3.

⁽⁸⁾ CRPD/C/EU/Q/1

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- having regard to the Cedefop study of November 2014 entitled ‘The validation challenge: how close is Europe to recognising all learning?’,
 - having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Sixth report on economic, social and territorial cohesion: investment for jobs and growth’ (COM(2014)0473),
 - having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘European Disability Strategy 2010-2020 — A Renewed Commitment to a Barrier-Free Europe’ (COM(2010)0636),
 - having regard to the Commission report of April 2015 entitled ‘Piloting Youth Guarantee partnerships on the ground — A summary report of key achievements and lessons from the European Parliament Preparatory Action on the Youth Guarantee’,
 - having regard to the Eurofound report of 2015 entitled ‘Youth entrepreneurship in Europe: values, attitudes, policies’,
 - having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006, and in particular Chapter IV thereof on the ‘Youth Employment Initiative’⁽¹⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Culture and Education (A8-0366/2015),
- A. whereas at present 4,5 million young people aged between 15 and 24 are unemployed in the European Union and whereas more than 7 million young Europeans aged between 15 and 24 are neither employed nor in education or training;
- B. whereas the rate of unemployment across the Union was 9,9 % at the end of 2014, and whereas the unemployment rate for young people was more than double this figure, at 21,4 %;
- C. whereas young people have been especially hit by the crisis;
- D. whereas a lack of relevant skills for available jobs and an education and training mismatch are important factors causing youth unemployment; whereas, despite being more educated and skilled than previous generations, young people continue to face significant structural hurdles in obtaining quality employment which respects EU and national standards; whereas without efficient and sustainable quality job creation in Europe, the youth employment crisis cannot be solved;
- E. whereas delays in access to the labour market and long periods of unemployment adversely affect career prospects, pay, health and social mobility;
- F. whereas young people are an asset to the European economy and whereas they should commit themselves to acquiring the skills sought by the labour market, anticipating tomorrow’s needs;

⁽¹⁾ OJ L 347, 20.12.2013, p. 470.

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- G. whereas young people fall into three main groups — students, workers and the unemployed — and whereas distinct political approaches should be adopted for each of these groups in order to ensure that members of the group are integrated into the labour market, which means that young students must have the skills needed by the labour market, young workers must update their skills and training throughout their careers and, in the case of jobless young people, the distinction must take into account the fact that they may be active jobseekers or not in education, employment, or training (NEETs);
- H. whereas every effort must be made to ensure that education systems adequately prepare students for professional realisation and to guarantee close cooperation between representatives of the education sector, social services where appropriate, employers and students;
- I. whereas the planning of training and education improves significantly when student and youth organisations are included in decision-making processes and it better meets the demands of society, the labour market and skills needs;
- J. whereas persons who are disadvantaged, discriminated against and vulnerable are often excluded from the possibility to develop their talents, abilities and skills when the social dimension is not taken into consideration in education, employment and social policies; whereas sufficient financial resources should be allocated to the education sector;
- K. whereas the implementation of effective education, training and skills policies with the support of employers, employment agencies and other relevant stakeholders can help reduce youth unemployment;
- L. whereas appropriate training for recruiters, human resource managers, employment services, employers and the education sector is necessary;
- M. whereas the financial crisis of 2008 created additional problems in the access of young people to the jobs market, as youth unemployment is more sensitive to the economic cycle than overall unemployment because young people are generally less experienced;
- N. whereas micro, small and medium-sized enterprises are one of the most important generators of employment in the EU, accounting for considerably more than 80 % of all jobs and have led the way in many 'green' sectors, but may face particular difficulties in anticipating the skills needed and in fulfilling the potential for jobs;
- O. whereas youth entrepreneurship can contribute to reducing youth unemployment and through education and training it can boost the employability of young people;
- P. whereas internships and apprenticeship schemes vary in success across the Union, according to their characteristics;
- Q. whereas the Youth Guarantee, when effectively implemented, constitutes a comprehensive approach to helping young people to successfully transition to the labour market or high-quality education, as demonstrated by the achievements of the European Parliament Preparatory Action on the Youth Guarantee;
- R. whereas, in order for the Youth Guarantee to achieve effective results, it is vital to assess the real employment needs of young people and the real sectors offering future work opportunities, such as the social economy and the green economy, backed up by constant and careful monitoring not only of the projects concerned but also of the agencies that provide them, drawing up regular reports on the progress of this measure to combat youth unemployment;

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5. whereas the Youth Employment Initiative is an essential tool for delivering targeted support to young people who are NEETs;

Co-operation, participation, partnerships

1. Notes that individual skills development and dissemination of knowledge and skills are one of the key elements of integrated employment and social policies and that it can make it possible to generate long-term growth, promote European competitiveness, combat unemployment and build a more inclusive European society if skills development policies acknowledge the multi-layered needs and abilities of unemployed youth; recalls that skills development will remain without effect if job creation and appropriate social security protection are not addressed in parallel;

2. Stresses that ‘a new boost to jobs, growth and investment’ is an essential priority of the Commission and that in its Work Programme for 2015, the Commission committed to taking practical initiatives to promote integration and employability in the labour market, particularly measures to support Member States in getting young people into work; reiterates that Parliament has regularly proposed different solutions stressing that youth employment, education and training should be one of the highest political priorities for the EU;

3. Recalls that engaging young people, relevant stakeholders, organisations and social partners in promoting the development, implementation, monitoring and evaluation of relevant initiatives aimed at supporting youth employment at EU, national and local level is of the highest importance;

4. Points out that there are, on one hand, 24 million unemployed people in Europe, including 7,5 million young people not in employment, education or training (NEETs) and on the other 2 million unfilled vacancies in the EU; notes that there are many over-qualified youth unemployed whose skills do not match the demand of the labour market; stresses, therefore, the need to build up strong partnerships between local authorities, education and employment services — both mainstream and specialised — and social partners and the business community to support the creation, implementation and monitoring of short- and medium-term sustainable, inclusive and quality employment strategies and action plans; calls for closer and structural co-operation and interaction between schooling and vocational education, public administration, business, civil society, especially student and youth organisations, with a view to better matching skills to labour market needs, including through second-chance options, in order to maximise the quality of education and training; highlights that this better cooperation is also crucial for an effective implementation of the Youth Guarantee;

5. Welcomes the tools for skills development and the forecasting of skill needs proposed by the Commission; highlights the fact that skills development should encourage the development of STEM skills, which are widely useful in an economy; stresses, however, that more ambitious action and investment is needed; believes that in order to anticipate future skills needs, all labour market stakeholders must be strongly involved at all levels;

6. Calls on the Member States, regional governments and local authorities to adopt and implement, together with the social partners and training providers, skills development and anticipation strategies with the objective of improving generic, sectoral and occupation-specific skills; stresses, furthermore, the importance of partnerships and trust between educational institutions, businesses, the social partners and authorities;

7. Emphasises the role higher education institutions play in developing the knowledge and competence graduates require in order to be successful on the job market;

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8. Highlights the essential role of competent and supportive teachers and trainers in reducing early school leaving, especially in underdeveloped areas, and in improving the employability of young people; stresses that teachers need to be better supported by schools, training institutions, local communities and educational policies, e.g. through more efficient and up-to-date training in new skills, such as entrepreneurial and ICT skills, promotion of peer learning and exchange of best practices, and easier access to training opportunities and improved systems of continuous VET; stresses, in this regard, the importance of investing in lifelong learning development for teachers; strongly opposes any cutbacks in education budgets, especially when combined with the reduction of scholarships and grants and the increase in educational fees;
9. Encourages the integration of new teaching and training methods, developed by teachers in response to the specific needs of the class;
10. Stresses that providers of education and training and businesses should work together to devise qualifications which faithfully reflect the actual skills that holders of those qualifications have acquired throughout their lives;
11. Stresses the importance of bringing young, innovative employers into the ongoing dialogue between educational institutions and employers in an effort to better tailor education and specialist training to job market requirements; welcomes and stresses the importance of mentoring programmes designed to prepare young people for future jobs;
12. Stresses the importance of administrative capacity and functioning employment agencies; calls for the strengthening of the partnership principle between public authorities and civil society as well as for the provision of relevant training for local and regional authorities and other relevant stakeholders in order to ensure the more effective and strategic use of European funds; calls furthermore on governments to be more ambitious and to make efforts in anticipating the needs of young people, businesses and civil society as well as of academic and vocational training establishments, in implementing employment programmes more quickly and in monitoring progress achieved;
13. Stresses the importance of close cross-sectoral cooperation, particularly between employment and education services;
14. Recalls that policies should focus on helping NEETs, including those who have become disengaged, to further their education or integrate into the labour markets;
15. Notes that European funds, when used in a more efficient and strategic manner, can be an extraordinary tool for the growth and development of universities and businesses; calls for greater financial resources to be used to spread information on European financing instruments and to broaden, in universities and businesses, the knowledge and skills that are necessary for seeking funds, studying and managing funding projects;
16. Stresses that in order to guarantee that EU funds are used properly, it is paramount that a supervisory and monitoring system be implemented in order to ascertain how those funds are being used;
17. Calls for an EU award for the best projects in combating youth unemployment, which could be linked to the pan-European contest 'European Youth Award' and to the European Prize 'For youth employment in the Social Economy'; calls on the Commission to give visibility to such initiatives in order to raise awareness and to become closer to citizens' needs; stresses however the need for budgetary responsibility and calls therefore for such initiatives to be financed from within the existing budget;
18. Calls for a forward-looking and output-oriented European Skills Strategy to guide national skills strategies and integrate them into the National Job Plans while providing a comprehensive framework for the sectoral action plans proposed in the employment package;
19. Calls on the Member States to act, as soon as possible, on education- and labour market-related country-specific recommendations in the European Semester and other Commission recommendations;

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SMEs and entrepreneurship

20. Stresses the key role of enterprises, including SMEs, social and solidarity economy actors and micro-enterprises in training for working-life skills and job creation for young people; stresses the need to provide young people with education preparing them for entrepreneurship in the broadest possible way; encourages including in curricula the development in a safe environment of the vocational skills needed in starting and managing businesses as well as fostering transversal entrepreneurship competence, skills and knowledge, that are effectively delivered through hands-on and real-life experiences; suggests that entrepreneurship may be taught across various subjects or as a separate subject and stresses the need for access to high-quality traineeships and professional training throughout and after the university stage of education; underlines that obtaining democratic and teamwork skills, learning to take responsibility, analysing situations is a part of life-long learning which supports active citizenship; draws attention to the opportunities and advantages of getting more people (e.g. successful young entrepreneurs, NGOs whose aim is to promote entrepreneurship) involved in providing education on entrepreneurship;

21. Recalls that supporting entrepreneurship, an understanding of economics and fostering a sense of responsibility and initiative are important factors in promoting an active approach towards one's own career; believes that it is the responsibility of public bodies, the education sector, businesses and civil society to promote entrepreneurship; reiterates the need to develop mobility within businesses; reiterates the role of financial institutions in business start-up and access to financing and calls for investment, skills development and forecasting in emerging and potential sectors, including clean technologies and green jobs as they have great potential to create quality jobs;

22. Underlines that entrepreneurial skills can also be acquired through skills development programmes organised outside of the general education system and that these programmes may include coaching and mentoring activities supplied by experienced trainers, entrepreneurs and business experts that facilitate not only valuable business know-how, advice and feedback to potential entrepreneurs but also allow them to develop valuable networks of contacts with existing enterprises and entrepreneurs that could otherwise take very long time to achieve;

23. Stresses the need to ease existing administrative and financial requirements when starting and managing businesses, through the simplification of procedures, easier access to credit, venture capital and microfinance for start-ups, guaranteed high-speed internet access, multidisciplinary tailor-made counselling, the introduction of incentive measures for entrepreneurs employing young unemployed when possible; underlines the importance of microfinance and the EU Employment and Social Innovation (EaSI) programme, as well as the Investment Plan for Europe, for achieving these goals; stresses the need for the creation of one-stop-shops to deal with all relevant administrative procedures related to setting up and running a business; recalls that all administrative requirements should take into account the respect for workers' rights;

24. Encourages Member States to take part in the Erasmus Programme for Young Entrepreneurs and to promote it among young people who wish to engage in business projects, so that they can gain experience abroad and acquire new skills which will help them to carry out their business projects successfully;

25. Recalls that the creative industries are amongst the most entrepreneurial and fast-growing sectors, and that creative education develops transferable skills such as creative thinking, problem-solving, teamwork and resourcefulness; acknowledges that the arts and media sectors are of particular appeal to young people;

26. Recalls the wealth of jobs connected to traditional skills, often ones that cannot be relocated elsewhere, which, moreover, help stimulate local economies and are of cultural interest; encourages the Member States to ensure, therefore, that crafts and professions with traditional and cultural elements are preserved and effectively passed down to younger generations through the implementation of specialised programmes;

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27. Calls for the creation of favourable conditions for the social economy in order to combine job creation for young people and social capital development; calls for better inclusion of social and solidarity economy enterprises into national and European action plans for employment, skills development and social integration, with a view to unlocking and exploiting their job creation potential and their contribution to meeting the EU 2020 headline targets;

28. Recalls that employers and entrepreneurs play an important role in training in the workplace and in providing apprenticeships and that this should be further supported and developed;

29. Points out that policies for promoting youth entrepreneurship require mid-term and long-term planning; stresses that policies for promoting entrepreneurship should take account of the different requirements of each Member State;

30. Calls for effective support of socially responsible, green and sustainable entrepreneurial projects as well as the promotion of sustainable alternative models such as cooperatives, which are based on a democratic decision process and that try to have an impact on the local community;

Skills for employability

31. Stresses the urgent need to improve the qualifications and motivation of advisors working at public employment agencies, so that they can proactively respond to the needs of young job seekers, help them to gain additional qualifications and identify the skills they need for the job market;

32. Recalls that good quality educational tailor-made guidance and support at all stages of education and training is necessary and can lower the risk of early school-leaving as well as help to overcome difficulties in accessing the labour market; stresses that this occupational guidance should be anchored in the curriculum and must be provided in cooperation with economic actors and employment agencies; recalls that language learning and digital literacy are fundamental;

33. Points out the lack of high-quality career guidance in the Member States; emphasises the need to improve the quality of career guidance in schools and to provide ongoing professional training for careers advisors so that they are properly qualified to help students and pupils choose a suitable career path;

34. Calls on the Member States to examine best practices in the school career guidance system where pupils are monitored from an early school stage to the first steps in the labour market;

35. Stresses the importance of regular monitoring of future skills needs and therefore encourages the Member States and all relevant stakeholders to share good practices in this regard and to further develop monitoring and forecasting tools;

36. Welcomes the transformation of the existing EU Skills Panorama website, which provides a more comprehensive and user-friendly central access point for information and intelligence on skills needs in occupations and sectors in the EU, and which helps policymakers, experts, employment agencies, careers advisers and individuals to take better and more informed decisions;

37. Calls on the Member States to exchange good practices in vocational education and the development of training through skills, thus ensuring greater access to the labour market for young people, and to revise training programs anticipating market needs where necessary; emphasises the importance of practical, entrepreneurial, coding and e-skills as indispensable for professional development in the 21st century; points to the importance of implementing the Entrepreneurship 2020 Action Plan and the EU e-Skills strategy; recalls that lifelong guidance on professional career development should be available over the whole working life to maintain and develop one's skills and knowledge;

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38. Encourages the Member States to promote and support opportunities for professional mobility among young apprentices to enable them to develop their skills through contact with other training systems and other types of business, but also to give them the opportunity to practise speaking a foreign language, which will help them to find a lasting place in the jobs market;

39. Emphasises the importance of developing 'soft skills', which make it easier to successfully negotiate the job market and develop a professional career, and which are an essential complement to professional knowledge and experience;

40. Stresses the urgent need to promote non-formal and informal learning, which includes volunteering, and which is an invaluable resource in helping young people get the skills they need for working life;

41. Recalls that non-formal and informal learning are crucial for soft skills development such as communications and decision-making skills; calls therefore for investment in inclusive opportunities providing for non-formal and informal learning and for recognition of the impact and value of experience, skills and competences gained;

42. Urges the establishment of a system of training and studies, which adopts innovative but accessible approaches, and which focuses on developing basic skills as well as intellectual and technical capacities;

43. Stresses the importance of pursuing the development of the EURES tool, particularly in border areas, to encourage young people to take an interest in offers of jobs, traineeships or apprenticeships abroad, and to support them in their mobility projects by providing them with assistance and advice on their projects;

44. Recalls that education and skills policies should be aimed not only at fulfilling labour market needs but also at equipping individuals with the necessary transversal competences to develop as active and responsible citizens; calls on the Commission and the Member States to respect the fact that education and training constitute a fundamental right and carry a strong value in themselves;

45. Emphasises the importance of holistic education, for example in the form of civic education, which should be an integral part of all streams of education and can help to prepare young people in the transition to working life;

46. Emphasises the importance of building students' capacity to learn and the need to provide them with effective learning strategies; stresses that learning to learn will facilitate the acquisition of knowledge, skills, attitudes and aptitudes which enable individuals to set, plan and reach their own learning goals and become autonomous learners able to cope with the intensive labour market changes;

47. Underlines that playing sports provides participants with opportunities to develop a wide range of transversal skills which enhance their employability as well as help them to succeed as leaders and to achieve their goals; further stresses the link between sports, employability, education and training;

48. Expresses its concern about the fall in scores observed in the last PISA (Programme for International Student Assessment) survey in certain European Union Member States; calls on Member States to make education a leading priority in order to attain the targets of the Europe 2020 Strategy;

49. Stresses that training in the workplace and high-quality and formative apprenticeships, backed by partnerships between schools, training establishments and businesses, are ways of improving youth access to the labour market and a better use of these opportunities could, by improving career orientation, enlarge the pool of potential candidates for vacancies and also improve their preparedness for work; notes the success of such measures in some Member States; suggests that the sharing of best practice in this area would contribute to reducing youth unemployment; stresses that disadvantaged trainees need special support, e.g. in the form of extra tuition and support courses, and assistance for undertakings in coping with their administrative and organisational tasks;

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50. Stresses the value of high-quality apprenticeships in all employment sectors and calls on the Commission and Member States to encourage women to undertake traditionally male-dominated apprenticeships and occupations;

51. Stresses that a smooth transition from education to employment should be promoted by linking theoretical education with practical training and integrating employability skills into the core academic curriculum, providing high-quality internships as stipulated in the European Quality Charter on Internships and Apprenticeships as well as through the recognition of qualifications gained during formal and non-formal education, or during volunteering experiences; stresses that high-quality internships/traineeships should always have clear learning outcomes and the trainees should not be exploited;

52. Recalls that high-quality traineeships and apprenticeships reflecting actual needs should lead to employment and that traineeships should prepare trainees for a job, and condemns any abuses including false traineeship which undermines workers' acquisition of social security rights; underlines that traineeships should lead to increased skills and employability; calls on the Member States to take dissuasive measures to prevent abuses of traineeship status and intensify information campaigns about the rights of trainees;

53. Welcomes the Quality Framework for Traineeships and the European Alliance for Apprenticeships; stresses the importance of the Commission monitoring their implementation in the Member States closely; urges the Alliance for Apprenticeships to promote access for young people to apprenticeships by calling for the removal of barriers such as education fees for apprentices;

54. Recalls, with respect to the Member States' competences in this area, that the dual model of education and the acquisition of practical, social and communication skills are of high importance; emphasises that societal and communication skills could help young people's confidence and make it easier for them to enter the labour market; stresses that the dual model must be targeted for the social, economic and cultural context of each country and is not to be seen as the one and only correct VET system; calls therefore for recognition and strengthening of dual learning at all levels;

55. Calls for enhanced cooperation between education institutions — both at vocational and higher level — and entrepreneurs in developing curricula adjusted to the labour market needs;

56. Points out the advantages of a flexible, student-focused approach to education which makes it possible to change or adapt the direction of study in line with the student's needs and does not bind them to their initial choice;

57. Warns the Member States against dispersion in the types of contract offered to young people; calls for greater thinking along these lines in order to increase effectiveness;

58. Calls on the Member States to increase the attractiveness of STEM programmes and studies in order to address the existing shortage in this field; stresses, however, that humanities and general humanistic knowledge are indispensable in making effective use of the opportunities presented by STEM disciplines and thus should receive effective support within their institutions and play an explicit role in curricular development; calls on the Member States to encourage a cross-sectoral approach between different areas within educational institutions, such as joint programmes involving arts, science, ICT, engineering, business and other relevant fields;

59. Encourages the Member States to urgently incorporate new technologies in the learning process, and to intensify and improve ICT and digital skills training at all levels and in all types of education and training, including for teaching staff, in order to provide more digitally aligned degrees and curricula and to motivate young people to study ICT and pursue related careers; stresses the need to build a better technological base in schools and universities and to provide the necessary infrastructure; underlines, furthermore, in this regard, the importance of open educational resources (OERs), which ensure access to education for all and enhance employability by supporting the lifelong learning process; recalls the need to encourage girls and young women to pursue ICT studies;

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60. Stresses the need to develop measures to encourage girls to engage in STEM subjects and establish quality career guidance to support them in continuing their professional careers in this field since women remain largely under-represented in STEM-related professions, accounting for just 24 % of science and engineering professionals and since STEM occupations are among the top 20 bottleneck vacancies in the Member States;

61. Points out that, despite high youth unemployment rates in some Member States and unfilled job vacancies in others, intra-EU labour mobility remains low; recalls therefore the importance of the mobility of workers for a competitive labour market, and stresses the need to reduce the linguistic and cultural barriers that are liable to restrain it by providing sector-specific language courses and training on intercultural communication for the unemployed;

62. Emphasises the importance of addressing skills shortages and mismatches by promoting and facilitating mobility for learners, as well as cross-border recognition of qualifications, through a better use of all EU tools and programmes, such as Erasmus+, the European Qualifications Framework, the European Skills Passport, the Youth Guarantee, the Europass CV, the Entrepreneurial Skills Pass, EURES, Knowledge Alliances, the European Alliance for Apprenticeships, the European Credit Transfer System, the European Quality Assurance in Vocational Education and Training (EQAVET) and the European Credit System for Vocational Education and Training (ECVET); highlights the importance of ESCO, which identifies and categorises the skills, competences and qualifications relevant for the EU labour market and education and training, in 25 European languages; underlines in this context the importance of the adequate transferability of social rights within the Union and reiterates the importance of Erasmus+, the European Social Fund and EURES in this respect; calls on the Member States to promote training courses in particular sectors in which there are particular gaps between supply and demand;

63. Encourages the optimal use of existing EU funding such as the Erasmus+ programme in stimulating the development of transversal skills and competences among young people in order to tackle youth unemployment in the EU more effectively;

64. Points to Erasmus+ as a key instrument for ensuring the quality of VET across the EU and encourages international exchanges for the purposes of professional training;

65. Recalls that the effective implementation of the Youth Guarantee and the Youth Employment Initiative can also help to improve the labour market opportunities of young people by overcoming educational deficits and by providing skills relevant to the needs of a sustainable labour market and economy, and can offer valuable work experience and facilitate the establishment of successful businesses; points out, to that end, that it is vital to assess the real employment needs of young people and the real sectors offering future work opportunities, such as the social economy and the green economy, backed up by constant and careful monitoring not only of the projects concerned but also of the agencies that provide them, drawing up regular reports on the progress of these measures to combat youth unemployment;

66. Stresses the need to simplify administrative measures for implementing the Youth Guarantee and the urgency of removing any red tape that might limit its effectiveness;

67. Welcomes the recent decision by EU co-legislators on increasing pre-financing for the Youth Employment Initiative, which aims to smooth the implementation of this important initiative for regions and states facing financial difficulties; calls on the Member States and local and regional authorities to use the available funds for bringing forward the necessary improvements and creating sustainable instead of ad hoc solutions; calls on the Member States to rapidly and effectively implement the Operational Programmes of the Youth Employment Initiative;

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Equal opportunities

68. Stresses that skills development, if carried out as an integrated concept, could become a mechanism leading to and promoting equal opportunities for people from disadvantaged groups, including disadvantaged minorities, in particular for children and young people from families affected by poverty, the long-term unemployed, disadvantaged immigrants and people with disabilities; stresses that prevention and lifelong support and counselling from the earliest stage possible for disadvantaged groups are of the utmost importance for providing productive and highly-skilled workforce for the labour market; stresses, furthermore, the need to provide support and skills development via training for employers, recruiters and human resource managers to support the inclusion of disadvantaged groups into the labour market; stresses that, in order for the most disadvantaged to be included, appropriate training must be provided for employers, human resource teams and teachers, in order to support the most disadvantaged in society in the best possible way so as to make their integration as effective as possible; reiterates the importance of universal access to education for all;

69. Highlights that developing networking skills is of great importance for all young people, but particularly for those with limited work experience and those coming from under-represented and disadvantaged groups; stresses that teaching networking can be a strategy for facilitating employment, career development and exploration;

70. Points out that while women represent the majority (60 %) of university graduates in the European Union, their employment rate and promotion trajectories do not reflect their full potential; stresses that the achievement of inclusive and long-term economic growth depends on closing the gap between women's educational attainment and their position in the labour market, primarily through overcoming horizontal and vertical segregation;

71. Stresses the need for employment agencies to do more to make sure that disabled persons are not physically prevented from accessing their services, in accordance with the UN Convention on the Rights of Persons with Disabilities;

72. Calls on the Member States and the Commission to promote best practices and support the inclusion of young people with disabilities in education, including lifelong learning programmes, and employment, through measures such as investments in social entrepreneurship initiatives that support these young people, or financial incentives for organisations that recruit them;

73. Stresses the importance of making sure that persons with disabilities have access to financial support and grants, which should be an integral part of informational and educational programmes intended to promote entrepreneurship;

New generation, new opportunities, new challenges

74. Notes that young people, raised in an era of rapid technological progress have not only potential, talents and skills, but also values and priorities that differ from those of previous generations and that it is therefore worthwhile stressing the need for programmes and initiatives that would overcome the gap between generations; notes that this will also help in understanding the younger generation's assets such as multitasking, creativity, mobility, readiness to change and, above all, teamwork; stresses that education and training systems should be flexible enough to allow for the full development of the skills and talents of young people; emphasises moreover that recruitment and employment services staff should be well trained and equipped with skills that would give them an understanding of the new generation; notes also that not all youth automatically have the skills and abilities for fully meeting the digital demands and reiterates therefore that giving everyone equal access and training to digital tools is even more important than before;

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

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P8_TA(2016)0009

Towards a Digital Single Market Act

European Parliament resolution of 19 January 2016 on Towards a Digital Single Market Act (2015/2147(INI))
(2018/C 011/06)

The European Parliament,

- having regard to the Commission communication entitled 'A Digital Single Market Strategy for Europe' (COM(2015)0192) and the accompanying Commission staff working document (SWD(2015)0100),
- having regard to the Commission communication of 2 July 2014 entitled 'Towards a thriving data-driven economy' (COM(2014)0442),
- having regard to Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector ⁽¹⁾,
- having regard to the Commission communication entitled 'Unleashing the potential of crowdfunding in the European Union' (COM(2014)0172),
- having regard to the annex to the Commission communication entitled 'Regulatory Fitness and Performance (REFIT): results and next steps' (COM(2013)0685),
- having regard to the proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (COM(2013)0627),
- having regard to the Commission staff working document of 23 April 2013 entitled 'E-commerce action plan 2012-2015 — State of play 2013' (SWD(2013)0153),
- having regard to the proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (COM(2013)0147),
- having regard to the proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (COM(2013)0048),
- having regard to the Commission communication of 18 December 2012 entitled 'On Content in the Digital Single Market' (COM(2012)0789),
- having regard to the proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites (COM(2012)0721),
- having regard to the Commission communication of 10 October 2012 entitled 'A stronger European industry for growth and economic recovery' (COM(2012)0582),
- having regard to the Commission communication of 3 October 2012 entitled 'Single Market Act II — Together for new growth' (COM(2012)0573),

⁽¹⁾ OJ L 318, 4.12.2015, p. 1.

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- having regard to the Commission communication of 13 April 2011 to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled ‘Single Market Act: Twelve levers to boost growth and strengthen confidence’ (COM(2011)0206),
- having regard to the Commission communication of 27 October 2010 to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled ‘Towards a Single Market Act: For a highly competitive social market economy — 50 proposals for improving our work, business and exchanges with one another’ (COM(2010)0608),
- having regard to the proposal for a Directive of the European Parliament and of the Council amending Directive 2006/116/EC of the European Parliament and of the Council on the term of protection of copyright and related rights (COM(2008)0464),
- having regard to Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC ⁽¹⁾,
- having regard to Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC ⁽²⁾,
- having regard to Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC ⁽³⁾,
- having regard to Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market ⁽⁴⁾,
- having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 ⁽⁵⁾,
- having regard to Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information ⁽⁶⁾ (PSI Directive),
- having regard to Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) ⁽⁷⁾,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services ⁽⁸⁾,

⁽¹⁾ OJ L 123, 19.5.2015, p. 77.

⁽²⁾ OJ L 257, 28.8.2014, p. 73.

⁽³⁾ OJ L 86, 21.3.2014, p. 14.

⁽⁴⁾ OJ L 84, 20.3.2014, p. 72.

⁽⁵⁾ OJ L 348, 20.12.2013, p. 129.

⁽⁶⁾ OJ L 175, 27.6.2013, p. 1.

⁽⁷⁾ OJ L 165, 18.6.2013, p. 1.

⁽⁸⁾ OJ L 95, 15.4.2010, p. 1.

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- having regard to Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme ⁽¹⁾,
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council ⁽²⁾,
- having regard to Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office ⁽³⁾,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽⁴⁾,
- having regard to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ⁽⁵⁾,
- having regard to Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases ⁽⁶⁾,
- having regard to the First evaluation of Directive 96/9/EC on the legal protection of databases,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁷⁾, including the amendments brought by Regulation (EC) No 1882/2003,
- having regard to the agreement of 28 September 2015 on 5G partnership between China and the European Union and related agreements,
- having regard to its resolution of 9 July 2015 on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽⁸⁾,
- having regard to its resolution of 9 June 2015 on ‘Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan’ ⁽⁹⁾,
- having regard to its resolution of 10 March 2015 on the Annual Report on EU Competition Policy ⁽¹⁰⁾,
- having regard to its resolution of 27 November 2014 on supporting consumer rights in the digital single market ⁽¹¹⁾,
- having regard to its resolution of 27 February 2014 on private copying levies ⁽¹²⁾,

⁽¹⁾ OJ L 81, 21.3.2012, p. 7.

⁽²⁾ OJ L 304, 22.11.2011, p. 64.

⁽³⁾ OJ L 337, 18.12.2009, p. 1.

⁽⁴⁾ OJ L 376, 27.12.2006, p. 36.

⁽⁵⁾ OJ L 201, 31.7.2002, p. 37.

⁽⁶⁾ OJ L 77, 27.3.1996, p. 20.

⁽⁷⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁸⁾ Texts adopted, P8_TA(2015)0273.

⁽⁹⁾ Texts adopted, P8_TA(2015)0220.

⁽¹⁰⁾ Texts adopted, P8_TA(2015)0051.

⁽¹¹⁾ Texts adopted, P8_TA(2014)0071.

⁽¹²⁾ Texts adopted, P7_TA(2014)0179.

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- having regard to its resolution of 4 February 2014 on an integrated parcel delivery market for the growth of e-commerce in the EU ⁽¹⁾,
- having regard to its resolution of 15 January 2014 on reindustrialising Europe to promote competitiveness and sustainability ⁽²⁾,
- having regard to its resolution of 10 December 2013 on unleashing the potential of cloud computing in Europe ⁽³⁾,
- having regard to its resolution of 10 December 2013 on the evaluation report regarding BEREC and the Office ⁽⁴⁾,
- having regard to its resolution of 24 October 2013 on the implementation report on the regulatory framework for electronic communications ⁽⁵⁾,
- having regard to its resolution of 22 October 2013 on misleading advertisement practices ⁽⁶⁾,
- having regard to its resolution of 12 September 2013 on the Digital Agenda for Growth, Mobility and Employment: time to move up a gear ⁽⁷⁾,
- having regard to its resolution of 4 July 2013 on completing the digital single market ⁽⁸⁾,
- having regard to its resolution of 11 June 2013 on a new agenda for European Consumer Policy ⁽⁹⁾,
- having regard to its resolution of 22 May 2013 on the implementation of the Audiovisual Media Services Directive ⁽¹⁰⁾,
- having regard to its resolution of 11 December 2012 on completing the Digital Single Market ⁽¹¹⁾,
- having regard to its resolution of 11 September 2012 on the online distribution of audiovisual works in the European Union ⁽¹²⁾,
- having regard to its resolution of 12 June 2012 on critical information infrastructure protection — achievements and next steps: towards global cyber-security ⁽¹³⁾,
- having regard to its resolution of 20 April 2012 on a competitive digital single market — eGovernment as a spearhead ⁽¹⁴⁾,
- having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce ⁽¹⁵⁾,
- having regard to its resolution of 15 June 2010 on internet governance: the next steps ⁽¹⁶⁾,

⁽¹⁾ Texts adopted, P7_TA(2014)0067.

⁽²⁾ Texts adopted, P7_TA(2014)0032.

⁽³⁾ Texts adopted, P7_TA(2013)0535.

⁽⁴⁾ Texts adopted, P7_TA(2013)0536.

⁽⁵⁾ Texts adopted, P7_TA(2013)0454.

⁽⁶⁾ Texts adopted, P7_TA(2013)0436.

⁽⁷⁾ Texts adopted, P7_TA(2013)0377.

⁽⁸⁾ Texts adopted, P7_TA(2013)0327.

⁽⁹⁾ Texts adopted, P7_TA(2013)0239.

⁽¹⁰⁾ Texts adopted, P7_TA(2013)0215.

⁽¹¹⁾ OJ C 434, 23.12.2015, p. 2.

⁽¹²⁾ OJ C 353 E, 3.12.2013, p. 64.

⁽¹³⁾ OJ C 332 E, 15.11.2013, p. 22.

⁽¹⁴⁾ OJ C 258 E, 7.9.2013, p. 64.

⁽¹⁵⁾ OJ C 50 E, 21.2.2012, p. 1.

⁽¹⁶⁾ OJ C 236 E, 12.8.2011, p. 33.

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- having regard to its resolution of 5 May 2010 on a new Digital Agenda for Europe: 2015.eu⁽¹⁾,
 - having regard its resolution of 15 June 2010 on the Internet of Things⁽²⁾,
 - having regard to the Charter of Fundamental Rights of the European Union, as incorporated into the Treaties by Article 6 of the EU Treaty,
 - having regard to Article 9 of the United Nations Convention on the Rights of People with Disabilities (UN CRPD), ratified by the EU on 23 December 2010 (2010/48/EC),
 - having regard to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 20 October 2005,
 - having regard to Articles 9, 12, 14, 16 and 26 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs, the Committee on Culture and Education, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Economic and Monetary Affairs and the Committee on Transport and Tourism (A8-0371/2015),
- A. whereas the rapidly evolving use of the internet and mobile communications has changed the way citizens, companies and their employees communicate, access information and knowledge, invent, consume, share, participate and work; whereas this has expanded and changed the economy, facilitating access by small and medium-sized companies to a potential customer base of 500 million customers within the EU, as well as to global markets, and allowing individuals the opportunity to develop new, entrepreneurial ideas and business models;
- B. whereas all Union policies and legislation in the area of the Digital Single Market should allow new opportunities for users and businesses and new innovative cross-border online services at competitive prices to emerge and grow, remove barriers between Member States and facilitate access for European businesses, in particular SMEs and start-ups, to cross-border market, as key for growth and employment in the EU, while recognising that these opportunities will inevitably involve structural changes and taking a holistic approach, including the social dimension, and the need for the digital skills gap to be quickly filled;
- C. whereas while 75 % of the value added by the digital economy comes from traditional industry, the digital transformation of traditional industry remains weak, with only 1,7 % of EU enterprises making full use of advanced digital technologies and only 14 % of SMEs using the internet as a sales channel; whereas Europe must use the great potential of the ICT sector to digitise the industry and maintain global competitiveness;
- D. whereas building a data economy depends heavily on a legal framework that encourages the development, curation, maintenance and augmentation of databases, and is therefore dependent on a legal framework that is innovation-friendly and practical;

⁽¹⁾ OJ C 81 E, 15.3.2011, p. 45.

⁽²⁾ OJ C 236 E, 12.8.2011, p. 24.

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- E. whereas in 2013 the market size of the sharing economy was around USD 3,5 billion worldwide, and today the Commission is forecasting a growth potential that goes over USD 100 billion;
- F. whereas a high and consistent level of consumer protection, empowerment and satisfaction necessarily entails choice, quality, flexibility, transparency, information, interoperability and an accessible, secure online environment with a high level of data protection;
- G. whereas creativity and innovation are the drivers of the digital economy, and whereas it is therefore essential to ensure a high level of protection of intellectual property rights;
- H. whereas 44,8 % of households in the EU ⁽¹⁾ do not have access to fast internet, and current policies and incentives have failed to deliver adequate digital infrastructure, particularly in rural areas;
- I. whereas the regions in the EU are on very different levels when it comes to their digital connectivity, human capital, use of internet, integration of digital technology by businesses, and digital public services as shown by the Digital Agenda Scoreboard; whereas the regions which score low on these five indicators run the risk of missing out on the benefits of the digital era;

1. INTRODUCTION: WHY WE NEED A DIGITAL SINGLE MARKET

1. Welcomes the Communication on 'A Digital Single Market Strategy for Europe'; considers that achieving a Digital Single Market, based on a common set of rules, could foster EU competitiveness, have positive effects on growth and jobs, relaunch the Single Market and make society more inclusive, offering new opportunities to citizens and businesses, especially by exchanging and sharing innovation, believes that the horizontal approach taken needs now to be strengthened in its implementation, including the timely adoption of the 16 initiatives, as the digital drivers affect each and every citizen and dimension of society and the economy;
2. Agrees with the Commission that the governance and timely delivery of the Digital Single Market is a shared responsibility of the European Parliament, the Council and the Commission; encourages the Commission to engage with societal and social stakeholders and to involve them in the decision-making process to the widest extent possible;
3. Believes that better regulation requires taking an approach to legislation that is digital by default, principle-based, and technologically neutral; in order to provide room for innovation, it requires an assessment of whether existing legislation, complementary non-regulatory actions and enforcement frameworks, following necessary consultations and impact assessments, are fit for purpose in the digital age, in light of new technologies and new business models, with the aim of overcoming legal fragmentation of the single market, reducing administrative burden, and boosting growth and innovation;
4. Considers that the trust of citizens and businesses in the digital environment is vital to fully unlocking innovation and growth in the digital economy; is convinced that reinforcing their trust, through data protection and security standards and a high level of consumer protection and empowerment, as well as up-to-date legislation for businesses, should be at the basis of public policy, while recognising that the business models of digital businesses are built on the trust of their users;
5. Points out that e-commerce generates EUR 500 billion per year in the European Union and is an important complement to offline trade, while providing consumers with greater choice, especially in remote areas, and SMEs with new opportunities; calls on the Commission to identify and dismantle barriers affecting e-commerce in order to build a genuine cross-border e-commerce market; believes that these barriers include lack of interoperability and common standards, lack of adequate information allowing consumers to make informed decisions, and inadequate access to enhanced cross-border payments;

⁽¹⁾ Eurostat 2014: http://ec.europa.eu/eurostat/statistics-explained/index.php/Information_society_statistics_at_regional_level#People_who_never_used_the_internet

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6. Supports the Commission's plan to ensure that EU competition policy applies fully to the digital single market, as competition gives consumers more choice but will also provide a level playing field, and regrets that the current lack of a European digital framework has highlighted the failure to reconcile the interests of large and small providers;

7. Stresses the urgent need for the Commission and the Member States to promote a more dynamic economy that allows innovation to flourish and removes barriers for businesses, in particular innovative ones, SMEs, start-ups and scale-ups, so that they can access markets in a level playing field, through the development of e-government, a future-proof and integrated regulatory and non-regulatory framework, access to finance, including new funding models for EU start-ups, SMEs and civil society initiatives, and a long-term investment strategy in digital infrastructure, skills, digital inclusion, research and innovation; recalls that the basis of innovation-friendly policy that fosters competition and innovation should include the possibility for projects to access financing possibilities; calls upon the Commission, therefore, to ensure that crowdfunding can be done seamlessly across borders, and encourages the Member States to introduce incentives for crowdfunding;

8. Believes that the effects of digitalisation on health and safety at work need to be assessed and existing health and safety measures adapted accordingly; notes the possibility of accidents to which persons teleworking or crowdworking from home may be exposed; emphasises that work-related mental health problems such as burnout caused by constant accessibility and the erosion of traditional working time arrangements represents a serious risk for workers; calls on the Commission to arrange for a study to be produced on the spillover effects of digitalisation, such as greater labour intensity, on workers' psychological wellbeing and family life and on the development of cognitive abilities in children;

9. Calls on the Commission, in cooperation with the Member States, to further develop initiatives to boost entrepreneurship, particularly innovative business models that will help change the mind-set on how success is defined and promote an entrepreneurial and innovation culture; believes, in addition, that the diversity and specific attributes of the different national innovation hubs can be turned into a real competitive advantage for the EU on the global market, so they should be interconnected and innovative ecosystems where different sectors and businesses cooperate should be strengthened;

10. Is concerned about the different national approaches taken so far by the Member States on regulating the internet and the sharing economy; urges the Commission to take initiatives, in line with EU competences, to support innovation and fair competition, remove barriers to digital trade, and preserve economic and social cohesion and the integrity of the single market: calls on the Commission also to preserve the internet as an open, neutral, secured, inclusive, global platform for communication, production, participation, creation, cultural diversity and innovation, in the interest of citizens, consumers and the success of European companies globally;

11. Notes that the digital revolution affects every aspect of our societies, bringing about challenges and opportunities; believes that it has the potential to further empower citizens, consumers and entrepreneurs in ways not possible before; calls on the Commission to develop a policy that fosters active participation of citizens and allows them to benefit from the digital shift; calls further on the Commission to continue to assess how the digital revolution shapes European society;

12. Calls on the Commission to fight legal fragmentation by significantly increasing the coordination of its various DGs while drafting new regulation and strongly encouraging the Member States to ensure that the way they are implementing the regulation remains coherent;

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13. Stresses the need for compliance with fundamental rights, in particular data protection legislation, by all initiatives developed under the Digital Single Market Strategy, while recognising the strategy's added value for the EU economy; recalls the importance of swift adoption of both the General Data Protection Regulation and the Data Protection Directive, in the interest of both data subjects and businesses; calls for a revision of the ePrivacy Directive to ensure the consistency of its provisions with the data protection package by the time the package enters into force;

2. BETTER ACCESS FOR CONSUMERS AND BUSINESSES ACROSS EUROPE TO THE DIGITAL SINGLE MARKET

2.1. *Cross-border e-commerce rules that consumers and business can trust*

14. Welcomes the Commission's undertaking to adopt a strong proposal on online contracts covering digital content purchased online and to improve consumers' legal protection in this sphere; believes that any such improvements must be targeted and that differences between content, on the one hand, and tangible goods on the other should be carefully analysed; points out that while consumers who buy content on a tangible medium are protected by consumer protection laws, consumer rights when buying digital content online remain largely unregulated and unclear, particularly with regard to legal guarantees, defective content and specific unfair terms regarding digital content; highlights that the current classification of all digital content as services may raise concerns, as it may not conform to consumer expectations, since streaming service subscriptions are not distinguished from downloadable content purchases; agrees that consumers should enjoy an equivalent and future-proof level of protection regardless of whether they purchase digital content online or offline;

15. Believes that further harmonisation of the legal framework governing business-to-consumer online sales of digital content and tangible goods, irrespective of whether they are cross-border or domestic transactions, while maintaining the coherence of online and offline rules, avoiding a race to the regulatory bottom, closing legislative gaps and building upon existing consumer legislation, constitutes a practical and proportionate approach; emphasises that this should be done in a technology-neutral manner and not impose unreasonable costs for business;

16. Considers that the Commission's proposals for cross-border contract rules for consumers and businesses should avoid the risk of a growing disparity between the applicable legal standards for offline and online purchases, and believes that online and offline sales should be dealt with coherently and treated equally on the basis of the existing high level of consumer protection, as different legal standards might be perceived by consumers as a denial of their rights; insists that any new proposal should observe Article 6 of the Rome I Regulation, and points out that the Commission is planning a REFIT of the whole consumers acquis for 2016; calls on the Commission in this context to consider whether the Commission's planned proposal for tangible goods ought not to be launched at the same time as the REFIT;

17. Believes that contractual rules for digital content need to be principle-based in order to be technologically neutral and future-proof; stresses, furthermore, with regard to the Commission proposal in this area, the importance of avoiding inconsistency and overlap with existing legislation, as well as any risk of creating an unjustified legal divide in the long run between online and offline contracts and different distribution channels, also bearing in mind the consumer acquis REFIT;

18. Requests an 'Active Consumers' strategy to assess in particular whether consumer switching is facilitated in the online world, and whether action is needed to make consumer switching easier, in order to boost competition in online markets; points further to the need to ensure accessible e-commerce services through the whole value chain, including accessible information, accessible payment mechanisms and customer service;

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19. Calls on the Commission to assess, together with stakeholders, the feasibility, usefulness and potential opportunities and weaknesses created by the introduction of sector-specific EU trustmarks for online sales, drawing on best practices of existing trustmark schemes in the Member States in order to engender consumer trust and quality, particularly in relation to cross-border online sales, and to end the possibly confusing large numbers of existing trustmarks, in parallel with assessing other options such as self-regulation or the setting-up of stakeholder groups to define common principles of customer service;

20. Welcomes the Commission's overall efforts in establishing the EU-wide online dispute resolution (ODR) platform, and calls on the Commission to work towards the timely and correct implementation of the ODR Regulation, especially concerning translation facilities, as well as the ADR directive, together with the Member States; calls on the Commission and the relevant stakeholders to consider how access to information on common consumer complaints could be further improved;

21. Calls for an ambitious enforcement framework of the consumer acquis and of the Services Directive; encourages the Commission to make use of all the means at its disposal to ensure the full and correct implementation of existing rules, and infringement procedures whenever incorrect or insufficient implementation of the legislation is identified;

22. Calls on the Commission and the Member States to adopt the necessary measures against the sales of illicit content and goods online by increasing cooperation and exchange of information and best practices to combat illegal activity on the internet; stresses in this context that digital content supplied to consumers should be free of any third-party rights, which could prevent the consumer from enjoying the digital content in accordance with the contract;

23. Calls for a thorough, targeted and evidence-based analysis of whether all actors in the value chain, including online intermediaries, online platforms, content and service providers, and also offline intermediaries such as resellers and retailers, should take reasonable and adequate measures against illegal content, counterfeit goods and intellectual property rights infringements on a commercial scale, while safeguarding the ability of end-users to access and distribute information or run applications and services of their choice;

24. Stresses that the zero-tolerance principle as regards the transposition of EU regulations must be a fundamental rule for the Member States and the European Union; takes the view, nevertheless, that infringement proceedings should always be the last resort and should be opened only after several attempts at coordination and rectification have been made; emphasises that it is vital to shorten the duration of these proceedings;

25. Welcomes a review of the Consumer Protection Cooperation Regulation announced by the Commission; considers that extension of competencies of supervisory authorities and strengthening of their mutual cooperation is a prerequisite for the effective enforcement of consumer rules for online shopping;

2.2. Affordable high-quality cross-border parcel delivery

26. Highlights the fact that while parcel delivery services work well for consumers in some Member States, inefficient delivery services, especially as regards the final mile delivery, are one of the main barriers to cross-border e-commerce in some Member States and one of the most reported reasons for withdrawing from online transactions for both consumers and businesses; believes that the inadequacies of cross-border parcel delivery can be solved only from a European single market perspective, and underlines the importance of competition in this sector as well the need for the parcel industry to adapt to modern living patterns and offer flexible delivery options, such as networks of collection points, parcel points and price comparators;

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27. Stresses that accessible, affordable, efficient and high-quality delivery services are an essential prerequisite for thriving cross-border e-commerce, and therefore supports the proposed measures to improve price transparency in order to increase consumer awareness of the price structure, information on liabilities in case of loss or damage, interoperability and the regulatory oversight that should be directed at the smooth functioning of cross-border parcel delivery markets, including promoting cross-border track-and-trace systems, allowing enough flexibility for the delivery market to evolve and adapt to technological innovations;

28. Calls on the Commission and the Member States to actively share best practices in the parcel delivery sector, and on the Commission to report to the European Parliament on the public consultation on cross-border parcel delivery, as well as presenting the results of the self-regulation exercise; welcomes the creation of an ad hoc working group on cross-border parcel delivery;

29. Calls on the Commission in addition to propose a comprehensive action plan, including guidelines for best practices, in cooperation with operators, to find innovative solutions to improve services, lower costs and the environmental impact, to further integrate the single market for parcel delivery and postal services, to dismantle barriers postal operators encounter in cross-border delivery, to strengthen the cooperation between BEREC and ERGP, and to propose if necessary a revision of the relevant legislation;

30. Stresses that the further harmonisation of parcel delivery by the Commission should not lead to lower social protection and working conditions for parcel deliverers, irrespective of their employment status; calls on the Commission and the Member States to ensure that workers' rights in this sector concerning access to social security systems and the right to exercise collective actions are respected; highlights the fact that the provision of social security is a Member State competence;

2.3. Preventing unjustified geo-blocking

31. Considers that ambitious, targeted actions are needed to improve access to goods and services, in particular by ending unjustified geo-blocking practices and unfair price discrimination based on geographical location or nationality which often have the effect of building monopolies and of consumers resorting to illegal content;

32. Supports the Commission's commitment to address unjustified geoblocking in an effective manner by complementing the existing e-commerce framework and enforcing the relevant provisions of existing legislation; considers it vital to focus on business-to-business relations that lead to geo-blocking practices, such as selective distribution where that is not in accordance with competition law and market segmentation, as well as on technological measures and technical practices (such as IP tracking or the deliberate non-interoperability of systems) resulting in unjustified limitations on access to information society services provided across borders, on the conclusion of cross-border contracts to buy goods and services, and also on adjacent activities, such as payment and delivery of goods, taking into account the principle of proportionality, in particular for small and micro businesses;

33. Stresses the need for all consumers within the Union to be treated equally by online merchants selling in one or more Member States, including their access to discounts or other promotions;

34. Supports in particular the Commission's planned scrutiny of the practical enforcement of Article 20(2) of Directive 2006/123/EC on services in the internal market in order to analyse possible patterns of unjustified discrimination against consumers and other recipients of services based on their nationality or their country of residence; calls on the Commission to identify and define concise case groups of justified discrimination under Article 20(2) of the Services Directive in order to clarify what is unjustified discriminatory behaviour by private entities and in order to provide interpretative assistance to authorities responsible for applying Article 20(2) in practice, as referred to in Article 16 of the Services Directive; calls on

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the Commission to make concerted efforts to add the provision of Article 20(2) to the Annex of Regulation (EC) No 2006/2004 in order to utilise the Consumer Protection Cooperation Network's investigation and enforcement powers;

35. Stresses that a ban on geo-blocking should never oblige retailers to deliver goods from their web shops to a certain Member State when they have no interest in selling their products to all Member States and prefer to stay small or only sell to consumers close to their shops;

36. Further points out the importance of the ongoing competition sector inquiry into the e-commerce sector in order to investigate, inter alia, whether unjustified geo-blocking restrictions, such as discrimination on the basis of IP address, postal address or the country of issue of credit cards, infringe the rules of EU competition law; stresses the importance of increasing consumer and business confidence by taking into account the sector enquiry results and assessing whether targeted changes to the Block Exemption Regulation are necessary, including Article 4a and Article 4b, in order to limit undesirable re-routing and territorial restrictions;

37. Welcomes the Commission's proposal to enhance portability and interoperability in order to stimulate the free circulation of legally acquired, and legally available, content or services, as a first step towards bringing an end to unjustified geoblocking, as well as the accessibility and cross-border functionality of subscriptions; stresses that there is no contradiction between the principle of territoriality and measures to remove barriers to portability of content;

38. Cautions against indiscriminately promoting the issuing of mandatory pan-European licences since this could lead to a decrease in the content made available to users; highlights that the principle of territoriality is an essential element of the copyright system given the importance of territorial licensing in the EU;

2.4. *Better access to digital content — a modern, more European copyright framework*

39. Welcomes the Commission's commitment to modernise the current copyright framework to adapt it to the digital age; underlines that any modification should be targeted and focus on fair and appropriate remuneration for creators and other right holders, economic growth, competitiveness and enhanced consumer experience, but also on the need to ensure the protection of fundamental rights;

40. Stresses that professional activities or business models based on the violation of copyrights are a serious threat to the functioning of the Digital Single Market;

41. Believes that the reform should strike the right balance between all the interests involved; points out that the creative sector has specificities and different challenges, notably arising from the different types of content and creative works and from the business models used; whereas the 'Territoriality and its impact on the financing of audiovisual works' study underlines the important role of territorial licensing regarding the refinancing of European films; calls therefore on the Commission to better identify and take into account these specificities;

42. Calls on the Commission to make sure that any reform of the copyright directive should take into account the results of the ex-post impact assessment and the European Parliament resolution of 9 July 2015 on Directive 2001/29/EC, and be based on solid evidence, including an assessment of the possible impact of any modification on growth and jobs, on cultural diversity and in particular on the production, financing and distribution of audiovisual works;

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43. Highlights the crucial role of targeted exceptions and limitations to copyright in contributing to economic growth, innovation, job creation, encouraging future creativity and enhancing Europe's innovation and creative and cultural diversity; recalls Parliament's support for examining the application of minimum standards across the exceptions and limitations to copyright and the proper application of those exceptions and limitations set out in Directive 2001/29/EC;

44. Underlines that the approach to copyright exceptions and limitations should be balanced, targeted and format-neutral and should only be based on demonstrated needs, and should be without prejudice to European cultural diversity, its financing and the fair compensation of authors;

45. Emphasises that while the use of text and data mining needs greater legal certainty to enable researchers and educational institutions to make wider use of copyright-protected material, including across borders, any European-wide exception for text and data mining should apply only when the user has lawful access, and should be developed in consultation with all stakeholders following an evidence-based impact assessment;

46. Stresses the importance of improving the clarity and transparency of the copyright regime, in particular with regard to user-generated content and to private copying levies in those Member States which choose to apply them; notes, in this regard, that citizens should be informed of the actual amount of the copyright levy, its purpose and how it will be used;

2.5. *Reducing VAT-related burdens and obstacles when selling across borders*

47. Considers that, with due respect to national competences, in order to prevent market distortion, tax avoidance and tax evasion and to create a true European Digital Single Market, more coordination on taxation is needed, requiring inter alia the establishment of an EU-wide Common Consolidated Corporate Tax Base;

48. Considers as a priority the development of a simplified, uniform and consistent online VAT system to reduce compliance costs for small and innovative companies operating across Europe; welcomes the introduction of the VAT Mini One-Stop Shop, which is a step towards ending the temporary EU VAT regime; is nevertheless concerned that the absence of a threshold makes it difficult for certain SMEs to comply with the current regime; calls therefore on the Commission to review this regime in order to make it more business-friendly;

49. Calls, furthermore, for the tax neutrality principle to be fully respected for similar goods and services, regardless of whether they are digital or physical; calls on the Commission to submit a proposal, in accordance with the commitments given and as soon as possible, to allow Member States to reduce rates of VAT for the press, digital publishing, e-books and on-line publications in order to avoid discrimination in the single market;

50. Invites the Commission to facilitate the exchange of best practices between tax authorities and stakeholders to develop appropriate solutions for payment of taxes in the sharing economy;

51. Welcomes the adoption of the review of the payment services directive; stresses that if the Union is to enhance EU-wide e-commerce, pan-EU instant e-/m-payments under a common standard and the appropriate implementation of the review of the payment services directive must be achieved without delay;

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3. CREATING THE RIGHT CONDITIONS AND A LEVEL PLAYING FIELD FOR ADVANCED DIGITAL NETWORKS AND INNOVATIVE SERVICES

3.1. *Making the telecoms rules fit for purpose*

52. Emphasises that private investments in fast and ultra-fast communication networks are a requirement for any digital progress that must be incentivised by a stable EU regulatory framework enabling all players to make investments, including in rural and remote areas; considers that increased competition has been associated with higher levels of infrastructure investment, innovation, choices and lower prices for consumers and businesses; considers that little evidence exists of a link between consolidation of operators and increased investment and output in networks; considers that this should be carefully assessed, and competition rules enforced, to avoid excessive market concentration, the creation of oligopolies at European level and a negative impact for consumers;

53. Highlights the importance of a successful implementation of EFSI to maximise investments by targeting projects with higher-risk profiles, boosting economic recovery, stimulating growth, and incentivising private investments, inter alia microfinancing and venture capital to support innovative companies at different funding stages of their development; stresses, in cases of market failure, the importance of fully exploiting the public funds already available for digital investments, of enabling synergies between EU programmes such as Horizon 2020, CEF, other relevant structural funds and other instruments, including community-based projects and state aid in compliance with state aid guidelines, inter alia to promote public WLAN networks in larger and smaller municipalities, as this has proved to be indispensable for regional, social and cultural integration as well as education;

54. Reminds the Member States of their commitment to reach by 2020 full deployment of at least minimum target speeds of 30 Mbps; calls on the Commission to evaluate whether the current broadband strategy for mobile and fixed networks, including targets, is future-proofed, and to meet the conditions for high connectivity for all to avoid the digital divide for the needs of the data-driven economy and the rapid deployment of 5G and ultra-fast broadband;

55. Stresses that the development of digital, including over the top (OTT) services, has increased demand and competition to the benefit of consumers and the need for investments in digital infrastructure; considers that the modernisation of the telecommunications framework should not lead to unnecessary regulatory burdens, but guarantee non-discriminatory access to networks and implement future-proof solutions, based where possible on similar rules for similar services that foster innovation and fair competition, and ensure consumer protection;

56. Stresses the need to ensure that end-user rights laid down in the telecommunications framework are coherent, proportionate and future-proofed, and, following the adoption of the Connected Continent package, include easier switching and transparency of contracts for end-users; welcomes the upcoming review of the Universal Services Directive alongside the review of the telecommunications framework to ensure the requirements on high-speed broadband internet access are fit for purpose to reduce the digital divide and examine the availability of the 112 service;

57. Stresses that the European Digital Single Market should make daily life easier for the end consumer; calls, therefore, on the Commission to solve the problem of the cross-border handover of telephone calls so that consumers will be able to make uninterrupted telephone calls when crossing borders in the Union;

58. Welcomes the various ongoing public consultations launched by DG Connect recently on the digital agenda for Europe, notably on the review of EU telecoms rules, on the need for internet speed and quality beyond 2020 and on Online platforms, cloud and data, liability of intermediaries, and the collaborative economy, but urges the Commission to ensure consistency among all these parallel initiatives;

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59. Highlights that radio spectrum is a critical resource for the internal market for mobile, wireless broadband communications, as well as broadcasting, and is essential for the future competitiveness of the European Union; calls as a priority for a harmonised and pro-competitive framework for spectrum allocation and effective management to prevent delays in spectrum allocation, and for a level playing field for all market players, and in light of the Lamy report ⁽¹⁾, for a long-term strategy on the future uses of the various bands of spectrum, which are necessary in particular for 5G deployment;

60. Stresses that the timely implementation and uniform, transparent enforcement across Member States of EU telecommunication rules such as the 'Connected Continent package' is a crucial pillar for establishing a Digital single market, to ensure the rigorous application of the net neutrality principle and, particularly with a timely wholesale review, to deliver the end of roaming charges for all European consumers by 15 June 2017;

61. Calls on the Commission, in order to further integrate the Digital single market, to ensure that a more efficient institutional framework is in place by strengthening the role, capacity and decisions of BEREC in order to achieve consistent application of the regulatory framework, ensure oversight in the development of the single market and resolve cross-border disputes; stresses, in this regard, the need to improve the financial and human resources and further enhance the governance structure of BEREC accordingly;

3.2. A media framework for the 21st century

62. Stresses the dual character of audiovisual media as a social, cultural and economic asset; observes that the need for future European media regulation arises from the need to ensure and to promote diversity of audiovisual media and to set high standards for the protection of minors and consumers and personal data, fair conditions for competition and more flexibility regarding quantitative and commercial communication rules;

63. Stresses that the 'country of origin' principle enshrined in the AVMS Directive is a necessary prerequisite for the provision of audiovisual content across borders on the way to a common market in services; underlines, at the same time, that this principle does not prevent the achievement of social and cultural objectives and that it does not preclude the need to adapt EU law outside the AVMS Directive; stresses that in order to fight the practice of 'forum shopping', the country of origin of the advertising profit, the language of the service and the targeted public of the advertisement and content should be part of the criteria to determine or contest the 'country of origin' of an audiovisual media service;

64. Believes that everyone, including providers of online audiovisual media platforms and user interfaces, should be subject to the AVMS Directive as far as it concerns an audiovisual media service; underlines the importance of rules aimed at enhancing the findability of legal content and information in order to strengthen media freedom, pluralism and independent research, and to guarantee the non-discrimination principle, safeguarding linguistic and cultural diversity; stresses that to ensure the idea of findability of audiovisual content of public interest, the Member States can introduce specific rules that aim to preserve cultural and linguistic diversity and the variety of information, opinions and media, the protection of children, young people or minorities and the protection of consumers in general; calls for measures to ensure that audiovisual media services are made accessible to vulnerable people; urges the Commission to stimulate the legal offer of audiovisual media content by favouring independent European works;

65. Urges the Commission to take into account changing viewing patterns and new ways of accessing audiovisual content by aligning linear and non-linear services and by setting out European-level minimum requirements for all audiovisual media services, with a view to ensuring their consistent application, except where such content is an indispensable completion of other than audiovisual content or services; calls on the Commission and the Member States to develop the concept of media services defined in Article 1 of the AVMS Directive in such a way that, while the Member States retain an appropriate degree of flexibility, more account is taken of the potential socio-political impact of services

⁽¹⁾ Report on the results of the work of the High Level Group on the future use of the UHF band.

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and of specific features of that impact, particularly their relevance to opinion-forming and to diversity of opinion, as well as the question of editorial responsibility;

66. Calls on the Commission and the Member States to implement equally, and to treat efficiently, the prohibition of any audiovisual media service in the EU in the case of a violation of human dignity, incitement to hatred or racism;

67. Underlines that an adaptation of the AVMS Directive should reduce regulation and strengthen co- and self-regulation by bringing into balance the rights and obligations of broadcasters, through a horizontal and cross-media regulatory approach, with those of other participants in the market; considers priority should be given to the principle of clear recognisability and differentiation between advertising and programme content over the principle of separation of advertising and programme content across all media forms; calls on the Commission to check whether it is still useful and pertinent to adhere to section 6.7 of its communication on the application of state aid rules to public service broadcasting;

68. Considers that the legal concept set out in Directive 93/83/EEC could, after a further assessment has been conducted, improve cross-border access to legal online content and services in the Digital Single Market without questioning the principles of freedom of contract, appropriate remuneration of authors and artists and the territorial nature of exclusive rights;

3.3. A fit-for-purpose regulatory environment for platforms and intermediaries

3.3.1. Role of online platforms

69. Urges the Commission to examine whether potential issues related to online platforms could be resolved by proper and full implementation of existing legislation and effective enforcement of EU competition law in order, to ensure a level playing field and fair and effective competition between online platforms and to avoid the creation of monopolies; calls on the Commission to maintain an innovation-friendly policy towards online platforms that facilitates market entry and fosters innovation; considers that transparency, non-discrimination, facilitation of switching between platforms or online services enabling consumer choice, access to platforms, and identifying and addressing barriers to the emergence and scale-up of platforms should be priorities;

70. Notes in addition that the provisions of the E-Commerce Directive have been subsequently enhanced by the Unfair Commercial Practices Directive, the Consumer Rights Directive and other components of the consumer acquis, and that these directives need to be properly enforced and apply as much to traders using online platforms as to traders in traditional markets; calls on the Commission to work with all stakeholders and Parliament to introduce clear guidance on the applicability of the consumer acquis to traders using online platforms and, where necessary, assistance to Member State consumer protection authorities to properly enforce consumer law;

71. Appreciates the Commission's initiative to analyse the role of online platforms in the Digital Economy as part of the Digital Single Market Strategy, as it will affect several upcoming legislative proposals; believes that the analysis should serve to identify confirmed and well-defined problems within specific business areas and possible gaps in terms of consumer protection, and to distinguish between online services and online service providers; emphasises that platforms dealing with cultural goods, especially audiovisual media, have to be treated in a specific manner that respects the UNESCO convention on the protection and promotion of the diversity of cultural expressions;

72. Asks the Commission to report to Parliament in the first quarter of 2016 on the results of the relevant consultations and to ensure a consistent approach in upcoming legislative revisions; cautions against creating market distortions or barriers to market entry for online services by introducing new obligations to cross-subsidise particular legacy business models;

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73. Stresses that the limited liability of intermediaries is essential to the protection of the openness of the internet, fundamental rights, legal certainty and innovation; recognises in this respect that the provisions on intermediary liability in the e-Commerce Directive are future-proof and technologically neutral;

74. Draws attention to the fact that to benefit from a limitation of liability the provider of an information society service, upon obtaining actual knowledge or awareness of illegal activities, has to act expeditiously to remove or to disable access to the information concerned; asks the Commission to ensure uniform implementation of this provision in compliance with the Charter of Fundamental Rights in order to avoid any privatisation of law enforcement and to ensure that adequate and reasonable measures are taken against the sale of illicit content and goods;

75. Considers that, in view of the rapidly evolving markets and the diversity of platforms ranging from non-profit platforms to B2B platforms and encompassing different services, sectors and a vast variety of actors, there is no clear definition of platforms, and a 'one-size-fits-all' approach could seriously impede innovation and put European companies at a competitive disadvantage in the global economy;

76. Takes the view that some online intermediaries and online platforms generate income from cultural works and content, but this income may not always be shared with the creators; calls on the Commission to consider evidence-based options to address any lack of transparency and transfer of value from content to services that will make it possible for authors, performers and right holders to be fairly remunerated for the use of their work on the internet without hampering innovation;

3.3.2. New opportunities offered by the sharing economy

77. Welcomes the increased competition and consumer choice arising from the sharing economy, as well as opportunities for job creation, economic growth, competitiveness, a more inclusive job market and a more circular EU economy through the more efficient use of resources, skills and other assets; urges the Commission and Member States to support the further development of the sharing economy by identifying artificial barriers and relevant legislation hindering its growth;

78. Encourages the Commission to analyse, in the framework of the sharing economy, how to strike a balance between empowering and protecting consumers and, where clarification is needed, to ensure the adequacy of the consumer-related legislation framework in the digital sphere, including in cases of possible abuses, and to also determine where ex-post remedies are sufficient or more effective;

79. Notes that it is in the self-interest of companies utilising these new business models based on reputation and trust to adopt measures to discourage illegal activities while providing new consumer safety features;

80. Encourages the Commission to set up a stakeholder group in charge of promoting best practices in the sharing economy sector;

81. Calls on the Member States to ensure that employment and social policies are fit for purpose for digital innovation, entrepreneurship, and the growth of the sharing economy and its potential for more flexible forms of employment, by identifying new forms of employment and assessing the need for the modernisation of social and employment legislation so that existing employment rights and social welfare schemes can also be maintained in the digital world of work; highlights that the provision of social security is a Member State competence; asks the Commission to identify and facilitate exchanges of best practices in the EU in these areas and at international level;

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3.3.3. *Combating illegal content on the internet*

82. Calls on the Commission to advance policies and a legal framework to tackle cybercrime and illegal content and materials on the internet, including hate speech, that will be in full compliance with fundamental rights as set out in the Charter of Fundamental Rights of the European Union, in particular the right to freedom of expression and information, with existing EU or Member State legislation and with the principles of necessity, proportionality, due legal process and the rule of law; considers that, in order to achieve that goal, it is necessary to:

- provide consistent and efficient law enforcement tools for European and national police agencies and law enforcement authorities,
- provide clear guidelines on how to tackle illegal content online, including hate speech,
- support public-private partnerships and dialogue between public and private entities, in compliance with existing EU legislation,
- clarify the role of intermediaries and online platforms with respect to the Charter of Fundamental Rights of the European Union,
- ensure that the creation within Europol of the European Union Internet Referral Unit (EU IRU) is founded on a legal basis that is appropriate for its activities,
- ensure special measures to combat the sexual exploitation of children online and effective cooperation between all stakeholders to guarantee the rights and protection of children on the internet and encourage initiatives that strive to make the internet safe for children, and
- cooperate with the relevant stakeholders in promoting education and awareness-raising campaigns;

83. Welcomes the Commission's action plan to modernise the enforcement of intellectual property rights online with regard to commercial-scale infringement; considers that copyright enforcement as laid down in Directive 2004/48/EC is extremely important and that copyright and related rights are only as effective as the enforcement measures in place to protect them;

84. Highlights that the EU faces a significant number of IPR infringements; emphasises the role of the European Observatory on Infringements of Intellectual Property Rights to provide reliable data and objective analysis of the impacts of infringements on economic actors; calls for an effective, sustainable, proportionate and modernised approach to the enforcement, implementation and protection of intellectual property rights online, particularly with regard to commercial-scale infringement;

85. Notes that in some cases copyright infringements may result from difficulty in finding legally available desired content; calls, therefore, for a wider range of user-friendly legal offers to be developed and promoted to the public;

86. Welcomes the 'follow the money' approach and encourages the actors in the supply chain to take coordinated and proportionate actions to fight infringements of intellectual property rights on a commercial scale, building on the practice of voluntary agreements; emphasises that the Commission, together with Member States, should promote awareness and due diligence along the supply chain and encourage the exchange of information and best practices, as well as enhanced public and private sector cooperation; insists that any measures should be justified, coordinated and proportionate and include the possibility of effective and user-friendly remedies for adversely affected parties; considers it necessary to raise consumer awareness of the consequences of infringement of copyright and related rights;

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3.4. Reinforcing trust and security in digital networks, industries, services and infrastructures and in the handling of personal data

87. Considers, in order to ensure trust and security in digital services, data-driven technologies, IT and payment systems, critical infrastructure and online networks, that increased resources are required as well as cooperation between the European cybersecurity industry, the public and private sector, in particular via research cooperation including Horizon 2020, and public-private partnerships; supports the sharing of Member States' best practices in PPPs in this area;

88. Calls for efforts to improve resilience against cyber-attacks, with an increased role for ENISA in particular, to increase risk awareness and knowledge of basic security processes among users, particularly SMEs, to ensure that companies have basic levels of security, such as end-to-end encryption of data and communications and software updates, and to encourage the use of the security-by-design concept;

89. Considers that software providers should better promote the security advantages of open source software and security-related software upgrades to users; calls on the Commission to explore an EU-wide coordinated vulnerability disclosure programme, including the repair of known software vulnerabilities, as a remedy against the abuse of software vulnerabilities and security and personal data breaches;

90. Believes that the swift adoption of a fit-for-purpose NIS directive is needed to provide an EU coordinated approach on cybersecurity; considers that a more ambitious level of cooperation among Member States and relevant institutions and bodies in the EU, and the exchange of best practices, is essential for further digitalisation of the industry, while ensuring the protection of EU fundamental rights, particularly data protection;

91. Highlights the fact that the fast-growing number of attacks on networks and acts of cybercrime calls for a harmonised response from the EU and its Member States with a view to ensuring a high level of network and information security; believes that providing security on the internet entails the protection of networks and critical infrastructure, ensuring the ability of law enforcement agencies to fight crime, including terrorism, violent radicalisation and sexual abuse and sexual exploitation of children online, and use of data that are strictly necessary to fight crime online and offline; stresses that security, thus defined, together with protection of fundamental rights in cyberspace, is crucial to reinforcing trust in digital services and is therefore a necessary basis for establishing a competitive digital single market;

92. Recalls that tools such as encryption are useful to citizens and businesses as a means of ensuring privacy and at least a basic level of communications security; condemns the fact that it can also be used for criminal purposes;

93. Welcomes the European Cybercrime Centre (EC3) within Europol which contributes to faster reactions in the event of cyber-attacks; calls for a legislative proposal to reinforce EC3's its mandate, and calls for swift transposition of Directive 2013/40/EU of 12 August 2013 on attacks against information systems;

94. Notes that the revelations of electronic mass surveillance have shown the need to regain citizens' trust in the privacy, safety and security of digital services, and underlines, in this connection, the need for strict compliance with existing data protection legislation and respect for fundamental rights when processing personal data for commercial or law enforcement purposes; recalls, in this context, the importance of existing tools such as mutual legal assistance treaties (MLATs), which respect the rule of law and decrease the risk of improper access to data that are stored in foreign territory;

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95. Reiterates that, under Article 15(1) of the Directive on electronic commerce (2000/31/EC), 'Member States shall not impose a general obligation on providers' of transmission, storage and hosting services 'to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity'; reiterates, in particular, that the Court of Justice of the European Union, in its Judgments C-360/10 and C-70/10, rejected measures for the 'active monitoring' of almost all users of the services concerned (internet access providers in one case, a social network in the other) and specified that any injunction requiring a hosting services provider to undertake general monitoring should be precluded;

4. MAXIMISING THE GROWTH POTENTIAL OF THE DIGITAL ECONOMY

96. Believes that, in light of the central importance of European industry and of the digital economy growing much faster than the rest of the economy, the digital transformation of industry is essential for the competitiveness of the European economy and its energy transition, but can only be successful if European companies understand its significance in terms of increased efficiency and access to untapped potential, with more integrated and connected value chains able to respond quickly and flexibly to consumer demands;

97. Calls on the Commission to develop a digital transformation plan without delay, including the modernisation of legislation and the use of relevant instruments for investment in R&D and infrastructure, to support the digitalisation of industry in all sectors, such as the manufacturing, energy, transport and retail sectors, by encouraging the adoption of digital technologies and end-to-end connectivity in value chains, as well as innovative services and business models;

98. Considers that the regulatory framework should enable industries to embrace and anticipate those changes in order to contribute to job creation, growth and regional convergence;

99. Calls, in addition, for a special focus on SMEs, including in particular a possible review of the Small Business Act, as their digital transformation is imperative for competitiveness and job creation in the economy and for closer cooperation between established companies and start-ups that could lead to a more sustainable and competitive industrial model and the emergence of global leaders;

100. Reiterates the importance of the European Satellite Navigation Systems, in particular Galileo and Egnos, for the development of the Digital Single Market with regard to the data position and time stamping for Big Data and Internet of Things applications;

4.1. Building a data economy

101. Considers that a data-driven economy is key to economic growth; emphasises the opportunities that new ICT technologies such as Big Data, cloud computing, the Internet of Things, 3D-printing and other technologies can bring to the economy and society, especially if integrated with other sectors such as energy, transport and logistics, financial services, education, retail, manufacturing, research or health and emergency services, and if used by public authorities to develop smart cities, better manage resources and improve environmental protection; highlights in particular the opportunities offered by energy sector digitalisation, with smart meters, smart grids and data hubs for more efficient and flexible energy production; underlines the importance of public-private partnerships and welcomes Commission initiatives in this respect;

102. Calls on the Commission to investigate the possibility of making every scientific research project which is at least 50 % funded by public funding accessible and free in digital form within a reasonable timeframe which will not jeopardise economic and social gains, including the use of publishing houses in this matter;

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103. Calls on the Commission to carry out, by March 2016, a broad and transparent review on Big Data involving all relevant experts, including researchers, civil society and the public and private sectors, aimed at anticipating the needs of big data technologies and for computing infrastructure, in particular European supercomputers, including better conditions under the non-regulatory and existing regulatory framework for growth and innovation in this sector, and at maximising opportunities and addressing potential risks and challenges to build trust relating, for example, to access to data, security and data protection;

104. Calls for the development of a future-proof and technologically neutral European approach and further integration of the single market related to the Internet of Things and the industrial internet, with a transparent standard-setting and interoperability strategy, and the reinforcement of trust in these technologies through security, transparency and privacy by design and by default; welcomes the 'free flow of data' initiative that should, following a comprehensive assessment, clarify rules on the use, access to and ownership of data, taking into account concerns about the impact of data localisation requirements on the functioning of the single market, and facilitate switching between data service providers to prevent lock-in and market distortions;

105. Believes public administrations should have open government data by default; urges that progress be made on the degree and pace of releasing information as open data, on identifying key datasets to be made available and on promoting the re-use of open data in an open form, on account of their value for the development of innovative services, including cross-border solutions, transparency, and benefits for the economy and society;

106. Acknowledges the growing concern of EU consumers about the use and protection of personal data by online service providers, as this is key in building consumers' trust in the digital economy; underlines the important role active consumers play in fostering competition; stresses thereby the importance for consumers to be better informed of the use of their data, in particular in the case of services supplied in exchange for data, and of their right to data portability; urges the Commission to clarify data control and data portability rules in accordance with the key principle that citizens should be in control of their data;

107. Believes that compliance with data protection legislation and effective privacy and security safeguards as set in the General Data Protection Regulation, including special provisions regarding children as vulnerable consumers, are crucial for building the trust of citizens and consumers in the data-driven economy sector; stresses the need to raise awareness of the role of data and the meaning of data-sharing for consumers as regards their fundamental rights within the economy, and to lay down rules on data ownership and citizens' control over their personal data; underlines the role of personalisation of services and products that should be developed in compliance with data protection requirements; calls for the promotion of privacy by default and by design, which could also have a positive impact on innovation and economic growth; stresses the need to ensure a non-discriminatory approach to all data processing; underlines the importance of a risk-based approach, which helps avoid any unnecessary administrative burden and provides legal certainty, especially for SMEs and start-ups, as well as democratic oversight and constant monitoring by public authorities; stresses that personal data need special protection and recognises that putting in place additional safeguards, such as pseudonymisation or anonymisation, can enhance protection where personal data are used by Big Data applications and online service providers;

108. Notes that the Commission's evaluation of the Directive on Databases considers this directive an impediment to the development of a European data-driven economy; calls on the Commission to follow-up on policy options to abolish Directive 96/9/EC;

4.2. *Boosting competitiveness through interoperability and standardisation*

109. Considers that the European ICT standardisation plan and revision of the interoperability framework, including the Commission's mandates to European standardisation organisations, should be part of a European digital strategy to create economies of scale, budget savings and improved competitiveness for European companies, and to increase cross-sectoral

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and cross-border interoperability of goods and services through the faster definition, in an open and competitive way, of voluntary, market-driven and global standards that are easily implemented by SMEs; encourages the Commission to ensure that standardisation processes include all relevant stakeholders, attract the best technologies and avoid the risk of creating monopolies or closed value chains, especially for SMEs and start-ups, and to actively promote European standards internationally in light of the global nature of ICT standardisation initiatives;

110. Urges the Commission and the Council to increase the share of free and open source software and its reuse in and between public administrations as a solution to increase interoperability;

111. Notes that the Commission is currently consulting with relevant stakeholders on the establishment of an in-vehicle interoperable, standardised, secure and open-access platform for possible future applications or services, as requested by the Parliament in the e-Call Regulation; calls on the Commission to ensure that this platform will not restrict innovation, free competition and consumer choice;

112. Calls on the Commission, taking into account rapid innovation in the transport sector, to develop a coordinated strategy on connectivity in the transport sector and, in particular, to establish a regulatory framework for connected vehicles to ensure interoperability with different services, including remote diagnostics and maintenance, and applications in order to uphold fair competition and to satisfy a strong need for products which comply with cyber-security and data protection requirements, but also to ensure the physical security of passengers; believes that partnerships between the automotive and telecom industries are needed to ensure that connected vehicles and connected vehicle infrastructure are developed on the basis of common standards across Europe;

4.3. *An inclusive e-society*

113. Notes that the internet and ICT have an enormous impact on the emancipation of women and girls; acknowledges that female participation in the EU digital sector has a positive impact on European GDP; recognises the significant potential of female innovators and entrepreneurs and the role they can play in digital transformation; underlines the need to overcome gender stereotypes, and fully supports and encourages a digital entrepreneurial culture for women, as well as their integration and participation in information society;

114. Recognises the potential of the Digital Single Market to ensure accessibility and participation for all citizens, including people with special needs, elderly people, minorities and other citizens belonging to vulnerable groups, regarding all aspects of the digital economy, including products and services protected by copyright and related rights, especially by the development of an inclusive e-society and ensuring that all e-government and e-administration programmes are fully accessible; is deeply concerned by the lack of progress in ratification of the Marrakesh Treaty and urges its ratification as soon as possible; underlines, in this context, the urgency of swift adoption of the proposal for a directive on the accessibility of public sector bodies' websites;

4.3.1. *Digital skills and expertise*

115. Draws attention to the fact that the mismatch between supply and demand with regard to skills is a problem for the development of the digital economy, the creation of jobs and the competitiveness of the Union, and calls on the Commission, as a matter of urgency, to develop a skills strategy which can tackle this shortage; calls on the Commission to use appropriations from the Youth Employment Initiative to support associations (grassroots movements) which teach disadvantaged young people digital skills; calls on Member States to provide support by making premises available;

116. Calls on the Commission and the Member States to promote media literacy and internet literacy for all EU citizens, in particular vulnerable people, through initiatives and coordinated action and investment in the creation of European networks for the teaching of media literacy; stresses that the ability to use media independently and critically, and the handling of information overload, represents a lifelong learning task across generations that is subject to constant change to

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enable all generations to manage the appropriate and autonomous handling of information overload; points out that as job and skills profiles become more complex, new demands — especially regarding information and communications technology (ICT) skills — are being placed on training, as well as on further education and life-long learning;

117. Encourages the Member States to integrate the acquisition of digital skills into school curricula, to improve the necessary technical equipment and to promote cooperation between universities and technical colleges with the aim of developing common e-Learning curricula that are, recognised in the ECTS system; stresses that education and training curricula must aim at developing a critical thinking approach to the use and thorough understanding of new media, digital and information devices and interfaces, so that people can be active users of these new technologies and not simply end users; underlines the importance of proper training for teachers in digital skills, in how to teach these skills efficiently, including the success of play-based digital learning, and in how to use them to support the learning process in general by making mathematics, IT, science and technology more attractive; calls on the Commission and the Member States to step up research into the effects of digital media on cognitive skills;

118. Notes that public and private investment, and new funding opportunities in vocational education and lifelong learning, is necessary to ensure that workers, especially less qualified workers, are equipped with the right skills for the digital economy; calls on the Commission and Member States, together with private industry, to develop easily accessible, standardised and certified on-line training courses and innovative and accessible e-skills training programmes in order to teach participants a minimum of digital skills; encourages Member States to make these on-line courses an integral part of the Youth Guarantee; encourages the Commission and the Member States to create the basis for mutual recognition of digital skills and qualifications by establishing a European certificate or grading system, following the example of the European common framework of reference for language learning and teaching; stresses that cultural diversity in Europe, as well as multilingualism, benefits from cross-border access to content;

119. Welcomes the establishment of the Europe-wide grand coalition for digital jobs, encourages businesses to join and urges the Commission and Member states to facilitate the active participation of SMEs; welcomes the Commission's thoughts on constructing new knowledge storage systems for the public sector by means of cloud technologies and text and data mining that are certified and secured under data protection law; takes the view that using such technologies calls for special training efforts in the library, archiving and documentation professions; calls for digital forms of collaborative work and communication — using and developing CC licences — to be taught and applied across national and linguistic borders in education and training, and in public research establishments, and to be promoted in public procurement procedures; notes the vital role of dual training;

120. Notes that public and private investment in vocational education and lifelong learning is necessary in order to ensure that the EU workforce, including the 'digital workforce' working in non-standard forms of employment, is equipped with the right skills for the digital economy; notes that some Member States have introduced rights which guarantee workers minimum entitlements to paid educational leave as a measure to improve workers' access to education and training;

4.3.2. *e-government*

121. Believes that the development of e-administration is a priority for innovation, as it has a leverage effect on all sectors of the economy and enhances efficiency, interoperability and transparency, reduces costs and the administrative burden, allows for better cooperation between public administrations, and provides better, more user-friendly and personalised services for all citizens and businesses in view of the opportunities offered by digital social innovations; urges the Commission to lead by example in the field of e-government and to develop, together with the Member States, an ambitious and comprehensive e-government action plan; believes that this action plan should be based on users' needs and best practices, including benchmarks for progress, a step-by-step sectoral approach to apply the 'once only principle' in

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public administrations according to which citizens and businesses should not be asked for information already provided to a public authority, whilst ensuring citizens' privacy and a high level of data protection in compliance with the requirements and principles of the EU Data Protection Reform package and fully in line with the Charter of Fundamental Rights, as well as a high level of security regarding these initiatives; considers that it should also ensure the full cross-border deployment of highly encrypted e-ID and e-signatures, in particular with the swift implementation of the eIDAS regulation and the increased online availability of public services; stresses the importance for citizens and businesses to have access to interconnected commercial registers;

122. Calls for the development of a comprehensive and fully accessible single digital gateway, building upon already existing initiatives and networks, as a single end-to-end digital process for businesses, to set up and operate across the EU, including the online set-up of the business as well as domain names, the exchange of compliance information, recognition of e-invoices, filing taxes, a simplified online VAT scheme, online information on product compliance, the hiring of resources and posting of workers, consumer rights, access to consumer and business networks, notification procedures and dispute settlement mechanisms;

123. Further calls on the Commission and Member States to ensure the full implementation of the Points of Single Contact, as established by the Service Directive, and to take all necessary measures to guarantee their efficient functioning, thus unlocking their full potential;

124. Is concerned that cloud infrastructures for researchers and universities are fragmented; calls on the Commission, in cooperation with all relevant stakeholders, to set up an action plan to lead to the establishment of the European Open Science Cloud by the end of 2016, which should seamlessly integrate existing networks, data and high-performance computing systems and e-infrastructure services across scientific fields, within a framework of shared policies, standards and investments; believes that it should serve as a stimulus to the development of clouds beyond science, to better interconnected innovation centres, start-up ecosystems, and improved cooperation between universities and industry in commercialising technology, in compliance with relevant confidentiality rules, and to facilitating international coordination and cooperation in this field;

125. Calls on the Commission and Member States to renew their commitment to the EU 2020 strategy's research and innovation targets as building blocks of a competitive Digital Single Market, economic growth and job creation, with a comprehensive approach to Open Science, Open innovation, Open data and knowledge transfer; considers that this should include a revised legal framework for text and data mining for scientific research purposes, the increased use of free and open source software, particularly in educational establishments and public administrations, and easier access for SMEs and start-ups to Horizon 2020 funding adapted to the short innovation cycles of the ICT sector; stresses in this respect the importance of all relevant initiatives, from public-private partnerships and innovation clusters to European technology and science parks, notably in less industrialised European regions, and accelerator programmes for start-ups and joint technology platforms, as well as the ability to license standard-essential patents effectively, within the restraints of EU competition law, under FRAND licensing terms, in order to preserve R&D and standardisation incentives and foster innovation;

126. Urges the Commission to focus on the implementation of the e-procurement provisions, as well as the European Procurement Single Document (PP passport), in order to facilitate overall economic benefits as well as EU market access for all economic operators in compliance with all selection, exclusion and award criteria; stresses the obligation on procuring authorities to provide an indication of the main reasons for their decision not to subdivide contracts into lots in accordance with existing legislation to improve the access of innovative companies and SMEs to procurement markets;

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4.4. *International dimension*

127. Stresses the importance of a fully independent internet governance structure to maintain the internet as a transparent and inclusive model of multi-stakeholder governance, based on the principle of the internet as a unique, open, free and stable platform; considers it essential to use the delay in the transition of stewardship of ICANN to serve this purpose; strongly believes that the global dimension of the internet needs to be taken into account in all relevant EU policies and calls on the EEAS to make full use of the opportunities offered by digitalisation in the development of a coherent external policy, to ensure that the EU is represented in internet governance platforms and to be more vocal in global fora, in particular on standard-setting, the preparations for 5G deployment and cybersecurity;

128. Recognises the global nature of the data economy; recalls that the creation of the digital single market is dependent on the free flow of data within and outside the European Union; calls, therefore, for steps to be taken by the EU and its Member States in cooperation with third countries to ensure high standards of data protection and safe international data transfers, in compliance with the General Data Protection Regulation and the existing EU case law, when pursuing cooperation with third countries within the Digital Single Market Strategy;

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

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P8_TA(2016)0016

Colombian peace process**European Parliament resolution of 20 January 2016 in support of the peace process in Colombia (2015/3033(RSP))**

(2018/C 011/07)

The European Parliament,

- having regard to its resolutions on the peace process and human rights situation in Colombia,
 - having regard to the special links binding the EU to Colombia, and in particular the Multiparty Trade Agreement between Colombia and Peru, and the EU and its Member States, signed in Brussels on 26 July 2012 and Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver, signed on 2 December 2015,
 - having regard to paragraph 44 of the Message of the EP Delegation to the Euro-Latin American Parliamentary Assembly (EuroLat) to the II EU-CELAC Summit in Brussels on the termination of the internal conflict between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC), and the Brussels Declaration adopted at the end of the EU-CELAC Summit on 11 June 2015,
 - having regard to the statement by the High Representative of the Union, Federica Mogherini, on the Agreement of 24 September 2015 on transitional justice in Colombia, and her statement of 1 October 2015 appointing Eamon Gilmore as EU Special Envoy for the Peace Process in Colombia,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the EU and Colombia maintain a framework of close political, economic and trade cooperation established in the Memorandum of Understanding of November 2009 and the Trade Agreement between Colombia and Peru and the EU and its Member States, the ultimate aim of which is not just to promote economic relations between the parties, but also to consolidate peace and democracy and respect for human rights, sustainable development and the well-being of their citizens;
- B. whereas this close relationship also extends to areas of international cooperation on multilateral issues of common interest, such as the struggle for peace and the fight against terrorism and drug trafficking;
- C. whereas the internal armed conflict in Colombia has been ongoing for over fifty years, causing untold suffering to its people, both from terrorism and the activities of paramilitary groups, and giving rise to atrocities such as assassinations, enforced disappearances, kidnappings, sexual violence, child abuse, internal and external population displacements, and the scourge of anti-personnel mines;
- D. whereas the *Mesa de Conversaciones* (platform for talks) between the Colombian Government and the FARC was established in Havana (Cuba) on 19 November 2012 following the signing of the General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, on 26 August 2012, thus fulfilling the wish of the entire people of Colombia to live in peace, and acknowledging the duty of the state to promote human rights throughout its territory; whereas fair economic and social development ensures peace and is at the same time a precondition for the inclusive and sustainable growth of the country;
- E. whereas in the various phases of talks in Havana the negotiators reached agreements on a new Colombian countryside and comprehensive rural reform, political participation and a democratic opening to build peace, and the solution to the problem of illicit drugs;

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- F. whereas on 23 September 2015 the Colombian Government and the FARC announced the conclusion of an agreement on the creation of a Special Jurisdiction for Peace under international law to uphold victims' rights and contribute to the creation of a stable and lasting peace, to which end the parties agreed on the implementation of a Comprehensive System for Truth, Justice, Reparation and Non-Repetition, which included the creation of a Commission for the Clarification of the Truth, Coexistence and Non-Repetition, as well as agreements on reparations for victims;
- G. whereas on 15 December 2015, the Government of Colombia and the FARC announced the conclusion of an agreement on the victims of the conflict and the establishment of the institutions provided for in the agreement of 23 September 2015;
- H. whereas the Government of Colombia, its legislative chamber and the Colombian people are sovereign in establishing the parameters of this Special Jurisdiction for Peace, whose vital task it will be to put an end to impunity, uncover the truth and judge and punish the perpetrators of crimes committed during the conflict, in particular the most serious and representative ones, ensuring there is no repetition and contributing in addition to reparations for victims;
- I. whereas putting an end to this internal conflict, which has raged for 50 years, leaving millions of victims, and securing a stable and lasting peace in Colombia are a first priority both for that country and the European Union and the international community, as demonstrated by the many statements made in support of the peace process by various countries and regional and international bodies, including the European Union;
1. Welcomes the agreements made to date between the Government of Colombia and the FARC to achieve peace in Colombia and highlights the agreements on a comprehensive rural reform, political participation and democratic opening to build peace, solving the problem of illicit drugs and the establishing a Special Jurisdiction for Peace, including a Commission for the Clarification of the Truth, Coexistence and Non-Repetition and the Special Unit for the Search for People considered to have Disappeared in the context of and on account of the conflict, in addition to the Unit for the Investigation and Dismantling of Criminal Organisations;
2. Recognises the political effort, realism and perseverance demonstrated by both the Government of Colombia and the FARC in reconciling their conflicting views and gradually creating an area of commitment that has allowed progress to be made in achieving a stable and lasting peace and thus securing an agreement that is unique in history, places the victims above any other consideration and whose priorities are truth, justice, reparation and non-repetition; acknowledges, moreover, the important role played by victims' associations, NGOs and civil society in securing these agreements;
3. Calls on the National Liberation Army (ELN) to commit firmly and decisively, without further delay, to peace in Colombia and urges it to enter into concomitant negotiations with the Colombian Government, to be organised along the same lines;
4. Wishes to see the negotiations conclude as soon as possible so as to put a permanent end to the conflict and mark a real milestone in Colombia's modern-day history; thus calls on the parties, all of Colombia's political forces and the whole of its society to make a positive contribution to ending violence;
5. Reiterates once again that violence is not a legitimate method of political struggle, and calls on those who have been of that conviction to embrace democracy with all its implications and requirements — as a first step, the permanent abandonment of weapons, and the defence of their ideas and aspirations through democratic rules and the rule of law;
6. Recognises the important role played so far by Cuba and Norway as guarantor countries and Chile and Venezuela as countries accompanying the peace process; also thanks Pope Francis for his cooperation in this undertaking;

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7. Welcomes the decision of 1 October 2015 of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, Federica Mogherini, to appoint Eamon Gilmore, former Deputy Prime Minister and former Minister for Foreign Affairs and Trade of Ireland, as the European Union's Special Envoy for the Peace Process in Colombia; is pleased that the Office of the UN High Commissioner for Human Rights in Colombia will be able to monitor the human rights situation in Colombia once the peace agreements have been concluded;
 8. Reiterates its readiness to provide all possible assistance to support the implementation of the final peace agreement, and to this end renews its call on European Union Member States to create a trust fund to accompany the post-conflict phase, in which communities and civil society organisations are invited to participate, and to take due account of the priorities expressed by the victims in terms of truth, justice, reparations and guarantees of non-repetition;
 9. Stresses how important it is for the peace process to be accompanied by a determined effort to combat inequality and poverty, including by finding fair solutions for people and communities forced off their lands, and providing all of Colombia's people with access to decent work and ensuring recognition of their social and labour rights; considers that certain groups that have suffered disproportionately from the conflict, such as Afro-Colombian and indigenous communities, must be given special support;
 10. Considers the establishment of a Subcommittee on Gender to ensure gender mainstreaming in negotiations and the participation of victims of sexual violence and women's rights organisations in the peace talks to be unprecedented and should be an inspiration to other peace processes around the world;
 11. Notes with satisfaction that the exclusion of crimes against humanity, genocide, serious war crimes and human rights violations from any amnesty or pardon is in line with international criminal and humanitarian law and international instruments and standards in the field of human rights;
 12. Considers it essential that the sentences passed on perpetrators of crimes play their part in victim reparations and social and political reconciliation;
 13. Recognises the efforts made by Colombia's institutions to make progress in ensuring that human rights are fully and permanently upheld; calls on them to redouble their efforts with a view to fully eradicating the subculture of violence from a country in which 50 years of conflict have on occasion led to extra-legal responses and behaviour contrary to human rights and the rule of law in some state institutions thus reminds the Government of Colombia that it is duty-bound to guarantee the safety of human rights defenders and trade unionists; calls on these civic organisations to cooperate in restoring reconciled coexistence in Colombia;
 14. Takes a positive view of the announcement by the Colombian armed forces that Colombia's military doctrine will be reviewed to prepare the armed forces so they respond quickly and effectively to the new challenges in the post-conflict phase whilst acting as guarantors of the peace accords; believes likewise that the recent announcement by the FARC that they will suspend military training in order to concentrate henceforth on political and cultural training as part of the process of bringing the armed conflict to an end constitutes another encouraging step in the right direction;
 15. Recommends that its Delegation for relations with the countries of the Andean Community and its Delegation to the Euro-Latin American Parliamentary Assembly monitor and, potentially, accompany the peace accords;
 16. Instructs its President to forward this resolution to the Council, the Commission, the rotating Presidency of the EU, the High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly and the Government and the Congress of Colombia.
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P8_TA(2016)0018

Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine

European Parliament resolution of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine (2015/3032(RSP))

(2018/C 011/08)

The European Parliament,

- having regard to the Association Agreements / Deep and Comprehensive Free Trade Areas (AAs/DCFTAs) between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, Moldova and Ukraine, of the other part,
 - having regard to its previous resolutions on Georgia, Moldova and Ukraine, and to its recent resolution of 9 July 2015 on the review of the European Neighbourhood Policy ⁽¹⁾,
 - having regard to the Joint Declaration of the Eastern Partnership Summit held in Riga on 21 and 22 May 2015,
 - having regard to the progress reports on the implementation by Georgia and Ukraine of the Visa Liberalisation Action Plan of 18 December 2015,
 - having regard to the recommendations of the European Economic and Social Committee on integrating civil society into policy-making and reform processes,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas Georgia, Moldova and Ukraine have all ratified the Association Agreements (AAs), which encompass Deep and Comprehensive Free Trade Areas (DCFTAs), thus choosing the path of closer political and economic integration with the European Union and undergoing ambitious reforms in numerous areas, including democracy, good governance, the rule of law and human rights;
- B. whereas the EU acknowledges the European aspirations of the three countries and emphasises the added value of the AAs in their reform processes;
- C. whereas good governance, democracy, the rule of law and human rights remain at the core of the European Neighbourhood Policy (ENP) and represent a fundamental commitment, in particular on the part of the three countries that have signed AAs with the EU;
- D. whereas Russia remains involved, directly or indirectly, in conflicts and internal divisions touching all three of the association countries — the occupied territories of Abkhazia and South Ossetia/Tskhinvali Region in Georgia, the Transnistria issue in Moldova, and Russia's annexation of Crimea and involvement in the conflict in the eastern parts of Ukraine;
- E. whereas visa-free travel between the EU and Moldova was introduced in April 2014, and whereas the latest Commission reports of December 2015 indicate that Georgia and Ukraine now meet the requirements set in the Visa Liberalisation Action Plans;

⁽¹⁾ Texts adopted, P8_TA(2015)0272.

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F. whereas the EU's engagement with the Eastern Partnership countries has been met with strong resistance and aggressive reactions from the Russian Federation, such as retaliatory measures against the association countries; whereas the EU and its Member States have adopted a series of sanctions and restrictive measures against the Russian Federation and Russian officials;

1. Stresses the importance of the Association Agreements (AAs), with their Deep and Comprehensive Free Trade Area (DCFTA) components; welcomes the progress achieved to date, and insists that the implementation of these AAs/DCFTAs and the related Association Agendas must be a top priority for the EU and the three partners; stresses that the Council of the European Union unanimously signed the AAs;

2. Welcomes the efforts made by Georgia, Moldova and Ukraine in ensuring that national legislation approximates EU standards based on AA/DCFTA commitments; points out that success in doing this depends on many factors, including a stable political environment, strategic thinking, concrete plans for reforms, and good use of financial and technical international support;

3. Supports, in this connection, the committed and multi-faceted financial and technical assistance provided by the EU and other financial institutions to Ukraine and Georgia, but stresses that the EU's financial support to all its partners is conditioned by concrete reform steps; stresses the crucial role the Commission should play in facilitating the implementation of the AAs/DCFTAs and in monitoring and assisting the relevant authorities, both technically and financially;

4. Recalls that the funds made available must be spent well, and that by themselves they are not enough to stabilise the economy, and nor can any sustainable success be achieved without the continued commitment of the partners to bringing forward and implementing structural reforms, ensuring a rise in domestic demand, and achieving social cohesion;

5. Believes that parliamentary scrutiny is a fundamental condition for democratic support for EU policies; calls on the Commission, therefore, to facilitate regular and detailed monitoring of the implementation of the AAs/DCFTAs by the European Parliament in a timely manner; calls for fresh impetus to be given to the Euronest Parliamentary Assembly, and for its activity to be boosted, so that it can face new challenges effectively; calls for the exchange of best practices and the conclusion of a memorandum of understanding modelled on the one signed with the Verkhovna Rada, which could serve as an example for parliamentary cooperation;

6. Stresses the importance of developing the social dimension of the partnership, in line with the provisions of the Association Agendas and the relevant International Labour Organisation conventions; urges all parties to respect their commitments on core labour and environmental standards;

7. Underlines its firm support for the territorial integrity of all three countries; calls on the Russian Federation to end its occupation of Crimea, and to put an immediate end to all direct or indirect involvement in the ongoing conflict in Ukraine, as well as in the frozen conflicts in Georgia and Moldova; welcomes the Council's decision of 21 December 2015 to extend the economic sanctions against the Russian Federation following the non-fulfilment of the Minsk Agreements;

8. Underlines the fact that the association countries have freely chosen to establish a deeper relationship with the EU and that their choice must be fully respected and be free from pressure by any third party; condemns, in this connection, the actions taken by Russia to undermine or derail the pro-European course taken by the three association countries, and calls for efforts to be stepped up to counter disinformation and improve the strategic communication of EU policies and activities in the Eastern Neighbourhood, together with the activities undertaken by the EU East StratCom Task Force;

9. Welcomes strongly the latest and last progress reports, published by the Commission on 18 December 2015, on the implementation by Georgia and Ukraine of their respective Visa Liberalisation Action Plans; expects the Council and the Member States to proceed to grant the two countries a visa-free travel regime without delay; commends Moldova for the good implementation of the visa-free regime in place since April 2014, which represents a good example for the whole region;

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10. Underlines the fact that the main objectives of the DCFTAs are, on a micro-scale, to make tangible and sustainable improvements to the living conditions of ordinary citizens by ensuring stability, creating opportunities for SMEs and generating jobs; highlights the fact that the implementation of the DCFTA, coupled with the dire economic situation, could have an impact on the Ukrainian economy and labour market, with social consequences that must not be neglected; stresses that the setting-up of bilateral DCFTAs with Ukraine, Georgia and Moldova is a crucial tool for modern, transparent and predictable trade, regulatory approximation and gradual economic integration of the partners into the EU internal market, as well as for foreign direct investments leading to job creation and long-term growth, and with the ultimate goal of creating a wider economic area based on World Trade Organisation (WTO) rules and respect for sovereign choices;

11. Underlines the need to pursue the reform agenda vigorously, especially in the areas of the judiciary, the rule of law and the fight against corruption and organised crime, as an important prerequisite for the socio-economic development of the three association countries;

12. Reiterates the importance of integrating civil society into policy-making and reform processes; highlights the role that the relevant Civil Society Platforms provided for in the AAs can play in this process with regard, in particular, to raising public awareness and monitoring the implementation of the agreements; point outs the importance of explaining to the populations of the association countries the benefits of implementation of the AAs/DCFTAs, and of debunking any myths;

13. Highlights the importance of the AA/DCFTA provisions on energy cooperation for security of supply and the development of competitive, transparent and non-discriminatory energy markets in line with EU rules and standards, as well as for renewable energy and energy efficiency; supports the EU's intention to enhance full energy market integration with Moldova, Ukraine and Georgia through the Energy Community;

14. Welcomes the fact that, despite negative economic trends in the region, exports from Georgia and Moldova to the EU grew in the first 12 months of the implementation of the DCFTA, with the EU's imports from Georgia rising by 15 % and its overall share of Moldovan exports increasing by 62 %, and expects to see the same positive trends in Ukraine; calls on the Commission to report annually, in detail, on the implementation of the DCFTAs with Georgia, Moldova and Ukraine, in particular on the anti-circumvention mechanism for Georgia and the anti-circumvention mechanism and safeguard clause in the case of Moldova;

15. Stresses that, pursuant to Article 49 of the Treaty on European Union, any European state may apply to become a member of the EU provided that it adheres to the principles of democracy, respects fundamental freedoms and human and minority rights, and ensures the rule of law;

16. Is satisfied with the three countries' participation in, or association with, EU programmes such as Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME), Horizon 2020, Erasmus+, Marie Skłodowska-Curie, and Creative Europe; notes that this cooperation, while being mutually beneficial, provides the partner countries with the opportunity to familiarise themselves with EU working methods and policies;

17. Welcomes the new focus of the reviewed ENP, and the EU's intention to step up its cooperation with our partners in the fields of conflict prevention, counter-terrorism, anti-radicalisation, and security sector reform; considers that this cooperation needs to be substantial and aimed at addressing common security threats and the development of joint efforts for the viable settlement of conflicts, including through enhanced participation in Common Security and Defence Policy (CSDP) missions and training activities as well as actions to ensure non-proliferation of weapons of mass destruction and the fight against illicit trafficking of small arms and light weapons (SALWs); reiterates its support for the EU Border Assistance Mission to Moldova and Ukraine (EUBAM), the EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine), and the EU Monitoring Mission in Georgia (EUMM), as well as for the efforts being made with a view to the peaceful resolution of the conflicts affecting the three countries;

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Georgia

18. Welcomes the progress achieved by Georgia over the last three years in all areas covered by the four blocks of the Visa Liberalisation Action Plan, and commends the commitment shown in this regard by the Georgian authorities;

19. Stresses that freedom of the media, freedom of expression and plurality of information are the fundamental values of a democratic society; is concerned about the adverse effects on media plurality of cases such as that of the Rustavi 2 broadcasting company; calls, in this connection, on the Georgian authorities to guarantee media pluralism, editorial independence and transparent media ownership, especially on the eve of the 2016 parliamentary elections; endorses the idea put forward by the Georgian authorities of sending an expert mission of high level advisers, comprising retired judges of the European Court of Justice and the European Court of Human Rights, to oversee the ongoing case regarding Rustavi 2;

20. Emphasises, in this connection, that judicial proceedings should be transparent, impartial and free from political motivation; calls on Georgia to continue, and fully implement, the reform of the judiciary, including by strengthening its independence and depoliticising the Prosecutor's Office; remains concerned about the lack of accountability of the Prosecutor's Office and the blurred criteria according to which prosecutors and investigators are appointed; calls for continued efforts towards full independence, efficiency, impartiality and professionalism in the judiciary, the Prosecutor's Office, the Ministry of the Interior and the newly established Security Service, including parliamentary scrutiny of the activities of the latter two; is concerned about the extensive use of pre-trial detention, especially of political figures and activists, which should be an exceptional measure applied only under urgent and clear circumstances;

21. Recalls the statement of 22 September 2015 by the Venice Commission of the Council of Europe on the undue pressure exerted on judges of the Constitutional Court of Georgia, and calls on the Government of Georgia to take appropriate action, including adequate measures to protect the members of the court and their families, to investigate fully all acts of intimidation and to bring the perpetrators to justice;

22. Underlines the fact that the existence of a political opposition is paramount if there is to be a balanced and mature political system, and stresses that any act of violence against members of any political party should be promptly and thoroughly investigated; calls on all political forces in Georgia to improve the political climate by avoiding confrontation and polarisation and ensuring cross-party dialogue in the interest of strengthening democracy and the rule of law;

23. Calls for full implementation of the recommendations enshrined in the landmark 'Georgia in Transition' report submitted by EU Special Adviser Thomas Hammarberg on constitutional and legal reform and human rights;

24. Congratulates Georgia on its innovative e-procurement system, which has substantially increased transparency, efficiency and accountability — key factors in the fight against corruption;

Moldova

25. Expresses serious concern about the de facto systemic political instability which has effectively continued since the last parliamentary elections of 30 November 2014, and considers that the current political impasse in Moldova has reached a critical point that risks destabilising the country's institutions and endangering the economy, which has a heavy impact on the inflow of foreign direct investment (FDI);

26. Welcomes the creation of a new government after a long period of stalemate and unsuccessful attempts to form a government on 4 and 13 January 2016; urges the political forces in Moldova to accelerate without further delay the reform process for the benefit of all Moldovans, including in order to comply with the demands of the World Bank and the International Monetary Fund (IMF); encourages avoidance of the dire geopolitical consequences of a further political crisis and reminds the Moldovan parties of the need to enhance political stability in order to guarantee a sustainable success of the reforms and hopes that the new government will be able to deliver substantial results;

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27. Underlines that further efforts are needed in combating corruption, creating an independent and depoliticised judiciary, undoing state capture and stabilising the economy of Moldova; regrets the fact that, by reason of the political instability of Moldova's institutions and their inability to deliver, EU budget support payments were suspended in 2015;

28. Calls on the Commission and the Member States to extend all necessary technical know-how and financial support to the future government of Moldova, following the example of the EU Support Group for Ukraine, including by seconding experts and officials from Brussels and Member State capitals and embedding them in the Moldovan administration so that they can assist in and monitor the implementation of reforms on the spot and on a daily basis;

29. Urges the authorities to investigate fully and thoroughly the corruption scandal and the theft of EUR 1 billion from the banking system, to bring those responsible to justice, and to ensure the return of stolen funds; considers that the ongoing banking crisis illustrates the serious need for systemic improvements in the legal framework in order to reinforce the control and transparency of banking sector activities; asks the Commission, in this connection, to monitor closely the ongoing judicial investigations and to provide the Moldovan authorities with the expertise and assistance necessary to carry out and complete the inquiry if need be;

30. Calls for a comprehensive reform of the media sector and for full transparency of media ownership; expresses concern, in this connection, about a lack of genuine competition, and calls for the adoption of a stringent law on conflicts of interest;

Ukraine

31. Welcomes the entry into force as of 1 January 2016 of the EU-Ukraine DCFTA; condemns, however, the fact that the Russian Federation has unilaterally suspended its free trade agreement with Ukraine, has introduced heavy trade restrictions on Ukrainian exports to Russia and is hampering the transit of goods to third countries, violating WTO and other bilateral trade agreements; urges the EU to support Ukraine in current and future disputes with Russia launched in the WTO;

32. Highlights the Commission's unprecedented openness and efforts over a year and a half to address all doubts on the Russian side relating to the consequences of the implementation of the DCFTA and to find practical solutions; regrets the incapacity of the Russian side to provide concrete examples of how its own market and trade would be affected by the entry into force of the DCFTA; reiterates the potential gains for Russia resulting from the implementation of the AA/DCFTA, through increased trade and economic activities and a more stable neighbourhood; calls, in this connection, for exploration of further possibilities for high-level dialogue;

33. Calls on the Member States to keep the Organisation for Security and Cooperation in Europe (OSCE) mission fully manned and fully operational; notes the calls by the Ukrainian Government for an extended international peacekeeping force along the Ukraine-Russia border and in the Luhansk and Donetsk districts; agrees that, once the situation permits and as part of the full implementation of the Minsk Agreement, an EU-led CSDP mission should be offered for deployment to the parties in the conflict, to assist in tasks such as demining, assisting with preparations for local elections and securing free access for humanitarian aid organisations;

34. Expresses serious concern about the implementation of the Minsk Agreement by the initially agreed deadline of 31 December 2015; recalls that the Russian authorities bear a particular responsibility in this connection; reiterates that ceasefire violations have been increasing since mid-October 2015, that monitors from the OSCE Special Monitoring Mission (SMM) continue to experience restrictions on their freedom of movement, that the restoration of Ukrainian control over the full length of its border with Russia has not materialised, that no agreement was reached on the modalities for the local elections in the temporarily occupied territories of Luhansk and Donetsk, and that not all prisoners and illegally detained persons, such as Nadiya Savchenko and Oleg Sentsov, have been released;

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35. Welcomes the release of the report by the Dutch Safety Board on the downing of Malaysia Airlines Flight 17 (MH17), in which 298 innocent civilians were killed; supports the establishment of an international criminal tribunal, and calls on the Russian Federation to cooperate fully with the international community in order to conduct a comprehensive and impartial criminal investigation, and to bring those responsible to justice; deplores the decision of the Russian Federation to block the resolution in the UN Security Council on the creation of an international court to investigate this crime;

36. Deplores the fact that ongoing Russian aggression has caused a dire humanitarian situation in the Donbas, and that Ukrainian and international humanitarian organisations are refused access to the occupied regions; expresses its deep concern over the challenging humanitarian conditions of the more than 1,5 million internally displaced persons; is deeply concerned at the human rights violations in Russian-occupied Crimea, especially the dire situation of the Crimean Tatars, and stresses the need for further EU financial assistance for Ukraine;

37. Welcomes the continuous efforts of the Ukrainian authorities to fulfil the Visa Liberalisation Action Plan, and congratulates them on the positive final progress report on the implementation of this plan; expresses satisfaction at the adoption of new legislation and policies that have strengthened protection against discrimination; expects the Ukrainian leadership to fulfil its anti-corruption commitments in the first quarter of 2016;

38. Stresses that the biggest single challenge of the reform effort is endemic corruption; welcomes the decisions taken to date, such as the establishment of anti-corruption legislation, institutions (the National Anti-Corruption Bureau, the National Agency for Prevention of Corruption, and a special anti-corruption prosecutor) and mechanisms, and of the National Agency for the Recovery of the Proceeds of Corruption; welcomes, in addition, the recent adoption of the law on state financing of political parties, which will enter into force on 1 July 2016, and of the law on public procurement;

39. Expresses its understanding that the war situation in the east of Ukraine is a serious impediment to the reform effort; makes it clear, however, that the success and resilience of Ukraine vis-à-vis any external foe depends strictly on the health of its economy and legal framework, thriving democracy and growing prosperity;

40. Welcomes the ongoing constitutional reform process in the areas of decentralisation and the judiciary; recalls that the Venice Commission has issued positive recommendations on both sets of constitutional amendments; underlines the need to make further progress in those and other areas, especially the economy, where better regulation and de-monopolisation must continue to be a priority, together with fiscal reforms, enhancing transparency and creating a favourable investment climate; expresses concern about the state of the Ukrainian economy and the country's overall financial situation; takes note of the mild progress reported in the stabilisation of economic performance; commends the landmark debt-relief deal reached by Ukraine with its creditors in September 2015; recalls that the international community, in particular the EU, European-based international financial institutions, the IMF and individual country donors, have pledged an unprecedented amount of around EUR 20 billion;

41. Welcomes the EU's active support and solidarity in the energy sphere, which allowed Russian gas deliveries to Ukraine to resume for the winter of 2015-2016; calls on the Member States to exploit fully the transit potential of Ukraine and to strengthen cooperation in order to secure the energy supply to both the EU and Ukraine, and to avoid the building of new pipelines bypassing Ukraine, in particular the development of the Nord Stream II project for the delivery of Russian gas to Europe, which could prove detrimental to the EU's strategy for the diversification of energy sources and to EU law; supports the EU's intention to enhance full energy market integration with Ukraine through the Energy Community and to reduce energy dependency without overburdening private households; calls for the EU and the Ukrainian Government to work out measures in order to cushion against social hardships;

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42. Appreciates the effective and dynamic work of the EU-Ukraine Parliamentary Association Committee in overseeing the political, security and economic situation in Ukraine, as well as its commitment and support vis-à-vis improving the overall EU-oriented reform processes undertaken by the Ukrainian authorities; recalls the Memorandum of Understanding signed by the Verkhovna Rada of Ukraine and the European Parliament in 2015 establishing a joint framework for parliamentary support and capacity-building between the two parliaments;

43. Stresses the need to strengthen Ukrainian civil society so that it can advise and support the authorities in delivering the promised reforms and act as an effective watchdog and whistle-blower; welcomes the effective cooperation between the expert community and the Verkhovna Rada in the reform process and the implementation of the AA/DCFTA; commends the fact that the Verkhovna Rada's priorities are shaped by a comprehensive dialogue with civil society;

44. Takes note of the upcoming Dutch consultative referendum on the EU-Ukraine AA/DCFTA; trusts that the decision of the Dutch people will be taken on the basis of the merits of the agreement, recognising its tangible effects on the EU and the Netherlands in particular;

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45. 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 Member States, the governments and parliaments of the Eastern Partnership countries and of the Russian Federation, the Euronest Parliamentary Assembly, and the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe.

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P8_TA(2016)0019

Mutual defence clause (Article 42(7) TEU)**European Parliament resolution of 21 January 2016 on the mutual defence clause (Article 42(7) TEU) (2015/3034(RSP))**

(2018/C 011/09)

The European Parliament,

- having regard to Title V of the Treaty on European Union (TEU) and in particular Article 42(7) thereof,
 - having regard to Articles 2(4) and 222 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to its resolution of 22 November 2012 on the EU's mutual defence and solidarity clauses: political and operational dimensions ⁽¹⁾,
 - having regard to the Charter of the United Nations, and in particular to the provisions of Chapter VII and Article 51 thereof,
 - having regard to the statement of the President of the French Republic in the French Congress on 16 November 2015 that France was at war,
 - having regard to the conclusions on defence and security adopted by the European Council on 19-20 December 2013 and 25-26 June 2015,
 - having regard to the outcome of the Foreign Affairs Council meeting (of defence ministers) on 17 November 2015,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on 13 November 2015 multiple terrorist attacks took place in Paris, taking the lives of at least 130 people from more than 26 nations, and whereas the EU Member States have suffered several terrorist attacks since 2004, in which hundreds were killed and several thousand injured;
- B. whereas the French Government officially invoked the mutual defence clause of Article 42(7) TEU following the terrorist attacks in Paris on 13 November 2015;
- C. whereas solidarity, aid and mutual assistance among the Member States, including through recourse to Union means, form part of the foundations of the EU;
- D. whereas, following the invocation by France of the mutual defence clause, the EU Member States have towards France an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the UN Charter; emphasising that prevention of conflicts and attacks is preferable to dealing with their consequences;
- E. whereas combating international terrorism is considered to be a priority for the EU, and whereas pursuing the principle of solidarity requires action at home as well as abroad; whereas the internal and external dimensions of EU security are necessarily and closely linked; whereas an EU joint strategy is needed;
- F. whereas the security and defence architecture provided for by the Treaties is not yet fully implemented; whereas the Member States are responsible for achieving progress in the area of the security and defence of the Union;

⁽¹⁾ OJ C 419, 16.12.2015, p. 138.

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- G. whereas the EU needs to strengthen its cooperation with the North Atlantic Treaty Organisation (NATO) in order to make the security and defence policies established within the two frameworks increasingly compatible, in particular when a Member State is the victim of armed aggression on its territory, which includes terrorist attacks;
- H. whereas the EU institutions need to be more active in security and defence policy, and promote the implementation of all the provisions on security and defence policy enshrined in the Treaties, including those on the particular role of NATO in European and transatlantic security and defence; whereas the EU institutions must support all the Member States in their endeavours to implement those provisions fully;
- I. whereas Article 42(6) TEU on permanent structured cooperation should be activated among those Member States that wish to cooperate closely with each other;
- J. whereas the EU has adopted a counter-terrorism strategy which relies on both Community instruments and intergovernmental assets in the field of common foreign and security policy (CFSP); whereas this strategy proposes that EU actions are organised around four objectives, namely prevention, protection, pursuit and response;
- K. whereas the EU response to terrorism includes the promotion of democracy, dialogue and good governance in order to tackle the root causes of violent extremism;
1. Condemns in the strongest terms the horrifying terrorist attacks perpetrated by Daesh; expresses its deepest sympathy, solidarity and condolences to all the victims of terror attacks and their families;
2. Acknowledges and welcomes the unanimous support given to France by all EU Member States; welcomes the readiness of all Member States to provide the full necessary aid and assistance;
3. Recalls that the mutual defence clause was invoked for the first time; considers that the current case must serve as a catalyst for in-depth political discussions on the multidimensional nature of European security and defence;
4. Notes with satisfaction the additional contributions of capabilities made available in the fight against terrorism; calls on all Member States to maintain their unconditional and enduring support and to sustain their contributions for as long as necessary; notes France's role as a catalyst in this common endeavour and encourages the competent EU institutions to provide and sustain their support as necessary;
5. Considers that invoking the mutual defence and solidarity clauses under the Treaties is first and foremost a political matter; underlines the fact that, when these clauses are invoked, both the European Council and the European Parliament are the place for the political debate;
6. Expresses concerns that managing aid and assistance under the mutual defence clause on a bilateral basis — as in this case — will not be possible for all Member States; calls therefore on the European Council to give impetus to the further development of the mutual defence clause and build on the role of the relevant EU institutions as facilitators;
7. Recalls its invitation, in previous resolutions, to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to propose practical arrangements and guidelines for ensuring an effective response in the event that a Member State invokes the mutual defence clause, as well as an analysis of the role of the EU institutions should that clause be invoked; considers it regrettable, however, that no analysis and no guidelines were available when the mutual defence clause was activated for the first time, leading to the current situation requiring ad hoc measures, ad hoc management and ad hoc cooperation;

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8. Considers that the establishment of practical arrangements and guidelines for the future activation of the mutual defence clause remains an urgent priority; stresses that the drawing up of these guidelines should take into account the lessons learned from the first activation of Article 42(7);
 9. Calls on the Council and the Member States to urgently develop and adopt a policy framework which helps to guide the implementation of Article 42(7) TEU and contains a time frame, a review clause and monitoring mechanisms; is deeply convinced that all national, bilateral or multilateral actions following the activation of Article 42(7) should be notified to the Council and be made public at the same time;
 10. Notes that the solidarity clause in Article 222 TFEU would make it possible to put all relevant EU means at the disposal of France and other Member States directly engaged in the fight against terrorism; recalls that Article 222 TFEU is specifically designed to deal with the consequences of the terrorist attacks in Europe and addresses poor levels of cooperation and coordination between national law enforcement agencies in Europe;
 11. Is convinced that, drawing on existing capacities in the Member States and at Union level, the EU needs a permanent civil-military headquarters at strategic and operational levels, and that this structure should be tasked with strategic and operational contingency planning, including for collective defence as provided for by Articles 42(7) and 42(2) TEU and the future application thereof in close cooperation with relevant NATO structures;
 12. Takes the view that the current activation of Article 42(7) TEU should be the catalyst for unleashing the potential of all the security- and defence-related Treaty provisions that should follow suit; recalls in this context the importance of fully and correctly applying the Defence Package, comprising Directives 2009/81/EC on defence procurement and 2009/43/EC on intra-community transfers;
 13. Calls on all European countries to continue to offer every support in the fight against terrorism and to take a rigorous approach at home and abroad;
 14. Expresses deep concern that those central to the Paris attacks appear to have been citizens of EU countries and were born and lived in the EU, and calls therefore for appropriate measures to control the movement of weapons, explosives and terrorist suspects;
 15. Urges the Member States to set up structured information-sharing and operational cooperation between border management, police and other law enforcement agencies, as well as intelligence-sharing by interconnecting national databases and fully exploiting existing frameworks such as Europol's secure information and intelligence platform (SIENA) and by maximising the use of other Europol platforms and services;
 16. Insists on a comprehensive approach towards de-radicalisation, including efforts at national level directed towards young people, the prevention of violent extremism, and counter-terrorism which focuses on strengthening social cohesion, crime prevention, targeted policing and security activities based on an individual suspicion or concrete threat determined by people, not machines; emphasises, moreover, the need to tighten up rules on the acquisition and possession of weapons, export rules and the fight against the illegal trafficking of weapons;
 17. Calls for an EU common foreign policy on the future of Syria and the broader Middle East in coordination with all relevant actors; considers that this policy should be an integral part of the future EU Global Strategy;
 18. Considers the activation of the mutual assistance clause a unique opportunity to establish the grounds for a strong and sustainable European Defence Union; is of the opinion that only with an autonomous security and defence capability will the EU be equipped and ready to face the overwhelming internal and external security threats and challenges;
 19. Instructs its President to forward this resolution to the President of the European Council, the President of the European Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary General of the North Atlantic Treaty Organisation, the United Nations Secretary-General, the President of the United States and the US Secretary of Defence.
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P8_TA(2016)0020

EU priorities for the UNHRC sessions in 2016

European Parliament resolution of 21 January 2016 on the EU's priorities for the UNHRC sessions in 2016 (2015/3035(RSP))

(2018/C 011/10)

The European Parliament,

- having regard to the Universal Declaration of Human Rights and to the UN human rights conventions and the optional protocols thereto,
 - having regard to United Nations General Assembly resolution 60/251 establishing the Human Rights Council (UNHRC),
 - having regard to the European Convention on Human Rights, the European Social Charter and the EU Charter of Fundamental Rights,
 - having regard to the EU Action Plan on Human Rights and Democracy 2015-2019,
 - having regard to its previous resolutions on the UNHRC,
 - having regard to its previous resolutions on the violation of human rights, including its resolutions on debates on cases of breaches of human rights, democracy and the rule of law,
 - having regard to its resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter⁽¹⁾,
 - having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union,
 - having regard to the 2015 annual report of the UNHRC to the UN General Assembly,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas 2015 and 2016 are years of major anniversaries as regards the enjoyment of human rights, peace and security: the 70th anniversary of the founding of the United Nations, the 50th anniversary of the International Covenant on Civil and Political Rights (ICCPR) and of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the 30th and 20th anniversaries of the UN Declaration on the Right to Development (1986) and of the Beijing Declaration and Platform for Action (1995) respectively, and the 15th anniversary of the landmark UN Security Council resolution on women, peace and security (2000) and of the Millennium Development Goals (2000);
- B. whereas upholding respect for human rights irrespective of race, origin, religion, class, caste, sex, sexual orientation or colour is an obligation on all states, whereas it reiterates its attachment to the indivisibility of human rights (whether civil, political, economic, social or cultural), which are interrelated and interdependent, and whereas the deprivation of any one of these rights has a direct and adverse impact on the others; whereas all states have an obligation to respect the basic rights of their respective populations and a duty to take concrete action to facilitate respect for those rights at national level, and to cooperate at international level with a view to eliminating obstacles to the realisation of human rights in all areas;

⁽¹⁾ Texts adopted, P8_TA(2015)0470.

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- C. whereas respect for, and the promotion and safeguarding of, the universality of human rights is part of the European Union's ethical and legal *acquis* and one of the cornerstones of European unity and integrity; whereas internal and external coherence in the area of human rights is essential for the credibility of the EU's human rights policy abroad;
- D. whereas the Union's action in its relations with third countries is guided by Article 21 of the Treaty on European Union, which reaffirms the universality and indivisibility of human rights and fundamental freedoms and enshrines the obligation to respect human dignity, the principles of equality and solidarity, and the principles of the UN Charter and international law in its action on the international scene;
- E. whereas respect for human rights should be mainstreamed in all policy areas involving peace and security, development cooperation, trade and investment, humanitarian action, climate change, migration and the fight against terrorism, as these cannot be addressed in isolation from respect for human rights;
- F. whereas UN member states have adopted and committed to Agenda 2030, which envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination;
- G. whereas the regular sessions of the UN Human Rights Council (UNHRC), the appointment of Special Rapporteurs, the Universal Periodic Review (UPR) mechanism and the Special Procedure addressing either specific country situations or thematic issues all contribute to the international efforts to promote and respect human rights, democracy and the rule of law;
- H. whereas some of the members of the Human Rights Council are acknowledged as being among the most serious human rights offenders and have a dubious record in terms of cooperation with the UN Special Procedures and compliance with their reporting requirements vis-à-vis the UN human rights treaty bodies;

UN Human Rights Council

1. Welcomes the appointment of Ambassador Choi Kyong-lim as President of the UNHRC for 2016;
2. Welcomes the UNHRC's annual report to the UN General Assembly covering its 28th, 29th and 30th sessions;
3. Reiterates its position that UNHRC members should be elected from among states which uphold respect for human rights, the rule of law and democracy, and urges UN member states to promote, among other things, human rights performance-based criteria for any state to be elected as a member of the UNHRC; expresses its concerns about human rights abuses in some newly elected members of the UNHRC; believes that the Member States should not support the election to the UNHRC of countries which do not uphold respect for human rights;
4. Stresses that it is important to support the independence and integrity of the UN Office of the High Commissioner for Human Rights (OHCHR) so as to ensure that it can continue to exercise its mandate in an effective and impartial manner; calls, in this connection, for the OHCHR to be provided with adequate support and funding; reiterates its support for the Special Procedures and the independent status of mandate holders such as the Special Rapporteurs with a view to enabling them to fulfil their duties with full impartiality, and calls on all states to cooperate with these procedures; regrets the lack of cooperation demonstrated by some member states;
5. Reaffirms the importance of the universality of the Universal Periodic Review (UPR), with a view to reaching a full understanding of the human rights situation in all UN member states, and reiterates its support for the second cycle of the review, which focuses especially on the implementation of the recommendations accepted during the first cycle; calls again, however, for the recommendations that were not accepted by states during the first cycle to be reconsidered in the continuation of the UPR process;

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6. Stresses the need to ensure that a wide range of stakeholders, notably civil society, participate fully in all aspects of the UNHCR's work, and expresses its concern that severe limitations are hampering civil society's participation in the UPR process; calls on the UN member states, including the EU Member States, to use the UPR as a means of assessing their own human rights situation and to make recommendations in this regard,

7. Calls for the EU to follow up on the UPR recommendations in EU policy dialogues with the countries concerned in order to explore ways and means of implementing the recommendations through country and regional strategies;

8. Welcomes the Initiative for Change launched by the UN High Commissioner for Human Rights, which is intended to improve and reinforce the global presence of UN human rights offices with the creation of eight regional hubs to protect and promote respect for human rights by working directly with partners to transform the recommendations of the human rights mechanisms into real changes on the ground; calls, on the occasion of the 10th anniversary of the UNHRC, for an assessment of the Council's impact, including with regard to its mandate and the implementation of its resolutions and other decisions;

Civil and political rights

9. Expresses its concern about the constitutional revisions undertaken in some countries, aimed at changing the limit set on presidential terms of office, an issue which has generated election-related violence in some cases; reaffirms that respect for civil and political rights, including individual and collective freedom of expression, and freedom of assembly and association, are the indicators of a democratic, tolerant and pluralist society;

10. Reiterates that free, genuine elections held periodically on the basis of universal and equal suffrage are a fundamental right that all citizens should enjoy in conformity with the Universal Declaration of Human Rights (Article 21(3)) and the International Covenant on Civil and Political Rights (Article 25); reaffirms that the existence of freedom of expression and a vibrant environment conducive to an independent and pluralist civil society are prerequisites for promoting respect for human rights;

11. Takes the view that contemporary digital technologies offer advantages and challenges for the protection of the right to privacy, for the exercise of freedom of expression online around the world and for security, as contemporary digital technologies may be used for extremist and terrorist propaganda and as recruitment channels; welcomes, in this context, the appointment of a UN Special Rapporteur on the Right to Privacy in the Digital Age, whose mandate includes surveillance and privacy issues that affect people online or offline;

12. Calls for the UN member states, including the EU Member States, to implement the recommendations of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in order to combat the spread of racial, ethnic and xenophobic hatred and incitement over the internet and through social media networks by taking appropriate legislative measures, with full respect for freedom of expression and opinion;

Human rights defenders

13. Condemns the continued harassment and detention of human rights defenders and opposition figures by government forces in a number of third countries; expresses its concern about unfair and restrictive legislation, including restrictions on foreign funding, which is resulting in a shrinking space for civil society activities; calls on all governments to promote and support freedom of the media, civil society organisations and the activities of human rights defenders and to allow them to operate without fear, repression or intimidation;

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14. Considers that the continued harassment and detention of human rights defenders and opposition figures by a number of UNHRC members undermines the credibility of the UNHRC; urges the EU and its Member States to promote an initiative at UN level to outline a coherent and comprehensive response to the major challenges that human rights defenders working on women's rights, the defence of environmental, land and indigenous peoples' rights, on corruption and impunity, religion, journalists and other human rights defenders using media, including online and social media, face worldwide and to systematically denounce their assassination;

15. Is extremely concerned about the increasing attacks on humanitarian aid workers and medical facilities; recalls that any such attack is prohibited under international humanitarian law (IHL) and calls on the conflicting parties to comply with the provisions of IHL; stresses the importance of improving the security of aid workers in order to react more effectively to the attacks;

Death penalty

16. Recalls the EU's position on zero tolerance for the death penalty and reiterates its long-standing opposition to the death penalty, torture, cruel, inhuman and degrading treatment and punishment in all cases and under all circumstances; underlines the importance of the EU continuing to advance the moratorium on the death penalty and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity; reiterates its position that support for third countries' drug enforcement policy, such as financial assistance, technical assistance and capacity-building, should exclude the use of the death penalty for drug-related offences; expresses its support for the establishment of a Special Rapporteur on human rights and drug policy;

17. Commends the substantial progress made so far, whereby many countries have suspended capital punishment while others have taken legislative measures towards abolishing the death penalty; expresses, nevertheless, its regret concerning the reinstatement of executions in some countries over the past few years; calls on those states which have abolished the death penalty or have a long-standing moratorium on it to uphold their commitments and not to reintroduce it;

Freedom of religion

18. Recalls that freedom of thought, conscience, religion and belief is a fundamental human right, as recognised in the Universal Declaration of Human Rights and guaranteed by Article 18 of the International Covenant on Civil and Political Rights; equally, recalls its interrelatedness with other human rights and fundamental freedoms encompassing the right to believe or not to believe, the freedom to practise theistic, non-theistic or atheistic belief alike, and the right to adopt, change and abandon or return to a belief of one's choice; expresses its concern at the fact that some countries still fail to abide by UN standards and use state repression, which may include physical punishment, prison terms, exorbitant fines and even the death penalty, in violation of freedom of religion or belief; is concerned about the increased persecution of minorities because of their religion or beliefs, as well as unlawful damage to their assembly sites; supports the report of the UN Special Rapporteur on freedom of religion or belief on violence committed 'in the name of religion'; calls for the EU to implement its recommendations on interreligious dialogue initiatives;

19. Welcomes the EU's commitment to promoting freedom of religion or belief in international forums, including by supporting the mandate of the UN Special Rapporteur on freedom of religion or belief; fully supports the EU's practice of taking the lead in the UNHRC and the UNGA on thematic resolutions on this topic; requests concrete action to protect religious minorities, non-believers, apostates and atheists who are victims of blasphemy laws; considers that action should be taken in both international and regional forums by maintaining an open, transparent and regular dialogue with religious associations and communities, as stated in Article 17 of the Treaty on the Functioning of the European Union;

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Social and economic rights

20. Recognises the UNHRC's efforts to put all human rights on an equal footing, with the same emphasis, through the establishment of Special Procedure mandate holders in relation to economic, social and cultural rights; highlights, in this connection, the importance of ratification of the Optional Protocol to the ICESCR establishing complaint and inquiry mechanisms;

21. Expresses its profound concern about the rise of extreme poverty, which jeopardises the full enjoyment of all human rights; welcomes, in this connection, the UNHRC Special Rapporteur's report on extreme poverty and human rights (A/HRC/29/31) and supports his proposals for the elimination of extreme poverty; considers it important to address rising inequalities in order to fight poverty in general, and to promote social and economic rights, notably by facilitating access to food, water, education, health care and housing;

22. Is of the opinion that corruption, tax evasion, mismanagement of public goods and lack of accountability are threats to the equal enjoyment of human rights and undermine democratic processes, the rule of law, the fair administration of justice, public services such as education and basic health services; considers that action to ensure respect for human rights, in particular the rights to information, to freedom of expression and assembly, to an independent judiciary and to democratic participation in public affairs, is instrumental in fighting corruption;

23. Emphasises that minority communities in third countries have specific needs and that their equality should be promoted in all areas of economic, social, political and cultural life;

24. Calls on the UN member states, including the EU Member States, to request that all Special Procedure mandate holders give special attention to issues affecting indigenous women, young people and persons with disabilities and report such issues to the UNHRC; calls on the European External Action Service (EEAS), the Commission and the Member States to support the participation of indigenous peoples in UNHRC sessions; calls on the EEAS and the Member States to actively support the development of the system-wide action plan on indigenous peoples, especially as regards the regular consultation of indigenous peoples;

Business and human rights

25. Supports the effective and comprehensive implementation of the UN Guiding Principles on Business and Human Rights; urges all UN member states, including the EU Member States, to develop and implement national action plans; considers that trade and human rights can go hand in hand and that the business community has an important role to play in promoting human rights and democracy; reaffirms the importance of EU and multinational enterprises playing a leading role in promoting international standards on business and human rights;

26. Calls on the UN and the EU also to raise with multinational and European enterprises the issue of land grabbing and land rights defenders, who are victims of reprisals including threats, harassment, arbitrary arrest, assault and murder;

27. Welcomes the initiative of the UN High Commissioner for Human Rights to enhance the Accountability and Remedy Project in order to contribute to a fair and more effective system of domestic law remedies, in particular in cases of gross human rights abuses in the business sector; calls on all governments to fulfil their duties in securing respect for human rights, access to justice for victims who face both practical and legal challenges to access remedies at national and international levels, with regard to human rights violations linked to business;

28. Notes that an open-ended intergovernmental working group (IGWG) on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights, established by a UNHRC resolution of 26 June 2014, held its first session in July 2015; calls for the EU to support efforts to align its policies with the OECD guidelines for multinational enterprises and recommends that the EU and its Member States engage constructively in the debate regarding a legally binding international instrument on business and human rights within the UN system;

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Migration and refugees

29. Is alarmed by the most serious humanitarian crisis since the Second World War, created by the increasing number of individuals forced to leave their homes as a result of persecution, armed conflict, generalised violence and climate change, and in search of protection and a better life, who are risking their lives by taking dangerous journeys; calls for effective and coordinated international action to address the root causes of migration; calls, furthermore, for more efforts at UN level to address the current and future migratory challenges by ensuring appropriate funding for UNHCR, WFP and other UN bodies involved in providing basic services for refugees inside and outside conflict areas; highlights the importance of the work of the UN Special Rapporteur on the human rights of migrants, including his recommendations;

30. Calls on all countries to adopt a human rights-based approach to migration, which safeguards the rights of migrants and refugees in migration policies and management, paying particular attention to the situation of marginalised and disadvantaged groups of migrants and refugees, such as women and children; calls on all states to address gender-related violence against women and girls, and stresses the importance of designing migration policy from a gender perspective in order to respond to their particular needs;

31. Recalls that all states have an obligation to respect and protect the human rights of all individuals under their jurisdiction, regardless of their nationality or origin and regardless of their immigration status; recalls that a global strategy on migration is closely linked with development and humanitarian policies, including setting up humanitarian corridors and delivering humanitarian visas; reiterates its call for all migration cooperation and readmission agreements with non EU-states to comply with international law; recalls that the return of migrants should only be carried out with full respect for the migrants' rights, based upon informed decisions and only when the protection of their rights is guaranteed in their country; calls on governments to put an end to the arbitrary arrest and arbitrary detention of migrants; expresses its concern about discrimination against and violations of the rights of migrants and refugees; calls, in this connection, on UN member states, including the EU Member States, to respect the right to seek and enjoy asylum;

Climate change and human rights

32. Welcomes the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), which covers adaptation, mitigation, technology development and transfer, and capacity building; calls on all signatory states parties to fulfil their commitments; regrets the absence of any reference to the Universal Declaration of Human Rights in UNFCCC and calls for all UNFCCC policies and actions to be human rights-based;

33. Recalls that the adverse impact of climate change represents an immediate and potentially irreversible global threat to the full enjoyment of human rights, and that its impact on vulnerable groups whose rights situation is already precarious is considerable; notes with concern that climate-related incidents such as the rise of sea levels and extreme weather changes provoking droughts and floods are expected to lead to even more loss of life, displacement of populations, and food and water shortages;

34. Calls on the international community to address the legal shortfalls in the term 'climate refugee', including its possible international definition;

Women's rights

35. Welcomes the UN Security Council's recent resolution 2242 on women, peace and security, which makes women the central component in all efforts to address global challenges, including rising violent extremism, climate change, migration, sustainable development, peace and security; commends the UN Global Study findings on the implementation of UN Security Council resolution 1325 on women, peace and security, which stressed the importance of women's leadership and participation in conflict resolution and peacebuilding and that their involvement has improved humanitarian assistance, strengthened peacekeepers' efforts, fostered the conclusion of peace talks and helped to counter violent extremism; calls on the UN and all its member states to take concrete steps to ensure women's autonomy, their meaningful inclusion in the prevention and resolution of conflicts and in the peace negotiation and peacebuilding process by increasing

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their representation at all decision-making levels, including in national, regional and international institutions and mechanisms;

36. Expresses its dismay at the fact that since the emergence of violent extremist groups such as Daesh in Syria and Iraq or Boko Haram in West Africa, violence against women has taken on a new dimension as sexual violence has become an integral part of the objectives, ideology and source of revenue of these extremist groups, and has placed a critical new challenge before the international community; calls on all governments and the UN institutions to step up their commitment in combating these abominable crimes and restoring women's dignity so that they receive justice, reparation and adequate support measures;

37. Considers that guaranteeing women's autonomy, by addressing the underlying inequalities between women and men which render women and girls vulnerable during times of conflict, is one way of countering extremism; stresses the need for continuity of education for girls in refugee camps, in conflict areas affected by extreme poverty and environmental extremes such as drought and floods;

38. Stresses the importance of not undermining the 'acquis' of the Beijing Platform for Action regarding access to education and health as a basic human right; emphasises the fact that universal access to sexual and reproductive health services contributes to reducing infant and maternal mortality; points out that family planning, maternal health, easy access to contraception and access to the full range of sexual and reproductive health services are important elements in saving women's lives and helping them rebuild their lives if they have been victims of rape; highlights the need to place these policies at the core of development cooperation with third countries;

39. Underlines the importance of measures strengthening leadership and participation of women at all levels of decision-making; calls on states to secure equal representation for women in public institutions and public life, including special attention to the inclusion of minority women;

40. Invites the Commission, the EEAS and the Vice-President/High Representative (VP/HR) to continue promoting the political and economic empowerment of women and girls by mainstreaming gender equality in all their external policies and programmes, including through structured dialogues with third countries, by publicly raising gender-related issues and by ensuring sufficient resources for this purpose;

Children's rights

41. Supports the EU's efforts to promote children's rights, in particular by contributing to ensuring children's access to water, sanitation, healthcare and education, by ensuring the rehabilitation and reintegration of children enlisted in armed groups, by eliminating child labour, torture, child witchcraft, trafficking, child marriage and sexual exploitation, and by assisting children in armed conflicts and ensuring their access to education in conflict zones and refugee camps;

42. Recalls that the Convention on the Rights of the Child, which was adopted in 1989 and is the most widely ratified international human rights treaty, sets out a number of children's rights, including the right to life, to health, to education and to play, as well as the right to family life, to be protected from violence and discrimination and to have their views heard; calls on all signatories to this treaty to honour their obligations;

43. Welcomes the planned global study to be launched by the UN to map out, through monitoring and evaluation analysis, how existing international laws and standards are being implemented on the ground and to assess the concrete possibilities for states to improve their policies and responses; urges all states to support and participate actively in the study;

44. Notes with concern that a number of persons have been sentenced to death for crimes committed while under the age of 18 and have been put to death in countries around the world in 2015 despite the prohibition on the use of the death penalty for juveniles in the UN Convention on the Rights of the Child;

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Rights of LGBTI persons

45. Expresses its concern regarding the persistence of discriminatory laws and practices and of acts of violence against individuals in various countries, on the basis of their sexual orientation and gender identity; encourages close monitoring of the situation of LGBTI people in countries where anti-LGBTI laws have recently been introduced; expresses its strong concern regarding the so-called 'anti-propaganda' laws limiting freedom of expression and assembly, including in countries on the European continent;

46. Reaffirms its support for the continuing work of the High Commissioner for Human Rights in promoting and protecting the enjoyment of all human rights by LGBTI people, in particular through statements, reports and the Free & Equal campaign; encourages the High Commissioner to continue fighting discriminatory laws and practices; is concerned at restrictions on the fundamental freedoms of LGBTI human rights defenders, and calls for the EU to step up its support for them; notes that the fundamental rights of LGBTI people are more likely to be respected if they have access to all legal institutions;

EU human rights mainstreaming and coherence

47. Calls on the EU to promote the universality and indivisibility of human rights, including civil, political, economic, social and cultural rights, in accordance with Article 21 of the Treaty on European Union and the General Provisions on the Union's External Action;

48. Reiterates its call for the EU to adopt a rights-based approach and to integrate respect for human rights into trade, investment policies, public services, development cooperation, and its common security and defence policy; stresses also that the EU's human rights policy should ensure that its internal and external policies are coherent, in line with the EU Treaty obligation;

49. Reiterates, furthermore, the importance of the EU actively and consistently engaging in UN human rights mechanisms, in particular with the Third Committee, the General Assembly (UNGA) and the UNHRC; acknowledges the efforts of the EEAS, the EU Delegations in New York and Geneva and the Member States to increase EU coherence on human rights issues at UN level by means of timely and substantive consultation and to deliver a 'one-voice message'; encourages the EU to increase its efforts to make its voice heard, including by intensifying the growing practice of cross-regional initiatives and by co-sponsoring and taking the lead on resolutions; reiterates its call for stronger visibility of EU action in all multilateral forums;

50. Requests the EU Special Representative for Human Rights to continue to enhance the effectiveness, coherence and visibility of the EU's human rights policy in the context of the UNHRC and in further developing close cooperation with the OHCHR and the Special Procedures;

51. Strongly emphasises the need to improve the preparation and coordination of EU positions for the UNHRC sessions and to address the issue of consistency between the EU's external and internal human rights policy;

52. Recalls the importance of keeping the institutionalised practice of sending parliamentary delegations to the UNHRC and the UNGA;

53. Calls for a more principled and non-selective engagement of the EU Member States at the UNHRC;

Drones and autonomous weapons

54. Reiterates its call on the EU Council to develop an EU common position on the use of armed drones, giving the utmost importance to respect for human rights and international humanitarian law and addressing issues such as the legal framework, proportionality, accountability, the protection of civilians and transparency; urges the EU once again to ban the production, development, and use of fully autonomous weapons which enable strikes to be carried out without human intervention; insists that human rights should be part of all dialogues with third countries on counter-terrorism;

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Counter-terrorism

55. Takes positive note of the counter-terrorism guidance document drafted by the EEAS and the Commission with the aim of ensuring respect for human rights in the planning and implementation of counter-terrorism assistance projects with third countries; recalls, in this connection, that respect for fundamental rights and freedoms is the foundation of successful counter-terrorism policies, including the use of digital surveillance technologies; stresses the need to develop effective communication strategies for countering terrorist and extremist propaganda and recruitment methods, notably online;

Democratisation

56. Recommends that the EU step up its efforts to develop a more comprehensive approach to democratisation processes, of which free and fair elections are only one dimension, in order to contribute positively to the strengthening of democratic institutions; considers that the sharing of transition best practices in the framework of the enlargement and neighbourhood policies should be used to support and consolidate other democratisation processes worldwide;

Development and human rights

57. Stresses the importance of Sustainable Development Goal (SDG) 16 on peace and justice of Agenda 2030, which should be one of the priorities for all external and internal action, especially when it comes to development cooperation financing;

Sports and human rights

58. Is seriously concerned that some major sports events are being hosted by authoritarian states where human rights violations occur; calls for the UN and the EU Member States to raise this issue and engage with national sports federations, corporate actors and civil society organisations on the practicalities of their participation in such events, including with regard to the FIFA World Cup in Russia in 2018 and in Qatar 2022, and the Olympic Games in Beijing in 2022;

International Criminal Court

59. Reiterates its full support for the work of the ICC in its role of ending the impunity of the perpetrators of the most serious crimes of concern to the international community and to provide justice for the victims of war crimes, crimes against humanity and genocide; remains vigilant regarding any attempts to undermine its legitimacy or independence; urges the EU and its Member States to cooperate with the Court and provide it with strong diplomatic, political and financial support, including in the UN; calls for the EU, its Member States and its Special Representatives to actively promote the ICC, the enforcement of its decisions and the fight against impunity for Rome Statute crimes, including by strengthening and expanding its relationship with the Security Council and by promoting universal ratification of the Rome Statute and the Kampala amendments;

Countries under the Universal Periodic Review (UPR)

Georgia

60. Welcomes Georgia's membership of the UNHRC and the recent UPR on Georgia; notes the legislative reforms that have resulted in some progress and improvements with regard to the justice and law enforcement sector, the Prosecutor's Office, the fight against ill-treatment, children's rights, the protection of privacy and personal data and internally displaced persons (IDPs);

61. Notes, however, that further efforts are needed with regard to full independence of the judiciary and to ill-treatment, especially regarding pre-trial detention and rehabilitation of victims, to accountability for abuses by law enforcement agencies, to investigations into past abuses by government officials and to minorities and women's rights; stresses the responsibility of the government under international human rights law to protect all children from violence, and calls for scrutiny of all the children's charitable institutions; calls for provision to be made for the rehabilitation of victims; remains

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concerned about freedom of expression and the media and the lack of access by monitors to the occupied regions of Abkhazia and the Tskhinvali region/South Ossetia where human rights violations remain widespread; and calls on the Georgian Government to take appropriate measures with a view to ensuring a follow-up to the recommendations made in the UPR process;

Lebanon

62. Commends Lebanon for the open border and reception policy which it had for years regarding refugees from Palestine, Iraq and Syria, stresses that this country, in which one person out of four is a refugee, has the highest per capita concentration of refugees worldwide, and calls on the European Union to allocate more resources and to work closely with the Lebanese authorities to help the country uphold the protection of the rights of refugees and asylum seekers; is concerned, in this context, about the reportedly significant number of cases of child and/or forced marriages among Syrian refugees; encourages the Lebanese Government to consider a reform of the law regulating entry into, stay in and exit from Lebanon;

63. Supports the recommendations of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in calling for measures to raise awareness among women migrant domestic workers of their human rights under the CEDAW Convention, to which Lebanon is a state party; emphasises, in particular, the need to abolish the 'Kafala system' and ensure effective access to justice for women migrant domestic workers, including by guaranteeing their safety and residence during legal and administrative procedures relating to their status;

Mauritania

64. Stresses that while progress has been made by the Mauritanian Government in taking legislative measures aimed at fighting all forms of slavery and slavery-like practices, the lack of effective implementation contributes to the persistence of such practices; calls on the authorities to enact an anti-slavery law, to initiate nationwide, systematic and regular collection of disaggregated data on all forms of slavery and to conduct a thorough evidence-based study on the history and nature of slavery in order to eradicate the practice;

65. Urges the Mauritanian authorities to allow freedom of speech and assembly, in accordance with international conventions and Mauritania's own domestic law; calls also for the release of Biram Dah Abeid, Bilal Ramdane and Djiby Sow so that they may continue their non-violent campaign against the continuation of slavery without fear of harassment or intimidation;

Myanmar

66. Welcomes the holding of competitive elections on 8 November 2015, an important milestone in the country's democratic transition; takes positive note of the expression of support by Myanmar's voters for the continued democratisation of the country; notes with concern, however, the constitutional framework for these elections, under which 25 % of the seats in the parliament are reserved for the military; recognises the progress made so far as regards human rights, while identifying a number of remaining areas of major concern, including the rights of minorities and freedom of expression, association and peaceful assembly;

67. Condemns the severe and widespread discrimination against the Rohingya, which is exacerbated by the fact that this community lacks legal status, and by the rise of hate speech against non-Buddhists; calls for full, transparent and independent investigations into all reports of human rights violations against the Rohingya and considers that the four laws adopted by the parliament in 2015 aimed at 'protecting race and religion' include discriminatory aspects as regards gender; repeats its request and expresses its concern that the Office of the High Commissioner for Human Rights (OHCHR) has not been permitted to establish an office in the country; stresses the need for a full sustainability impact assessment to be carried out before negotiations on the EU-Myanmar investment agreement are finalised;

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Nepal

68. Welcomes the entry into force on 20 September 2015 of Nepal's new constitution, which should lay the foundations for the country's future political stability and economic development; hopes that the remaining concerns around the political representation of minorities, including the Dalits, and citizenship laws will be addressed in the near future;

69. Regrets the widespread lack of accountability for human rights abuses committed by both sides during the civil war despite the adoption in May 2014 of the Truth, Reconciliation and Disappearance Act; urges the Government of Nepal to accede to the International Convention on the Protection of All Persons from Enforced Disappearance; condemns the limitations placed on the fundamental freedoms of Tibetan refugees; urges India to lift its unofficial blockade on Nepal's economy which, coupled with the devastating earthquake of April 2015, is causing a humanitarian crisis and pushing almost one million more Nepalis into a poverty impasse;

Oman

70. Commends Oman for the setting-up of the governmental National Human Rights Commission (NHRC) and the invitation which allowed the ground-breaking visit of the UN Special Rapporteur on the right to peaceful assembly in September 2014; expresses the hope that these constructive steps will lead to a more intensive engagement by Oman with UN human rights representatives and independent human rights organisations;

71. Encourages Oman to take the necessary steps to alleviate what the UN Special Rapporteur described as a pervasive climate of fear and intimidation in the country; remains concerned about, and calls on the government to reconsider the ban on all political parties; calls on the EU Institutions and the EU Member States to offer technical and legal assistance to help Oman create a safe and enabling environment for civil society organisations;

Rwanda

72. Expresses its concern about the human rights situation in Rwanda, including the restrictions on freedom of expression and association, the shrinking of the democratic space for opposition political parties and independent civil society activities, and the absence of a conducive environment for the independence of the judiciary; calls on the Rwandan Government to open up a democratic space in which all segments of society may operate freely;

73. Is concerned by the recent constitutional changes allowing the incumbent President to run for a third term; calls on the Government of Rwanda to uphold the African Charter on Democracy, Elections and Governance;

South Sudan

74. Welcomes the Peace Agreement signed by the warring parties on 28 August 2015 to end the civil war, which includes transitional power-sharing, security arrangements and the establishment of a hybrid court to try all crimes committed since the conflict started; recalls that the conflict has claimed thousands of lives and caused the displacement of hundreds of thousands of people and refugees;

75. Calls on all parties to refrain from committing human rights violations and violations of international humanitarian law, including those amounting to international crimes, such as extrajudicial killings, ethnically targeted violence, conflict-related sexual violence, including rape, as well as gender-based violence, recruitment and use of children, enforced disappearances and arbitrary arrests and detention;

76. Welcomes the UNHRC resolution of June 2015 and the deployment of an OHCHR mission to monitor and report on the situation of human rights in South Sudan; calls on the Human Rights Council to support the appointment of a Special Rapporteur on South Sudan, with a mandate to monitor and publicly report on violations, assist the government in implementing the recommendations to be made by the OHCHR mission, and make recommendations for achieving effective accountability;

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Venezuela

77. Expresses its concerns about the dire human rights situation in the country as a result of the worsened economic, political and social climate in recent years; reiterates that freedom of expression, an independent judiciary and the rule of law are vital components of any democratic society; calls on the Venezuelan authorities to immediately release the opposition leaders and all peaceful protesters arbitrarily detained for exercising their right to freedom of expression and fundamental rights;

78. Welcomes the holding of the elections on 6 December 2015 and the installation of the new National Assembly; condemns any attempts to undermine the full enforcement of the election results expressing the will of the Venezuelan people, such as the suspension of some democratically elected members; recalls that the new government will have to tackle a wide range of human rights issues, such as impunity, accountability for extrajudicial killings, arbitrary arrest and detention, fair trials, the independence of the judiciary, freedom of assembly and association, and media freedom; stresses that Venezuela's membership of the UNHRC for the three-year term beginning on 1 January 2016 brings with it a special responsibility to respect human rights;

Syria

79. Expresses its concerns about the dramatic security and humanitarian situation in Syria; emphasises the importance of the work carried out by the UN Independent International Commission of Inquiry on Syria; condemns the deliberate targeting of civilians, indiscriminate and disproportionate attacks, attacks on civilians and protected cultural heritage objects, and the punitive imposition of sieges and blockades; emphasises the need for special attention and support to be given to women victims of violence, women's organisations and their participation in humanitarian aid and conflict resolution; calls for the EU and the Member States to help make sure that the commission of inquiry is adequately funded to fulfil its mandate, which consists in establishing the facts and circumstances of all serious human rights violations committed, and where possible, identifying those responsible with a view to ensuring that the perpetrators of violations, including violations that may constitute crimes against humanity, are held accountable, including by referral to the International Criminal Court;

80. Reiterates its conviction that a sustainable solution to the crisis in Syria can be achieved only through an inclusive political settlement leading to a genuine political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future; welcomes the final declaration of 30 October 2015 on the results of the Syria Talks in Vienna; welcomes the adoption of UN Security Council resolution 2254 (2015) on 18 December 2015;

81. Is alarmed at the persecution of religious and ethnic minorities in Syria, who are forced to convert and pay tribute, and are attacked, injured, sold into slavery and harvested for organs solely because of their faith;

Burundi

82. Expresses deep concern about the targeted attacks on human rights defenders, journalists and their family members; strongly condemns political violence, summary executions and other human rights violations; urges the Burundian authorities to end these violations and abuses as a matter of critical and urgent priority and to conduct impartial and independent investigations with a view to bringing those responsible to justice and providing victims with redress;

83. Remains deeply concerned about the humanitarian impact of the crisis on the civilian population in the country and region as a whole; calls for the EU to continue to work towards a consensual outcome between the government and the opposition in order to re-establish an inclusive and democratic political system;

84. Welcomes the holding of a Special Session of the Human Rights Council on 17 December 2015 on preventing further deterioration of the human rights situation in Burundi, but regrets the delay in holding it; calls for the expeditious deployment of the mission by independent experts, and urges the Burundian authorities to fully cooperate with the mission;

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Saudi Arabia

85. Remains deeply concerned about the systematic violation of human rights in the country; is seriously concerned about the alarming rate at which court rulings ordered and carried out the death penalty in Saudi Arabia in 2015; deplores the mass executions committed in the last weeks; calls on Saudi Arabia to impose a moratorium on the death penalty;

86. Calls on the Saudi authorities to release all prisoners of conscience, including the 2015 Sakharov Laureate, Raif Badawi; calls for the EU to closely follow his particular case;

87. Reiterates that UNHRC members should be elected from among states which uphold respect for human rights, the rule of law and democracy, which is currently not the case in Saudi Arabia; calls on the Saudi authorities to cooperate fully with the UNHRC Special Procedures and the Office of the High Commissioner for Human Rights;

Belarus

88. Welcomes the release of the remaining political prisoners in August 2015, and calls on the Belarusian Government to rehabilitate the released political prisoners and fully restore their civic and political rights; expresses its profound concern at the continued restrictions to freedom of expression and the freedoms of association and peaceful assembly; condemns the harassment of independent and opposition journalists and the harassment and detention of human rights activists; urges Belarus to join a global moratorium on the execution of the death penalty as a first step towards its permanent abolition; calls on the government to fully cooperate with the Special Rapporteur and commit to engage in reforms to protect human rights, including by implementing the recommendations made by the Special Rapporteur and other human rights mechanisms;

Middle East Peace Process

89. Takes note of the VP/HR and Council conclusions on the Middle East Peace Process adopted on 18 January 2016; fully agrees with the Council that compliance with international humanitarian law and international human rights law by all, including accountability, is a cornerstone for peace and security and that Israel's settlements are illegal under international law and undermine the viability of the two-state solution; deeply regrets the resignation of the UN Special Rapporteur on the situation of human rights in the Palestinian territories, Makarim Wibisono;

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90. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative on Human Rights, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 69th UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the Secretary-General of the Parliamentary Assembly of the Council of Europe.

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Activities of the Committee on Petitions 2014**European Parliament resolution of 21 January 2016 on the activities of the Committee on Petitions 2014 (2014/2218(INI))**

(2018/C 011/11)

The European Parliament,

- having regard to its previous resolutions on the outcome of the Committee on Petitions' deliberations,
 - having regard to Articles 10 and 11 of the Treaty on European Union (TEU),
 - having regard to the significance of the right to petition and the importance for Parliament of being immediately aware of the specific concerns of European Union citizens or residents, as provided for in Articles 24 and 227 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Article 228 TFEU,
 - having regard to Article 44 of the Charter of Fundamental Rights of the European Union concerning the right to petition the European Parliament,
 - having regard to the provisions of the TFEU relating to the infringement procedure and in particular Articles 258 and 260 thereof,
 - having regard to Rules 52, 215, 216(8), 217 and 218 of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A8-0361/2015),
- A. whereas 2 714 petitions were received in 2014, which is almost 6 % down on the figure for 2013 when 2 885 petitions were lodged with Parliament; whereas 790 petitions were considered admissible and followed up; whereas 1 070 petitions were considered inadmissible; whereas 817 petitions were admissible and have been closed; whereas 37 petitions had their recommendation challenged; whereas these figures amount to nearly twice as many petitions as were received in 2009; whereas there has not been an commensurate increase in the number of civil servants tasked with processing these petitions;
- B. whereas the purpose of the annual report on the activities of the Committee on Petitions is to present an analysis of the petitions received in 2014 as well as to discuss possible improvements in procedures and in relations with other institutions;
- C. whereas the number of petitions received is modest when compared to the EU's total population, which indicates that the vast majority of EU citizens are not yet aware of the right to petition, or of its possible usefulness as a means of drawing the attention of the EU institutions and the Member States to matters which affect them and about which they are concerned; whereas even though some EU citizens are aware of the petition process, there is still widespread confusion about the EU's field of activity, as is shown by the high number of inadmissible petitions received (39,4 %);
- D. whereas a proper treatment of petitions throughout the whole process is crucial to ensuring recognition that the right to petition is respected; whereas petitioners tend to be citizens engaged in the improvement, and the future wellbeing, of our societies; whereas the experience of these citizens with regard to how their petitions are treated could determine their future opinion on the European project;

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- E. whereas 1 887 petitions, of which 1 070 petitions were inadmissible, were closed in 2014; whereas only 29,1 % of petitions were declared admissible and followed up, 39,4 % were declared inadmissible, and 30,1 % were declared admissible and closed directly;
- F. whereas the citizens of the EU are represented by the only EU institution directly elected by them, namely the European Parliament; whereas the right to petition gives them the means to draw the attention of their elected representatives;
- G. whereas the citizens of the EU, and the culture of service on their behalf, should always have priority in the work of Parliament, and, in particular, of the Committee on Petitions, before any other considerations or efficiency criteria; whereas the current level of human resources available within the petitions unit puts at risk the accomplishment of these fundamental principles;
- H. whereas, if fully respected in its essence, the right to petition may strengthen Parliament's responsiveness to EU citizens and residents, if there is an open, democratic, inclusive and transparent mechanism at all stages of the petitions procedure, with the aim of resolving problems relating primarily to the application of EU legislation;
- I. whereas the right of petition is a crucial element of participatory democracy;
- J. whereas the right to petition aims, along with the European Ombudsman, at dealing with maladministration on the part of EU institutions, or national institutions, when implementing EU law;
- K. whereas petitions provide valuable feedback to legislators and executive bodies both at EU and national level, particularly on possible loopholes in the implementation of EU legislation; whereas petitions can be an early warning for Member States lagging in implementing EU law;
- L. whereas petitions which have been addressed to the Committee on Petitions have often provided other Parliament committees with useful and direct input for their legislative work in their respective fields;
- M. whereas ensuring due respect for the fundamental right to petition is not solely the responsibility of the Committee on Petitions, but should rather be a shared endeavour of all Parliament committees, as well as of the other EU institutions; whereas no petition should be closed while awaiting feedback from other parliamentary committees;
- N. whereas the Committee on Petitions should endeavour to make a greater use of its prerogatives, and its general and specific committee tools, such as oral questions and short resolutions, so as to give visibility, on the basis of the petitions received, to the different issues of concern to EU citizens and residents, bringing them forward to the plenary of this Parliament;
- O. whereas each petition must carefully, efficiently, promptly, transparently and individually be assessed and dealt with in a manner that preserves the participatory rights of the Members of the Committee on Petitions; whereas each petitioner must receive a reply, within a short period of time, indicating either the grounds for closing the petition or the follow up, execution and monitoring measures undertaken; whereas better institutional coordination with institutions at EU, national and regional level is essential if the issues raised by petitions are to be addressed in a prompt manner;
- P. whereas efficient and prompt processing of petitions must be guaranteed, including during the transition between legislative terms and the subsequent changes in personnel;
- Q. whereas it is primarily in the interest of admissible and well-founded petitions that the work of the Committee on Petitions is not burdened with unduly lengthy dealings with inadmissible or unfounded petitions;

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- R. whereas a petitioner must be duly informed about the grounds for declaring a petition inadmissible;
- S. whereas petitions are discussed in meetings of the Committee on Petitions, and whereas petitioners may take part in these discussion, and have the right to present their petitions along with more detailed information, and may thus actively contribute to the work of the Committee, providing its members, the Commission and any representatives of the Member States who may be present with additional information; whereas in 2014, 127 petitioners attended, and were involved in, the Committee's deliberations; whereas this ratio of direct involvement remains relatively low and should be increased, including through the use of remote communication means, and through scheduling, to enable petitioners to organise their coming before the committee better;
- T. whereas, on many occasions following public debate in committee meetings, the petitions are left open, further follow-up is foreseen and feedback is expected, namely additional inquiries from the Commission or from parliamentary committees, or concrete exchange with the national or regional authorities concerned;
- U. whereas in order to allow a broad range of topics to be discussed, and to ensure the quality of each debate, more meeting time is needed; whereas meetings of political group coordinators are crucial for ensuring smooth planning and running of the Committee's work, and enough time should therefore be given to allow for democratic decision making;
- V. whereas the Committee on Petitions bases its activities on written information provided by petitioners, and by their oral and audiovisual input during meetings, supplemented by expertise from the Commission, the Member States, the Ombudsman and other political representative bodies;
- W. whereas petitioners' concerns should duly be addressed in a thorough manner throughout the petition process; whereas this process may require different stages, including several rounds of feedback from the petitioner and from the European institutions and national authorities concerned;
- X. whereas the criteria established for the admissibility of petitions, pursuant to the Treaty and Parliament's own Rules of Procedure, state that petitions shall satisfy the formal conditions governing admissibility (Rule 215 of the Rules of Procedure), namely that a petition must concern a matter which comes within the European Union's fields of activity and directly affect the petitioner, who must be a citizen of the European Union or reside there; whereas as a result of this a proportion of petitions received are declared inadmissible because they do not comply with these official criteria; whereas the decision on admissibility corresponds rather to such legal and technical criteria, and should not be determined by political decisions; whereas the petitions web portal should be an effective tool in providing the necessary information and guidance to petitioners with regard to the admissibility criteria;
- Y. whereas a specific way of handling petitions relating to children has now been adopted, in recognition of the fact that any delay in these cases constitutes a particularly serious injury to those involved;
- Z. whereas through y use of petitions the EU's citizens can monitor the drawing up and application of EU law; whereas this allows EU citizens to act as a useful source of information on requests with regard to, and breaches of, EU law, the latter of particular relevance to matters concerning the environment, the internal market, the recognition of vocational qualifications, consumer protection and the financial services sector;
- AA. whereas a petition is often filed at the same time as a complaint to the Commission, which may lead to infringement proceedings being initiated or to an action for failure to act; whereas statistics show (see the 23rd Report from the Commission on monitoring the application of EU law (COM(2006)0416)) that one quarter — or even one third — of the petitions and complaints processed were linked to infringement procedures or gave rise to such procedures; whereas the involvement of Parliament in these petition procedures grants an extra scrutiny of the investigative work of the competent EU institutions; whereas no petitions should be closed while it is being investigated by the Commission;

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- AB. whereas the key issues of concern raised in petitions pertain to a wide range of issues, such as environmental legislation (in particular with regard to water and waste management, hydrocarbon prospection and extraction, and major infrastructure and development projects), fundamental rights (in particular the rights of the child and of persons with disabilities, of particular relevance given that up to one quarter of the EU electorate claims some degree of impairment or disability), the free movement of persons, discrimination, immigration, employment, negotiation on the Transatlantic Trade and Investment Partnership (TTIP), animal welfare, the application of justice, and the social inclusion of persons with disabilities;
- AC. whereas the web portal of the Committee on Petitions was launched on 19 November 2014, with a year's delay, to replace the electronic platform for filing petitions previously available on the Europarl portal, and was conceived in order to promote the right to petition and enhance citizens' active participation in the life of the EU; whereas this portal, not yet fully operational, has been designed to provide an integrated solution covering the specific needs of the petition process, giving EU citizens wishing to file a petition an internet tool better suited to their needs, with a real time follow-up of the various stages of their petitions; whereas several shortcomings have been identified, especially with regard to the search function, that undermine the role of the portal as a public register of petitions, and whereas the second phase, aimed at resolving all the existing loopholes, should have already been concluded; whereas the portal can help improve the service and its visibility for citizens and Committee members, and will act as an electronic register (planned in Rule 216(4) of Parliament's Rules of Procedure) allowing citizens to file and keep track of petitions, and to affix their electronic signature to their own petitions; whereas the new portal is intended to make the petition procedure more transparent and interactive, and administrative aspects more efficient, in the interest of petitioners, Members and the general public; whereas the web portal should be the tool by which means transparency in the petition process can be increased, petitioners' access to information enhanced and citizens sensitized to the capacity and possibilities of the Committee on Petitions to help them to redress their situation; emphasises that the use of new information and communication technology should be increased and further stimulated in order to bring the Committee's work closer to the citizens;
- AD. whereas the European Citizens' Initiative (ECI) is an important tool for enabling citizens to participate in the EU political decision-making process, and its potential must be exploited fully; whereas, in order to achieve the best results in terms of citizen's participation, this instrument should be improved further, its levels of representation — and the practical aspects thereof — enhanced, and it should be fully respected and implemented by the European institutions (the Commission in particular);
- AE. whereas the Committee on Petitions continues to maintain an active interest in the implementation of the Regulation on the European Citizens' Initiative, and is mindful of the need for a new regulation in order to eliminate its many deficiencies, obstacles and weaknesses, and the cumbersome nature of the existing legal framework and the required mechanisms to launch and follow-up on an ECI, particularly in terms of the actual collection of signatures;
- AF. whereas the Committee on Petitions is of the opinion that, three years after the entry into force on 1 April 2012 of Regulation (EU) No 211/2011, its implementation should be assessed in order to identify weaknesses and propose viable solutions for its swift revision, so that its implementation can be improved;
- AG. whereas the public hearings organised for successful initiatives have been a success, and whereas the involvement and participation of the Committee on Petitions, as the committee associated in ECI hearings, has been greatly appreciated by the Members and by civil society; whereas the Committee on Petitions supports this process and places its long experience of working with citizens at the service of this objective; whereas a concrete follow-up would be expected from the Commission for any successful ECIs;
- AH. whereas it should be noted that, owing to the workload of the Committee on Petition and the need to increase human resources at the Secretariat of the Committee on Petitions, no fact-finding visits took place for petitions for which an inquiry was ongoing during 2014; whereas fact-finding visits in conjunction with appropriate petitions will be carried out in the future;

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- AI. whereas the normal amount of fact-finding visits should be resumed in 2016, given that they are specific prerogative of the Committee and a fundamental part of its work, which entails interacting with citizens and authorities in the Member States concerned; whereas members of such delegations take part in all related activities, including reporting, on an equal footing;
- AJ. whereas the Committee on Petitions has responsibilities with regard to the Office of the European Ombudsman, which is responsible for investigating complaints from EU citizens about possible maladministration within the EU institutions and bodies, and about which the Committee also produces an Annual Report, based on the European Ombudsman's own Annual Report; whereas in 2014 the Committee played an active and direct role in the organisation of the election of the European Ombudsman under Rule 204 of Parliament's Rules of Procedure; whereas Ms Emily O'Reilly was returned to the office of Ombudsman for a five-year term in an election in December 2014 that was conducted in an efficient and transparent manner;
- AK. whereas the Committee on Petitions is a member of the European Network of Ombudsmen, to which, where they exist, petitions committees from the national parliaments also belong, and whereas it is important that the parliaments of the Member States appoint petitions committees, and strengthen them where they already exist, and that cooperation between them be improved;
1. Stresses the work to be undertaken by the Committee on Petitions, allowing EU citizens and residents some involvement in defending and promoting their rights and in monitoring correct application of Union regulations, as their petitions ensure that citizens' concerns are known so that their legitimate grievances can be resolved within a reasonable timeframe; points out that admissible petitions should be discussed in the Committee within nine months of the petition being filed; reiterates that better institutional coordination with institutions at EU, national and regional level, as well as with other bodies, is essential if the issues raised by petitions are to be addressed promptly;
2. Stresses that the Committee on Petitions (as the contact point for citizens), the European Ombudsman and the ECI together constitute a set of basic tools for greater political involvement for citizens, for whom transparent, appropriate access to, and smooth running of, must be ensured; underlines the responsibility that these have in promoting European citizenship and strengthening the visibility and credibility of the EU institutions; calls for the EU institutions to take greater account of the work carried out by the European Ombudsman; calls for additional mechanisms to ensure the direct involvement of citizens in the decision-making processes of the European institutions;
3. Stresses that increased cooperation with national, regional and local authorities on matters linked to the application of EU law is essential to the aim of working towards reconnecting with EU citizens and reinforcing the democratic legitimacy of, and accountability in, Parliament's decision-making process; notes that cooperation is enhanced by proactive exchange of information, at all institutional levels, and that this is key to addressing issues raised by petitioners; regrets that, in certain cases, national, regional and local authorities do not respond to the Committee on Petitions' requests;
4. Warns about the persisting backlog in the treatment of petitions, which is due to the constraint in the human resources available within the Committee's Secretariat, which in turn has a clear impact on the time available to process petitions and, in particular, to determine their admissibility; considers that such delays are not acceptable if the aim is to ensure service excellence, and that they not only undermine the effective right to petition, but also harm the credibility of the European institutions in the eyes of concerned citizens; exhorts the responsible political and administrative instances of Parliament, in cooperation with the Committee on Budgets, to find an appropriate solution to ensure that the work of the Committee on Petitions can live up to the spirit of the Treaties;
5. Emphasises the requirement that the inadmissibility or closure of a petition on account of it being unfounded must be carefully justified vis-à-vis the petitioner;

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6. Calls on the Committee on Petitions and, if necessary, the Parliament committees responsible for amending the Rules of Procedure, to structure more clearly the distinction between the criteria for determining whether a petition is well-founded and the rules for determining its admissibility, and between keeping a petition open or closing it, and also to make this structure apparent to potential petitioners;

7. Stresses the Commission's significant role in assisting with cases raised by petitioners, and calls on it to monitor, in a proactive and timely fashion, certain projects reported by petitioners in which EU law has been, or will in the future be, breached through the implementation of official planning; calls on the Commission, as guardian of the Treaties, to remedy such instances of incorrect transposition of EU law, or of failure to transpose EU law, as have been reported in a large number of petitions filed with Parliament; calls as well on the Commission to be less hesitant in making use of the initiation of infringement proceedings in this regard; emphasises that the impression that greater account is taken of larger Member States when infringement proceedings are initiated must be counteracted; calls on the Commission to keep the Committee on Petitions informed, on a regular basis, of developments in, and of the concrete outcome of, infringement proceedings directly linked to any given petition;

8. Calls on the Commission to engage fully in the process of petitions, in particular by conducting thorough inquiries of the admissible cases submitted to it, and, ultimately, to provide accurate and updated answers to the petitioners in writing in a timely manner; expects these replies to be developed further in the oral debates on these issues in the public meetings of the Committee on Petitions; considers that, for the purpose of institutional credibility, the Commission should be represented in such debates by an official with appropriate rank; considers that, as guardian of the Treaties, the Commission should enter more fully into the substance of cases, taking into account the ultimate spirit of the relevant EU legislation;

9. Requests that, for the sake of transparency and in the spirit of faithful cooperation between the different EU institutions, the Commission facilitate access to documents with all relevant information related to EU Pilot procedures, particularly with regard to petitions received, including exchanges of questions and answers between the Commission and the Member States concerned, at least when the procedures are concluded;

10. Stresses the importance of proactive monitoring, and timely preventive action, by the Commission where there is well-founded evidence that certain planned and published projects may breach EU legislation; is worried by the current trend within the Commission to inhibit inquiries into the substance of many petitions on the basis of purely procedural grounds; disagrees with the repeated suggestions to close many files pertaining to specific petitions without waiting for the outcomes of the examinations of the issues they raise, and believes that this is not in line with the spirit of the Commission's ultimate role as guardian of the Treaties; calls for even more scrupulous attention, and for consequent action, in particular in cases presented by petitioners involving possible breaches of EU legislation by the Commission itself, for instance in the field of public access to documents, as guaranteed by the Aarhus Convention;

11. Points out the importance of ensuring that the Commission responds to all petitions in a detailed and proactive manner, and as promptly as possible;

12. Requests that, in light of the special nature of this Committee and the significant workload associated with its contact with the thousands of citizens and residents who file petitions every year, the human resources available to its Secretariat be increased;

13. Stresses the need to improve correspondence with citizens with the aim of processing their demands;

14. Considers it essential that cooperation with the national parliaments, and their relevant committees, and with the governments of the Member States be strengthened, and that Member State authorities be encouraged to be fully transparent in transposing and applying EU law; stresses the importance of collaboration with the Commission and the Member States with the aim of defending the rights of citizens in a more effective and more transparent manner, and encourages the presence of representatives of Member States at meetings; highlights the need for Council and Commission

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representatives of the highest possible rank to be present at Committee meetings and hearings where the content of the issues discussed require the implication of the aforementioned institutions; reiterates the call of its resolution of 11 March 2014 on the activities of the Committee on Petitions 2013 ⁽¹⁾ for launching an enhanced structured dialogue with Member States, namely by holding regular meetings with members from national committees on petitions or other competent authorities;

15. Calls on the Member States to standardise in law the obligation to create well-functioning petition committees in national parliaments, which would increase the effectiveness of the cooperation between the Committee on Petitions and the national parliaments;

16. Considers it essential that the Committee strengthens its cooperation with other committees of Parliament by means of asking their opinion on petitions, inviting their members to attend debates in their respective areas of responsibility, and participating more in their work as committee for the opinion on certain reports, in particular reports on the proper transposition and implementation of EU law in the Member States; requests that the competent committees give the petitions forwarded to them due consideration and that they provide feedback needed for the correct treatment of petitions;

17. Underlines the growing importance of the Committee on Petitions as a scrutiny committee that should be a point of reference for the transposition and implementation of the European legislation at the administrative level in the Member states; reiterates the call for more political debates during the plenary sessions, and for a more vivid communication on the petitions of European citizens, expressed in its above-mentioned resolution on the activities of the Committee on Petitions 2013;

18. Regrets that more petitioners cannot directly present their cases to the Committee on Petitions, partly because of the lack of meeting time and of human resources at the Committee Secretariat; calls for the time periods within which petitioners are informed of the handling of their petitions, and of their passage before the committee, to be improved; supports the increased use of videoconferencing, or of any other means enabling petitioners to become actively involved in the work of the Committee on Petitions, even when they cannot be physically present;

19. Calls for the prompt establishment an informal petitions network within Parliament, with the participation of Members representing every committee of Parliament in order to ensure smooth and effective coordination of work in relation to petitions, which will improve the exercise of the right to petition;

20. Points out the important role that other committees of Parliament have to play, including their handling in meetings of matters set forth in petitions pertaining to their respective areas of responsibility, and, when relevant, their use of petitions received as a source of information for legislative processes;

21. Deplores the fact that the Charter of Fundamental Rights has not been adopted in all Member States, and that many people have found its implementation to be unclear and, to some extent, disappointing; deplores as well the fact that the European Convention on Human Rights has not yet been adopted by the EU as such within the meaning of Article 6 (2) TEU, and that European citizens do not have access to sufficient information concerning the procedures in place in this regard; deplores the strict way in which the Commission has interpreted Article 51 of the Charter of Fundamental Rights, with its stipulation that the provisions of the Charter be addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law; recalls that the Commission has often said it is unable to act in the area of fundamental rights, when the Committee has so requested, citing Article 51 of the Charter; stresses the fact that the expectations of citizens often go beyond what the Charter's strictly legal provisions allow for; calls on the Commission to do more to meet citizens' expectations and to find a new approach to the interpretation of Article 51;

⁽¹⁾ Texts adopted, P7_TA(2014)0204.

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22. Points to the important work carried out by the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities; takes due note, in this regard, of the concluding observations by the UN Committee on the Rights of Persons with Disabilities on the initial report of the European Union ⁽¹⁾; highlights that the European Union Framework should be adequately resourced, in line with the requirements of the Convention; calls, in this respect, for the capacity of the Committee on Petitions and its Secretariat to be enhanced, enabling the Committee properly to fulfil its protection role; calls for the establishment of a designated officer responsible for the processing of disabilities-related issues; emphasises the Committee's willingness to work closely with other legislative committees involved in Parliament's network on disabilities; notes the need for further efforts and action on behalf of the Committee in the protection of people with disabilities, such as actions directed to promote the swift ratification of the Marrakesh Treaty;

23. Stresses citizens' concern regarding the Transatlantic Trade and Investment Partnership (TTIP) negotiations in which the Commission is participating, as highlighted in numerous petitions received in 2014; points to the importance of the Commission urgently implementing the recommendations made by the European Ombudsman in this regard;

24. Points to the opinion issued by the Committee regarding the recommendations of the Commission on the negotiations for the TTIP, in which, as highlighted in numerous petitions received, it rejects the arbitration instrument known as investor-state dispute settlement (ISDS) and regrets that the ECI against the TTIP was rejected;

25. Regrets that some Member States have not yet ratified the United Nations Convention on the Rights of Persons with Disabilities, and calls on them to sign and ratify it as soon as possible;

26. Calls for the EU and the Member States to sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities;

27. Calls on the Member States to sign and ratify the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities without further delay;

28. Notes the particular attention paid to certain petitions concerning the plan to explore for, and exploit, possible oil reserves in the Canary Islands; acknowledges that petitioners who opposed the plan on environmental grounds have contributed significantly to clarifying the debate; recognises that environmental issues remain a priority for petitioners, thus highlighting where Member States fall short in this area; notes that a number of these petitions deal with waste management, the safety of water supply, nuclear energy, fracking and the protection of animal species;

29. Stresses the high number of petitions received that reject the use of hydraulic fracturing for the extraction of gas and oil from the subsoil, and that highlight the environmental, economic and social consequences linked to the use of this technique;

30. Denounces in particular the practice of 'slicing up' files, used repeatedly with regard to major infrastructure or drilling projects that form the basis of numerous petitions on environmental issues;

31. Notes the concerns of petitioners regarding alleged instances of injustice that have occurred in the course of administrative and judicial procedures for the separation or divorce of parents in which issues concerning the custody of young children and forced adoptions are raised; notes, in this context, that in some Member States, in the case of bi-national couples, discrimination on grounds of nationality may occur in favour of the parent from the Member State in which the proceedings take place and against the non-national of that state, with severe and often very dramatic repercussions on the rights of the child; stresses that it has been notified of cases involving several Member States (Germany (notably with reference to the work of the Child and Youth Welfare Office), France, the Netherlands, Slovakia, Denmark) and Norway, and welcomes, in this regard, the upcoming revision in 2016 of Regulation Brussels IIa; stresses that in 2015 a new working

⁽¹⁾ Adopted by the UN Committee at its fourteenth session (17 August-4 September 2015); see: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fCO%2f1&Lang=en

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group, charged with providing a quick and coherent response to these concerns, was created within the Committee on Petitions, and it has undertaken a fact-finding visit to the United Kingdom in order to investigate complaints of this nature in situ;

32. Points out the large number of petitions received that fiercely criticise, and warn of the consequences of, the EU's migration, trade and external policies in terms of their compliance with provisions to ensure the human rights of migrants; points out the obligation of all EU agencies, bodies and institutions, including Frontex, to ensure, at all times, respect for human rights, and compliance with the Charter of Fundamental Rights, in their respective fields of activity;

33. Welcomes the social dialogue 'European Forum on the Rights of the Child', organised annually at the Commission's initiative since 2007, the aim of which is to support children's rights as part of EU internal and external measures; notes that the participants in this dialogue are representatives of the Member States, children's rights representatives, the Committee of the Regions, the European Economic and Social Committee, the Council of Europe, UNICEF and a number of NGOs;

34. Stresses the wide range of the subjects raised in the petitions filed by citizens, such as fundamental rights, human rights, the rights of persons with disabilities, the internal market, environmental law, labour relations, migration policies, trade agreements, public health issues, child welfare, transport, animal rights and discrimination; calls on the Committee on Petitions to specialise its work further on the major policies to which petitioners refer; requests that, in order for the Committee to be able to deal with all this intensive and extensive range of petitions, more resources be allocated to its Secretariat;

35. Believes that the organisation of public hearings is an important way of examining problems raised by petitioners; wishes to draw attention to the public hearings organised with the Committee on the Environment in response to the ECI on 'Water is a Human Right', and with the Committee on Legal Affairs for the ECI entitled 'One of Us'; believes that the ECI is an instrument that promotes transnational, participatory and representative democracy that, once a new regulation is approved, may enable citizens to be more directly involved in the framing, raising and prioritising of EU policies and legislation issues that need to be addressed; reaffirms its commitment to being involved, proactively, in organising public hearings for successful initiatives; undertakes to give priority, at institutional level, to the effectiveness of this participative process and to ensuring due legislative follow-up where appropriate; welcomes the use in hearings of accessibility features for persons with disabilities, such as the text-to-speech screen;

36. Deplores the Commission's reply to the few successful ECIs and regrets, that there has been little follow up to the only instrument of transnational democracy in the EU;

37. Draws attention to several resolutions adopted in 2014, such as its resolution of 12 March 2014 on the EU Citizenship Report 2013, 'EU Citizens: your rights, your future' ⁽¹⁾, which has led to debates on the harmonisation of pension rights and on citizens' right to vote and stand for election; draws attention to the Committee's annual report on the Committee's activities 2013 (A7-0131/2014) and to its resolution of 15 January 2015 on the annual report on the activities of the European Ombudsman 2013 ⁽²⁾, particularly as regards the TTIP agreement;

38. Welcomes the Commission's decision to continue activities initiated in 2013 under the banner of the 'European Year of Citizens' in 2014 by focusing more on the European elections (held between 22 and 25 May 2014); welcomes the Commission's readiness to inform citizens about the tools placed at their disposal so that they can participate in the EU's decision-making process, as well as its readiness, at that point in time, to provide EU citizens with information and advice on their rights and on the democratic instruments available for defending them; stresses that further efforts should be made

⁽¹⁾ Texts adopted, P7_TA(2014)0233.

⁽²⁾ Texts adopted, P8_TA(2015)0009.

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in order to raise awareness about the European elections, given the turn-out to the 2014 elections fell short of 50 % in many Member States;

39. Stresses the importance of ensuring that the Committee on Petitions has a fully operational internet portal through which petitioners may effectively register, submit their petition, upload supporting documents, support admissible petitions and receive information about, as well as automatic e-mail alerts about changes to the status of, their petitions, and through which they can contact EU officials directly in order to obtain clear, straightforward information concerning progress on the issues raised in their petitions; regrets that the expected implementation timeframe has not been accomplished, and that many of the expected features remain incomplete; urges the responsible administrative bodies to speed-up the necessary steps to conclude the implementation of the remaining phases of the project and correct any existing shortcoming; stresses that further steps should be taken to enhance the transparency of the petition process;

40. Calls for a common approach by Parliament, national parliaments and authorities at lower levels in the Member States, with appropriate appeal bodies, in order to make it transparently clear to citizens which level, and which instance, can be addressed by their petitions;

41. Calls for an effective assessment of the Petitions Secretariat staff, focused on ensuring adequacy in a qualitative and quantitative terms, in recognition of the large accumulation of petitions and the ongoing delays in their processing; believes that adequate treatment and consideration of approved petitions, along with the delivery of fair feedback to petitioners, is key to strengthening the bonds between European civil society and the European institutions;

42. Stresses the need to ensure more constructive information for citizens via the Committee on Petitions web portal through the organisation of training seminars in the Member States;

43. Emphasises the important role of the SOLVIT network, which regularly uncovers and resolves problems associated with the implementation of internal market legislation; urges the Commission to upgrade this tool, to allow members of the Committee on Petitions to have access to all information available through SOLVIT, and to keep them informed in cases pertaining to filed petitions;

44. Highlights the need for the Committee on Petitions to step up its collaboration with other EU institutions and bodies, and with the national authorities in the Member States; considers enhanced dialogues and systematic cooperation with Member States, especially with the petitions committees of the national parliaments, to be essential; recommends that all Member States parliaments that have not yet done so form petitions committees; considers the visit to the Committee on 2 December 2014 by a delegation of the petitions committee of the Scottish Parliament to be an example of such collaboration, and that partnerships of this kind will make it possible to share best practices, pool experiences gained and bring to fruition an efficacious and systematic procedure for forwarding petitions to the bodies responsible;

45. Stresses that close cooperation with the Member States is essential for the work of the Committee on Petitions; encourages the Member States to play a proactive role in responding to petitions pertaining to the implementation and enforcement of EU law, and considers the presence and the active cooperation of Member State representatives at meetings of the Committee on Petitions to be of great importance; points to the presence of representatives of the Greek Government at the meeting of 10 February 2014, at which the report on the fact-finding visit to Greece concerning waste management (18-20 September 2013) was presented;

46. Recalls that fact-finding visits are one of the most important investigation tools that the Committee on Petitions has, as foreseen in the rules, even though there were none in 2014; considers it essential that the follow up of petitions under investigation during the fact-finding visits does not come to a standstill, including between European elections and the reconstitution of Parliament, and calls on the committees of Parliament to make appropriate arrangements; stresses the need for fact-finding visits to result in clear recommendations focused on the resolution of petitioners' problems; expects the regular activity of the Committee on Petitions, in terms of fact-finding visits, to be resumed as of 2016;

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47. Calls on Greece to take note of the recommendations made in the report on the fact-finding visit on waste collection and the siting of landfills in Greece, which was adopted by the Committee in February 2014; calls on the Commission to monitor carefully the use made of funds allocated to waste collection; calls on the Member States to comply with the EU directives on recycling waste;

48. Attaches great importance to the presence and active cooperation of representatives of the Member States during meetings of the Committee on Petitions; welcomes and encourages the presence of representatives from the public authorities of the Member State concerned, their participation and their active cooperation; encourages all Member States to participate actively in the petition process;

49. Stresses the importance of cooperation with the European Ombudsman, as well as of the involvement of Parliament in the European Network of Ombudsmen; applauds the excellent relations in the institutional framework between the Ombudsman and the Committee on Petitions; appreciates especially the Ombudsman's regular contributions to the work of the Committee on Petitions throughout the year;

50. Looks forward to enhancing the cooperation with the petitions committees of national and regional parliaments of the different Member States, where these exist; is committed to providing guidance in setting up such committees in those remaining Member States that are willing to do so;

51. Instructs its President to forward this resolution, and the report of the Committee on Petitions, to the Council, the Commission, the European Ombudsman and the governments and parliaments of the Member States, their committees on petitions and their national ombudsmen or similar competent bodies.

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P8_TA(2016)0022

EU citizens under detention in India, notably Estonian and UK seamen

European Parliament resolution of 21 January 2016 on Estonian and UK seamen under detention in India (2016/2522(RSP))

(2018/C 011/12)

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), and in particular Articles 9, 10 and 14 thereof,
 - having regard to the United Nations Convention on the Law of the Sea (UNCLOS),
 - having regard to Rule 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 12 October 2013 the 35-strong crew (including 14 Estonians and 6 Britons, as well as Indians and Ukrainians) of the US-based, Sierra Leone-flagged and privately owned ship the *MV Seaman Guard Ohio* were arrested in Tamil Nadu state (India) and charged with illegally possessing weapons in Indian waters;
- B. whereas the crew were apparently on an anti-piracy mission, carried out no aggressive acts against Indian citizens, and have consistently denied any wrongdoing;
- C. whereas the charges were quashed soon after, but the Indian authorities appealed and the Supreme Court ordered the trial to proceed; whereas the men have been unable to leave India or work during this period;
- D. whereas extensive and regular engagement at the highest levels has taken place between the Indian authorities and their British and Estonian counterparts, including at ministerial and prime ministerial level; whereas this has included requesting the early return of the 14 Estonians and six Britons among the crew, drawing attention to their families' financial hardship and mental anguish;
- E. whereas on 12 January 2016 each of the 35 sailors and guards was handed a maximum sentence of five years' 'rigorous imprisonment' and fined INR 3 000 (EUR 40); whereas the men are now in Palayamkottai prison in Tamil Nadu; whereas they are considering an appeal against the sentences within the prescribed 90 days;
- F. whereas this turn of events has evoked surprise and consternation in many quarters;
1. Respects India's sovereignty over its territory and jurisdiction and recognises the integrity of the Indian legal system;
 2. Shares India's well-founded concern and sensitivity, based on recent experience, in relation to terrorism;
 3. Is aware that the personnel involved were reportedly engaged in anti-piracy duties and that on-board protection teams have proved to be the single most effective anti-piracy measure and deserve the support of the international community, including India;
 4. Calls on the Indian authorities to ensure that the case of the *MV Seaman Guard Ohio* crew is dealt with on a basis of full respect for the human and legal rights of the defendants, in line with the obligations enshrined in the various human rights charters, treaties and conventions that India has signed up to;

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5. Urges the Indian authorities to act sympathetically in this case, to resolve the legal proceedings as swiftly as possible, and to release all personnel concerned pending conclusion of the judicial processes, in order to minimise the adverse effects on those involved and their families;
 6. Recommends that India consider signing the Montreux Document of 18 September 2008, which, inter alia, defines how international law applies to the activities of private military and security companies (PMSCs);
 7. Underlines the long-standing excellent relations existing between the EU and its Member States and India; urges India and the European countries concerned to ensure that this incident does not have a negative effect on wider relations; emphasises the importance of a close economic, political and strategic relationship between India and the EU Member States as well as the EU;
 8. Calls on the EU and India to increase cooperation in matters of maritime security and counter-piracy, including through the development of international doctrine and standard operating procedures, in order to fully exploit the potential offered by India's role in the region; strongly believes, moreover, that this will contribute to preventing similar contentious cases from occurring in the future;
 9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and the Government and Parliament of India.
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P8_TA(2016)0023

Ethiopia

European Parliament resolution of 21 January 2016 on the situation in Ethiopia (2016/2520(RSP))

(2018/C 011/13)

The European Parliament,

- having regard to its previous resolutions on the situation in Ethiopia and to the most recent plenary debate on the matter, of 20 May 2015,
 - having regard to the statement of 23 December 2015 by the European External Action Service (EEAS) spokesperson on recent clashes in Ethiopia,
 - having regard to the joint statement of 20 October 2015 by Federica Mogherini, Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), and Tedros Adhanom, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia,
 - having regard to the press release on the meeting of 13 January 2016 between the VP/HR, Federica Mogherini, and the Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, Tedros Adhanom,
 - having regard to the statement of 27 May 2015 by the EEAS spokesperson on the elections in Ethiopia,
 - having regard to the declaration of 10 July 2015 by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, on the release of Ethiopian journalists,
 - having regard to the latest Universal Periodic Review on Ethiopia before the UN Human Rights Council,
 - having regard to the Cotonou Agreement,
 - having regard to the Constitution of the Federal Democratic Republic of Ethiopia adopted on 8 December 1994, and in particular the provisions of Chapter III on fundamental rights and freedoms, human rights and democratic rights,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Ethiopia in 1994,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to the UN International Covenant on Civil and Political Rights,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the most recent general elections were held on 24 May 2015, in which the Ethiopian People's Revolutionary Democratic Front (EPRDF) remained the ruling party and won all the seats in the national parliament, owing in part to the lack of space for critical or dissenting voices in the election process; whereas May's federal elections took place in a general atmosphere of intimidation and concerns over the lack of independence of the National Electoral Board; whereas the EPRDF has been in power for 24 years, since the overthrow of the military government in 1991;

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- B. whereas over the past two months Ethiopia's largest region, Oromia, home of Ethiopia's largest ethnic group, has been hit by a wave of mass protests over the expansion of the municipal boundary of the capital, Addis Ababa, which has put farmers at risk of being evicted from their land;
- C. whereas, according to international human rights organisations, security forces have responded to the generally peaceful protests by killing at least 140 protesters and injuring many more, in what may be the biggest crisis to hit Ethiopia since the 2005 election violence; whereas, on the contrary, the government has only admitted the deaths of dozens of people as well as 12 members of the security forces;
- D. whereas on 14 January 2016 the government decided to cancel the disputed large-scale urban development plan; whereas, if implemented, the plan would expand the city's boundary 20-fold; whereas the enlargement of Addis Ababa has already displaced millions of Oromo farmers and trapped them in poverty;
- E. whereas Ethiopia is a highly diverse country in terms of religious beliefs and cultures; whereas some of the largest ethnic communities, particularly the Oromo and the Somali (Ogaden), have been marginalised in favour of the Amhara and the Tigray, with little participation in political representation;
- F. whereas the Ethiopian authorities arbitrarily arrested a number of peaceful protesters, journalists and opposition party leaders in a brutal crackdown on protests in the Oromia Region; whereas those arrested are at risk of torture and other ill-treatment;
- G. whereas the government has labelled largely peaceful protesters as 'terrorists', applying the Anti-Terrorism Proclamation (Law No 652/2009) and deploying military forces against them;
- H. whereas on 23 December 2015 the authorities arrested Bekele Gerba, Deputy Chairman of the Oromo Federalist Congress (OFC), Oromia's largest legally registered political party; whereas Mr Gerba was taken to prison and reportedly hospitalised shortly afterwards; whereas his whereabouts are now unknown;
- I. whereas other senior OFC leaders have been arbitrarily arrested in recent weeks or are said to be under virtual house arrest;
- J. whereas this is not the first time that Ethiopian security forces have been implicated in serious human rights violations in response to peaceful protests, and whereas it is known that the Ethiopian Government is systematically repressing freedom of expression and association and banning individuals from expressing dissent or opposition to government policies, thereby limiting the civil and political space, including by carrying out politically motivated prosecutions under the draconian anti-terrorism law, decimating independent media, dismantling substantial civil society activism and cracking down on opposition political parties;
- K. whereas in December 2015 leading activists such as Getachew Shiferaw (Editor-in-Chief of *Negere Ethiopia*), Yonathan Teressa (an online activist) and Fikadu Mirkana (Oromia Radio and TV) were arbitrarily arrested, although they have yet to be charged by the Ethiopian authorities;
- L. whereas the Ethiopian Government imposes pervasive restrictions on independent civil society and media; whereas, according to the 2014 prison census conducted by the Committee to Protect Journalists (CPJ), Ethiopia was the fourth-worst jailer of journalists in the world, with at least 17 journalists behind bars, 57 media professionals having fled Ethiopia in the previous five years and a number of independent publications having shut down as a result of official pressure; whereas Ethiopia also ranked fourth on the CPJ's 2015 list of the 10 most-censored countries;

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- M. whereas numerous prisoners of conscience imprisoned in previous years solely on the basis of the legitimate exercise of their freedom of expression and opinion, including journalists and opposition political party members, remain in detention; whereas some of them have been convicted in unfair trials, some face ongoing trials and some continue to be detained without charge, including Eskinder Nega, Temesghen Desalegn, Solomon Kebede, Yesuf Getachew, Woubshet Taye, Saleh Edris and Tesfalidet Kidane;
- N. whereas Andargachew Tsege, a British-Ethiopian citizen and leader of an opposition party living in exile, was arrested in June 2014; whereas Mr Tsege had been condemned to death several years earlier in his absence, and has been on death row practically incommunicado since his arrest;
- O. whereas Ethiopia's Charities and Societies Proclamation law requires organisations engaged in advocacy to generate 90 % of the funding for their activities from local sources, which has led to a decrease in action by civil society organisation (CSOs) and to the disappearance of many CSOs; whereas Ethiopia rejected recommendations to amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation, made by several countries during the examination of its rights record under the Human Rights Council Universal Periodic Review of May 2014;
- P. whereas the Ethiopian Government has de facto imposed a widespread blockade of the Ogaden region in Ethiopia, which is rich in oil and gas reserves; whereas attempts to work and report from the region by international media and humanitarian groups are seen as criminal acts punishable under the Anti-Terrorism Proclamation; whereas there are reports of war crimes and severe human rights violations perpetrated by the army and government paramilitary forces against the Ogaden population;
- Q. whereas Ethiopia, the second-most-populated country in Africa, is reportedly one of the fastest-growing economies in Africa, with an average growth rate of 10 % in the past decade; whereas it nevertheless remains one of the poorest, with a per capita GNI of USD 632; whereas it ranked 173rd out of 187 countries in the Human Development Index for 2014;
- R. whereas Ethiopia plays a key role in the region and enjoys political support from Western donors and most of its regional neighbours, mostly owing to its role as host of the African Union (AU) and its contribution to UN peacekeeping, security and aid partnerships with Western countries;
- S. whereas, as economic growth continues apace (along with significant foreign investments, including in the agriculture, construction and manufacturing sectors, large-scale development projects, such as hydroelectric dam building and plantations, and widespread land-leasing, often to foreign companies), many people, including farmers as well as pastoralists, have been driven from their homes;
- T. whereas Article 40(5) of Ethiopia's constitution guarantees Ethiopian pastoralists the right to free land for grazing and cultivation and the right not to be displaced from their own lands;
- U. whereas Ethiopia is a signatory to the Cotonou Agreement, Article 96 of which stipulates that respect for human rights and fundamental freedoms is an essential element of ACP-EU cooperation;
- V. whereas Ethiopia is experiencing its worst drought in decades, leading to increasing food insecurity, severe emaciation and unusual livestock deaths; whereas nearly 560 000 people are internally displaced owing to floods, violent clashes over scarce resources and drought; whereas the Ethiopian Government estimates that 10,1 million people, half of them children, are in need of emergency food aid owing to the drought;

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W. whereas Ethiopia is faced with permanent influxes of migrants and is a host country for approximately 700 000 refugees, mainly from South Sudan, Eritrea and Somalia; whereas on 11 November 2015 a Common Agenda on Migration and Mobility (CAMM) was signed by the EU and Ethiopia to reinforce cooperation and dialogue between the two parties in the area of migration;

1. Strongly condemns the recent use of excessive force by the security forces in Oromia and in all Ethiopian regions, and the increased number of cases of human rights violations; expresses its condolences to the families of the victims and urges the immediate release of all those jailed for exercising their rights to peaceful assembly and freedom of expression;

2. Reminds the Ethiopian Government of its obligations to guarantee fundamental rights, including access to justice and the right to a fair trial, as provided for in the African Charter and other international and regional human rights instruments, including the Cotonou Agreement and specifically Articles 8 and 96 thereof;

3. Calls for a credible, transparent and independent investigation into the killings of protesters and into other alleged human rights violations in connection with the protest movement, and calls on the government to fairly prosecute those responsible before the competent jurisdictions;

4. Calls on the Government of Ethiopia to respect the Universal Declaration of Human Rights and the African Charter, including the right to peaceful assembly, freedom of expression and association; urges the government to immediately invite the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and other UN human rights experts to visit Ethiopia to report on the situation;

5. Welcomes the government's decision to completely halt the special zone master plan for Addis Ababa and Oromia; calls for an immediate, inclusive and transparent political dialogue which includes the government, opposition parties, civil society representatives and the local population, to prevent any further violence or radicalisation of the population;

6. Stresses that free and independent media are essential in order to guarantee an informed, active and engaged population, and calls on the Ethiopian authorities to stop suppressing the free flow of information, including by jamming media broadcasts and harassing media, to guarantee the rights of local civil society and media and to facilitate access throughout Ethiopia for independent journalists and human rights monitors; acknowledges the recent release of 'Zone 9' bloggers and of six journalists;

7. Requests that the Ethiopian authorities stop using anti-terrorism legislation (Anti-Terrorism Proclamation No 652/2009) to repress political opponents, dissidents, human rights defenders, other civil society actors and independent journalists; calls also on the Ethiopian Government to review its anti-terrorism law in order to bring it into line with international human rights law and principles;

8. Condemns the excessive restrictions placed on human rights work by the Charities and Societies Proclamation, which denies human rights organisations access to essential funding, endows the Charities and Societies Agency with excessive powers of interference in human rights organisations and further endangers victims of human rights violations by contravening principles of confidentiality;

9. Calls on the Ethiopian authorities to prevent any ethnic or religious discrimination and to encourage and take action in favour of a peaceful and constructive dialogue between all communities;

10. Welcomes Ethiopia's 2013 human rights action plan and calls for its swift and complete implementation;

11. Urges the authorities to implement, in particular, the recommendation of the Human Rights Council's Working Group on Arbitrary Detention and to release British national and political activist Andargachew Tsege immediately;

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12. States that respect for human rights and the rule of law are crucial to the EU's policies to promote development in Ethiopia and throughout the Horn of Africa; calls the AU's attention to the political, economic and social situation of its host country, Ethiopia;
 13. Calls for the EU, as the single largest donor, to monitor programmes and policies effectively to ensure that EU development assistance is not contributing to human rights violations in Ethiopia, particularly through programmes linked to the displacement of farmers and pastoralists, and to develop strategies to minimise any negative impact of displacement within EU-funded development projects; stresses that the EU should measure its financial support according to the country's human rights record and the degree to which the Ethiopian Government promotes reforms towards democratisation;
 14. Calls on the government to include local communities in a dialogue on the implementation of any large-scale development projects; expresses its concerns about the government's forced resettlement programme;
 15. Expresses deep concern about the current devastating climatic conditions in Ethiopia, which have worsened the humanitarian situation in the country; calls for the EU, together with its international partners, to scale up its support to the Ethiopian Government and people; welcomes the contribution recently announced by the EU and calls on the Commission to ensure that this additional funding is provided as a matter of urgency;
 16. Recalls that Ethiopia is an important country of destination, transit and origin for migrants and asylum seekers, and that it hosts the largest refugee population in Africa; takes note, therefore, of the adoption of a Common Agenda on Migration and Mobility between the EU and Ethiopia which addresses the issues of refugees, border control and the fight against human trafficking; calls also on the Commission to monitor closely all projects recently initiated within the framework of the EU Trust Fund for Africa;
 17. Is extremely concerned about the economic and social situation of the country's population — in particular women and minorities, and refugees and displaced persons, whose numbers continue to increase — in view of the crisis and the instability of the region; reiterates its support for all humanitarian organisations operating on the ground and in neighbouring host countries; supports calls by the international community and humanitarian organisations to step up assistance to refugees and displaced persons;
 18. Stresses that major public investment plans are required, particularly in the education and health fields, if the Sustainable Development Goals are to be attained; invites the Ethiopian authorities to make an effective commitment to attaining these goals;
 19. Instructs its President to forward this resolution to the Government and Parliament of Ethiopia, the Commission, the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the ACP-EU Council of Ministers, the institutions of the African Union, the Secretary-General of the United Nations, and the Pan-African Parliament.
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P8_TA(2016)0024

North Korea**European Parliament resolution of 21 January 2016 on North Korea (2016/2521(RSP))**

(2018/C 011/14)

The European Parliament,

- having regard to its previous resolutions on North Korea,
 - having regard to the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, of 6 January 2016 on the alleged nuclear test in DPRK,
 - having regard to the UN Secretary-General's statement of 6 January 2016 on the Nuclear Test announced by the Democratic People's Republic of Korea,
 - having regard to UN Security Council Resolutions 1718(2006), 1874(2009), 2087(2013) and 2094(2013) which explicitly ban nuclear tests by the Democratic People's Republic of Korea,
 - having regard to the UN General Assembly resolution of 17 December 2015 on the situation of human rights in the Democratic People's Republic of Korea,
 - having regard to the UN report entitled 'Democratic People's Republic of Korea 2015: Needs and Priorities' of April 2015,
 - having regard to the UN Human Rights Council resolution of 27 March 2015 on the situation of human rights in the Democratic People's Republic of Korea,
 - having regard to the report of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea of 7 February 2014,
 - having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, to all of which the Democratic People's Republic of Korea is a party,
 - having regard to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Council of the European Union and the UN Security Council condemned what the DPRK claimed to have been a 'successful hydrogen bomb test' conducted on 6 January 2016, which clearly violates its international obligations under the UN Security Council resolutions;
- B. whereas the proliferation of nuclear, chemical and biological weapons and their means of delivery represents a threat to international peace and security; whereas the DPRK withdrew from the Nuclear Non-Proliferation Treaty (NPT) in 2003, has been conducting nuclear tests since 2006 and officially declared in 2009 that it had developed a nuclear weapon, which means that the threat of the advancement of its nuclear capabilities has clearly amplified; whereas the pursuit of illegal nuclear and ballistic missile programmes constitutes a challenge to the international nuclear non-proliferation regime and risks aggravating regional tensions;

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- C. whereas the country, with its military-focused economy, is far from achieving its stated goal of becoming a strong and prosperous nation and has instead increasingly isolated and impoverished its people through its pursuit of weapons of mass destruction and their means of delivery;
- D. whereas the EU strongly supports the idea of a nuclear-free Korean peninsula, and considers the resumption of the Six-Party Talks to be essential for peace, security and stability in the region;
- E. whereas the DPRK's focus on military investments can be considered criminal negligence of the basic needs of its citizens in view of the fact that some 70 percent of the country's 24,6 million population are food insecure and that almost 30 percent of children aged under five are acutely malnourished;
- F. whereas the DPRK has had an extremely problematic human rights situation for many years; whereas the DPRK regime has hardly cooperated with the UN and has rejected all UN Human Rights Council and General Assembly resolutions regarding human rights in North Korea; whereas it has failed to cooperate with the UN Special Rapporteur on the situation of human rights in the country, and has rejected all assistance from the UN High Commissioner for Human Rights under the special procedures;
- G. whereas a meeting took place following the Human Rights Council resolution of 27 March 2015 between North Korean diplomats and Marzuki Darusman, the HRC Special Rapporteur on human rights in North Korea;
- H. whereas the European Union is a defender and promoter of human rights and democracy in the world; whereas the EU-DPRK human rights dialogue has been suspended by the DPRK since 2013; whereas the EU and DPRK held a political dialogue round in June 2015;
- I. whereas the UN Commission of Inquiry (CoI) investigated 'the systematic, widespread and grave violations of human rights' in North Korea and released a report on 7 February 2014; whereas the CoI concluded in its report that Pyongyang's human rights abuses are 'without any parallel in the contemporary world' and found 'an almost complete denial of the right to freedom of thought, conscience, and religion, as well as of the rights to freedom of opinion, expression, information, and association'; whereas the CoI found in many instances that the violations of human rights constitute crimes against humanity; whereas the situation of human rights in the DPRK has worsened since 2014;
- J. whereas the DPRK Government does not allow any political opposition, free and fair elections, free media, religious freedom, freedom of association, collective bargaining or freedom of movement;
- K. whereas the DPRK has an extensive and well-structured security system which closely monitors the life of nearly every citizen and does not allow any kind of basic freedom in the country;
- L. whereas the DPRK state authorities systematically perpetrate extrajudicial killings, arbitrary detention and disappearances, including in the form of abductions of foreign nationals, interning more than 100 000 people in prison and 're-education' camps;

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M. whereas the people of the DPRK have been exposed to decades of under-development, with poor health care and high levels of maternal and child malnutrition, in a context of political and economic isolation, recurrent natural disasters and international increases in food and fuel prices; whereas the DPRK is violating the right to food of its people;

1. Strongly condemns the fourth nuclear test of 6 January 2016 as an unnecessary and dangerous provocation as well as a violation of the relevant UN Security Council resolutions and a serious threat to peace and stability in the Korean Peninsula and the North East Asian region; supports meaningful and effective sanctions following the recent nuclear test to be decided upon by the international community;

2. Urges the DPRK to refrain from further provocative actions by abandoning its nuclear and ballistic missile programmes in a complete, verifiable and irreversible manner, to cease all related activities and to comply immediately with all its international obligations, including the UN Security Council and IAEA Board of Governors resolutions as well as other international disarmament and non-proliferation norms; calls on the DPRK to sign and ratify the Comprehensive Nuclear Test Ban Treaty without delay and to abide by its commitments under the Six-Party Talks Joint Statement of 19 September 2005;

3. Affirms its desire for a diplomatic and political solution to the DPRK nuclear issue; reiterates its support for the Six-Party Talks and calls for their resumption; urges all the participants in the Six-Party Talks to intensify their efforts; calls on the DPRK to re-engage constructively with the international community, and in particular the members of the Six-Party Talks, in order to work towards lasting peace and security on a nuclear-free Korean peninsula and as the best means to secure a more prosperous and stable future for the DPRK;

4. Is convinced that the time has come for the international community to take concrete action to end the perpetrators' impunity; demands that those most responsible for the crimes against humanity committed in the DPRK be held accountable, be brought before the International Criminal Court and be subjected to targeted sanctions;

5. Underlines the fact that the violations described in the CoI report, many of which constitute crimes against humanity, have been taking place for far too long under the observing eyes of the international community;

6. Urges the DPRK Government to implement the recommendations of the Commission of Inquiry without delay;

7. Calls on the Government of the People's Republic of China to exert its increased influence and political and economic leverage over the DPRK to ensure that the situation does not escalate further; calls on the People's Republic of China to take all the necessary steps, in cooperation with the international community, in order to restore peace and stability on the Korean Peninsula; notes the support of the People's Republic of China for UN Security Council resolution 2094(2013); notes the consensus among the members of the UN Security Council reacting to the recent nuclear test by the DPRK;

8. Urges the Government of the People's Republic of China, in accordance with its obligations as a state party to the UN Refugee Convention, not to deny North Korean refugees who cross the border into China their right to seek asylum or to forcibly return them to North Korea, but to protect their fundamental human rights; calls on the EU to exert diplomatic pressure to that effect; reiterates its call on all countries who are recipients of refugees from the DPRK to respect the 1951 Geneva Convention and the 1967 protocol by not sending any North Korean refugees back to the DPRK;

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9. Welcomes the UN General Assembly resolution of 17 December 2015 on the situation of human rights in the Democratic People's Republic of Korea, which was supported by all the EU Member States; calls on the EU and its Member States to continue to address the grave human rights situation in the DPRK;

10. Calls on VP/HR Federica Mogherini to use the expert capacity of the Republic of Korea in formulating the EU's strategy towards the DPRK; calls on the VP/HR to monitor further developments in the DPRK and to report back to Parliament so that the issue of human rights in the DPRK stays high on the EU's political agenda; believes that the EU has a constructive role to play through its critical engagement with the DPRK Government;

11. Expresses its deep concern about the persisting deterioration of the human rights situation in the DPRK; calls on the Government of the DPRK to fulfil its obligations under the human rights instruments to which it is a party, and to ensure that humanitarian organisations, independent human rights monitors and the UN Special Rapporteur on the situation of human rights in the DPRK have access to the country and are provided with the necessary cooperation;

12. Calls on the Government of the DPRK to end immediately its use of the systematic suppression of human rights as a political tool to control and monitor its own population;

13. Strongly condemns the systematic and large-scale use of the death penalty in the DPRK; calls on the Government of the DPRK to declare a moratorium on all executions, with a view to abolishing the death penalty in the near future; calls on the DPRK to put an end to extrajudicial killings and enforced disappearances, to release political prisoners and to allow its citizens to travel freely, both within and outside the country; calls on the DPRK to allow free expression and press freedom for national and international media, and to allow its citizens uncensored access to the internet;

14. Urges the DPRK Government to stop its State-sponsored forced labour programme under which foreign countries have hired tens of thousands of North Korean labourers under illegal conditions, mainly in mining, logging, textile and construction projects, which has generated hard currency to help maintain the regime; points out that in this case the responsibility to protect labour rights extends to hosting states which should ensure the protection of labour and human rights standards;

15. Condemns the severe restrictions on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, as well as discrimination based on the songbun system which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion;

16. Expresses its particular concern about the severity of the food situation the country is facing and its impact on the economic, social and cultural rights of the population; calls on the Commission to maintain existing humanitarian aid programmes and channels of communication with the DPRK, and to secure their safe delivery to the targeted parts of the population; calls on the DPRK authorities to ensure access for all citizens to food and humanitarian assistance on the basis of need, in accordance with humanitarian principles;

17. Urges the authorities of the DPRK to resolve urgently the issue of the systematic abduction of persons, to hand over all information on third-country nationals, including those of Japan and the Republic of Korea, suspected to have been abducted by North Korean state agents over the past decades, and to return abductees still being held to their home countries immediately;

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18. Calls on the DPRK to continue to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through dialogues, official visits to the country and more people-to-people contact;

19. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the EU Special Representative for Human Rights, the Government and Parliament of the Democratic People's Republic of Korea, the Government and Parliament of the Republic of Korea, the Government and Parliament of the People's Republic of China, the Government and Parliament of the United States, the Government and Parliament of the Russian Federation, the Government and Parliament of Japan, the UN Special Rapporteur on the situation of human rights in the DPRK, and the UN Secretary-General.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2016)0001

Request for the waiver of the immunity of Czesław Adam Siekierski

European Parliament decision of 19 January 2016 on the request for waiver of the immunity of Czesław Adam Siekierski (2015/2241(IMM))

(2018/C 011/15)

The European Parliament,

- having regard to the request for waiver of the immunity of Czesław Adam Siekierski, forwarded on 13 August 2015 by the Prosecutor-General of the Republic of Poland in connection with proceedings to be brought by the Polish General Inspector of Road Transport (Ref. No CAN-PST-SCW.7421.35493.2015.5.A.0475), and announced in plenary on 9 September 2015,
- having regard to the fact that Czesław Adam Siekierski waived his right to a hearing, in accordance with Rule 9(5) of its Rules of Procedure,
- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
- having regard to Articles 105(2) and 108 of the Constitution of the Republic of Poland and Articles 7b(1) and 7c(1) in connection with Article 10b of the Polish Act of 9 May 1996 on the exercise of the mandate of Deputy and Senator,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A8-0004/2016),

⁽¹⁾ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- A. whereas the Prosecutor-General of the Republic of Poland has forwarded a request from the Polish General Inspector of Road Transport for waiver of the immunity of a Member of the European Parliament elected with respect to Poland, Czesław Adam Siekierski, in connection with an offence under Article 92a of the Code of Petty Offences of 20 May 1971 in conjunction with Article 20(1) of the Road Traffic Act of 20 June 1997; whereas, in particular, the alleged offence amounts to exceeding the permitted speed limit in a built-up area;
 - B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament must enjoy, on the territory of their own Member State, the immunities accorded to members of the Member State's parliament;
 - C. whereas Articles 105(2) and 108 of the Constitution of the Republic of Poland state that a deputy or a senator shall not be subject to criminal accountability without the consent of the Sejm or of the Senate respectively;
 - D. whereas it is thus incumbent upon the European Parliament to decide whether the immunity of Czesław Adam Siekierski is or is not to be waived;
 - E. whereas the alleged offence does not have a direct or obvious connection with Czesław Adam Siekierski's performance of his duties as a Member of the European Parliament;
 - F. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the request has been made with the intention of causing political damage to the Member concerned;
- 1. Decides to waive the immunity of Czesław Adam Siekierski;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Czesław Adam Siekierski.
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Tuesday 19 January 2016

P8_TA(2016)0002

Request for the waiver of the immunity of Czesław Adam Siekierski

European Parliament decision of 19 January 2016 on the request for waiver of the immunity of Czesław Adam Siekierski (2015/2268(IMM))

(2018/C 011/16)

The European Parliament,

- having regard to the request for waiver of the immunity of Czesław Adam Siekierski, forwarded on 7 September 2015 by the Prosecutor-General of the Republic of Poland in connection with proceedings to be brought by the Polish General Inspector of Road Transport (Ref. No CAN-PST-SCW.7421.573278.2015.3.A.0475), and announced in plenary on 5 October 2015,
 - having regard to the fact that Czesław Adam Siekierski waived his right to a hearing, in accordance with Rule 9(5) of its Rules of Procedure,
 - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
 - having regard to Articles 105(2) and 108 of the Constitution of the Republic of Poland and Articles 7b(1) and 7c(1) in connection with Article 10b of the Polish Act of 9 May 1996 on the exercise of the mandate of Deputy and Senator,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0005/2016),
- A. whereas the Prosecutor-General of the Republic of Poland has forwarded a request from the Polish General Inspector of Road Transport for waiver of the immunity of a Member of the European Parliament elected with respect to Poland, Czesław Adam Siekierski, in connection with an offence under Article 92a of the Code of Petty Offences of 20 May 1971 in conjunction with Article 20(1) of the Road Traffic Act of 20 June 1997; whereas, in particular, the alleged offence amounts to exceeding the permitted speed limit in a built-up area;
- B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament must enjoy, on the territory of their own Member State, the immunities accorded to members of the Member State's parliament;
- C. whereas Articles 105(2) and 108 of the Constitution of the Republic of Poland state that a deputy or a senator shall not be subject to criminal accountability without the consent of the Sejm or of the Senate respectively;
- D. whereas it is thus incumbent upon the European Parliament to decide whether the immunity of Czesław Adam Siekierski is or is not to be waived;
- E. whereas, pursuant to Rule 9(7) of the Rules of Procedure, the Committee on Legal Affairs may not, under any circumstances, pronounce on the guilt or otherwise of the Member;

⁽¹⁾ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- F. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the request has been made with the intention of causing political damage to the Member concerned;
1. Decides to waive the immunity of Czesław Adam Siekierski;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Czesław Adam Siekierski.
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Tuesday 19 January 2016

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2016)0003

Multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean *I**

Amendments adopted by the European Parliament on 19 January 2016 on the proposal for a regulation of the European Parliament and of the Council on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009 (COM(2015)0180 — C8-0118/2015 — 2015/0096(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 011/17)

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

Text proposed by the Commission

Amendment

- (3a) *The Recovery plan takes into account the specificities of the different types of gears. When implementing the recovery plan, the Union and Member States should pay particular attention to non-industrial fishing activities and to the most artisanal and sustainable gear types, such as traditional traps ('almadrabas', 'tonnare'), which contribute very positively to the rebuilding of tuna stocks, due to their high level of selectivity and low environmental impact in marine ecosystems, and which are valuable in scientific terms.*

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0367/2015).

Tuesday 19 January 2016

Amendment 2
Proposal for a regulation
Recital 14

Text proposed by the Commission

- (14) All the amendments to the Recovery plan adopted by ICCAT in 2012, 2013 and 2014, which have not been subject to transposition yet, should be **integrated** into Union law. As this transposition concerns a plan whose objectives and measures were defined by ICCAT, this Regulation does not cover all the content of multiannual plans as set out under Articles 9 and 10 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 1).

Amendment

- (14) All the amendments to the Recovery plan adopted by ICCAT in **2006**, 2012, 2013 and 2014, which have not been subject to transposition yet, should be **transposed** into Union law. As this transposition concerns a plan whose objectives and measures were defined by ICCAT, this Regulation does not cover all the content of multiannual plans as set out under Articles 9 and 10 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Amendment 3
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) ***It is necessary to transpose into Union law future binding amendments of the Recovery plan. In order to swiftly incorporate into Union law such amendments, 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 European Commission (the ‘Commission’). It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.***

Amendment

deleted

Tuesday 19 January 2016

Amendment 4
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) *Regulation (EU) No 1380/2013 establishes the concept of minimum conservation reference sizes. In order to ensure consistency, the ICCAT concept of minimum sizes should be transposed into Union law as minimum conservation reference sizes. Consequently, the references in Commission Delegated Regulation (EU) 2015/98^(1a) to minimum sizes of bluefin tuna should be read as references to minimum conservation reference sizes in this Regulation.*

^(1a) *Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).*

Amendment 5
Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) *The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to transfer operations, caging operations and recording and reporting of trap and vessel activities, imperative grounds of urgency so require.*

deleted

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Amendment 6
Proposal for a regulation
Recital 24

Text proposed by the Commission

- (24) Article 15(1) of Regulation (EU) No 1380/2013 introduced a landing obligation which applies as of 1 January 2015 to Bluefin tuna. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from ICCAT Recommendations. Under that same provision the Commission is empowered to adopt delegated acts, for the purpose of implementing such international obligations into Union law, including, in particular, derogations from the landing obligation. Accordingly, the discard of bluefin tuna will be allowed in some situations laid down in Commission Delegated Regulation (EU) No 2015/98 of 18 November 2014. This Regulation does therefore not need to cover such discard obligations,

Amendment

- (24) *Delegated Regulation (EU) 2015/98 provides for derogations from the landing obligation of bluefin tuna set out in Article 15 of Regulation (EU) No 1380/2013 for the purpose of Union compliance with its international obligations under the Convention. It implements certain provisions of ICCAT Recommendation 13-07 that establish a discard and release obligation for vessels and traps catching bluefin tuna in the Eastern Atlantic and the Mediterranean in certain situations. This Regulation therefore does not need to cover such discard and release obligations and will consequently be without prejudice to the corresponding provisions laid down in Delegated Regulation (EU) 2015/98,*

Amendment 7
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

1. This Regulation lays down the general rules for the application by the Union of the Recovery plan as defined in Article 3(1).

Amendment

1. This Regulation lays down the general rules for the application by the Union of the Recovery plan as defined in Article 3(1), *taking into account the specific features of the various types of fishing gear and paying particular attention to traditional, more sustainable and artisanal gear, such as traps.*

Amendment 8
Proposal for a regulation
Article 3 — point 16

Text proposed by the Commission

- (16) *'farming capacity' means the capacity of a farm to hold fish for fattening and farming purposes in tonnes*";

Amendment

deleted

Tuesday 19 January 2016

Amendment 9

Proposal for a regulation

Article 5 — paragraph 1

Text proposed by the Commission

1. Each Member State shall take the necessary measures to ensure that the fishing **activities** of its catching vessels and its traps are commensurate with the fishing opportunities on Bluefin tuna available to that Member State in the eastern Atlantic and Mediterranean.

Amendment

1. Each Member State shall take the necessary measures to ensure that the fishing **effort** of its catching vessels and its traps are commensurate with the fishing opportunities on Bluefin tuna available to that Member State in the eastern Atlantic and Mediterranean, **and to safeguard the socio-economic viability of its traps.**

Amendment 10

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The annual fishing plan submitted by each Member State shall provide for an even breakdown of quotas among the gear groups in order to help ensure compliance with individual quotas and by-catch allowances.

Amendment 11

Proposal for a regulation

Article 7 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, for the national allocation of the quotas, giving special consideration to the preservation and prosperity of small-scale, artisanal and traditional fishermen using traps and other selective fishing methods, and to the encouragement of such methods.

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Amendment 12

Proposal for a regulation

Article 8 — paragraph 3

Text proposed by the Commission

3. The maximum number of fishing vessels flying the flag of a Member State engaged in the eastern Atlantic and Mediterranean Bluefin tuna fishery shall be limited to the number, and the total corresponding gross tonnage, of fishing vessels flying the flag of that Member State that fished for, retained on board, transhipped, transported or landed Bluefin tuna during the period from 1 January 2007 to 1 July 2008. That limit shall apply by gear type for catching vessels.

Amendment

3. The maximum number **and the corresponding gross tonnage** of fishing vessels flying the flag of a Member State engaged in the eastern Atlantic and Mediterranean Bluefin tuna fishery shall be limited to the number, and the total corresponding gross tonnage, of fishing vessels flying the flag of that Member State that fished for, retained on board, transhipped, transported or landed Bluefin tuna during the period from 1 January 2007 to 1 July 2008. That limit shall apply by gear type for catching vessels.

Amendment 41

Proposal for a regulation

Article 8 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By way of derogation from paragraphs 2, 3, and 5, Member States shall review the Bluefin tuna fishing quota system, which penalises small-scale fishermen, for the purpose of removing the monopoly currently exercised by large vessel owners and encouraging more sustainable fishing systems such as those used for small-scale fishing.

Amendment 13

Proposal for a regulation

Article 8 — paragraph 7

Text proposed by the Commission

7. **By way of derogation from paragraph 3 and 6,** for the years 2015, 2016, and 2017, each Member State shall limit the numbers of its purse seiners **not authorised to fish for Bluefin tuna under the derogation referred to in Article 13(2)b** to the numbers of purse seiners it authorised in 2013 or 2014.

Amendment

7. For the years 2015, 2016, and 2017, each Member State shall limit the numbers of its purse seiners to the numbers of purse seiners it authorised in 2013 or 2014. **This shall not apply to purse seiners operating under the derogation provided for in point (b) of Article 13(2).**

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Amendment 14
Proposal for a regulation
Article 10 — paragraph 5

Text proposed by the Commission

5. Fishing for Bluefin tuna by gears other than those referred to in paragraphs 1 to 4 and Article 11, including traps shall be permitted throughout the year.

Amendment

5. Fishing for Bluefin tuna by gears other than those referred to in paragraphs 1 to 4 and Article 11, including traps, shall be permitted throughout the year **in accordance with ICCAT conservation and management measures.**

Amendment 15
Proposal for a regulation
Chapter III — Section 2 — title

Text proposed by the Commission

MINIMUM SIZE, INCIDENTAL CATCH, BY-CATCH

Amendment

MINIMUM **CONSERVATION REFERENCE** SIZE, INCIDENTAL CATCH, BY-CATCH

Amendment 16
Proposal for a regulation
Article 12

Text proposed by the Commission

The provisions of this Section shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any **derogation in line with Article 15(2) of that Regulation.**

Amendment

The provisions of this Section shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any **applicable derogations therefrom.**

Amendment 17
Proposal for a regulation
Article 13 — title

Text proposed by the Commission

Minimum size

Amendment

Minimum **conservation reference** size

Tuesday 19 January 2016

Amendment 18
Proposal for a regulation
Article 13 — paragraph 1

Text proposed by the Commission

1. The minimum size for Bluefin tuna caught in the eastern Atlantic and in the Mediterranean shall be 30 kg or 115 cm fork length.

Amendment

1. The minimum **conservation reference** size for Bluefin tuna caught in the eastern Atlantic and in the Mediterranean shall be 30 kg or 115 cm fork length.

Amendment 19
Proposal for a regulation
Article 13 — paragraph 2 — introductory part

Text proposed by the Commission

By way of derogation from paragraph 1, a minimum size for Bluefin tuna of 8 kg or 75cm fork length shall apply to the following fisheries:

Amendment

By way of derogation from paragraph 1, a minimum **conservation reference** size for Bluefin tuna of 8 kg or 75cm fork length shall apply to the following fisheries:

Amendment 20
Proposal for a regulation
Article 15 — paragraph 4

Text proposed by the Commission

4. If the quota allocated to the Member State of the fishing vessel or trap concerned has already been consumed, the catching of any Bluefin tuna shall be avoided. Dead Bluefin tuna must be landed and shall be subject to confiscation and the appropriate follow-up action. In accordance with Article 27, each Member State shall report information on such quantities on an annual basis to the Commission who shall forward it to the ICCAT Secretariat.

Amendment

4. If the quota allocated to the Member State of the fishing vessel or trap concerned has already been consumed, the catching of any Bluefin tuna shall be avoided. Dead Bluefin tuna must be landed **whole and unprocessed** and shall be subject to confiscation and the appropriate follow-up action. In accordance with Article 27, each Member State shall report information on such quantities on an annual basis to the Commission who shall forward it to the ICCAT Secretariat.

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Amendment 21

Proposal for a regulation

Chapter III — Section 3 — title

Text proposed by the Commission

USE OF **AIRCRAFTS**

Amendment

USE OF **AERIAL MEANS**

Amendment 22

Proposal for a regulation

Article 18 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any Bluefin tuna landed shall be whole, gilled and gutted. Each Member State shall take the necessary measures to ensure, to the greatest extent possible, the release of Bluefin tuna caught alive, especially juveniles, in the framework of recreational and sport fishing.

Amendment 23

Proposal for a regulation

Article 19 — paragraph 1 — point a

Text proposed by the Commission

(a) a list of all catching vessels flying its flag authorised to fish actively for Bluefin tuna in the eastern Atlantic and Mediterranean by issue of a **special** fishing authorisation;

Amendment

(a) a list of all catching vessels flying its flag authorised to fish actively for Bluefin tuna in the eastern Atlantic and Mediterranean by issue of a fishing authorisation;

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Amendment 24
Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Relationship with Regulation (EC) No 1224/2009

The control measures provided for in this Chapter shall apply in addition to those provided for in Regulation (EC) No 1224/2009, except where otherwise provided for in this Chapter.

Amendment 25
Proposal for a regulation
Article 20 — paragraph 2

Text proposed by the Commission

Amendment

2. The flag Member State shall withdraw the fishing authorisation for Bluefin tuna and **shall** require the vessel to proceed immediately to a port designated by it when the individual quota is deemed to be exhausted.

2. The flag Member State shall withdraw the fishing authorisation for Bluefin tuna and **may** require the vessel to proceed immediately to a port designated by it when the individual quota is deemed to be exhausted.

Amendment 26
Proposal for a regulation
Article 21 — paragraph 1

Text proposed by the Commission

Amendment

1. By 15 February each year, each Member State shall send to the Commission electronically a list of its traps authorised, by issue of a **special** fishing authorisation to fish for Bluefin tuna in the eastern Atlantic and Mediterranean. The list shall include the name of the traps and the register number and shall be set up in accordance with the format set in the Guidelines by ICCAT for submitting data and information required.

1. By 15 February each year, each Member State shall send to the Commission electronically a list of its traps authorised, by issue of a fishing authorisation to fish for Bluefin tuna in the eastern Atlantic and Mediterranean. The list shall include the name of the traps and the register number and shall be set up in accordance with the format set in the Guidelines by ICCAT for submitting data and information required.

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Amendment 27

Proposal for a regulation

Article 24 — paragraph 5 — subparagraph 2

Text proposed by the Commission

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59 (3).

Amendment

deleted

Amendment 28

Proposal for a regulation

Article 29 — paragraph 3

Text proposed by the Commission

3. Where Member States apply Article 80(3) of Regulation (EU) No 404/2011 to the notification under paragraphs 1 and 2, the estimated quantities of Bluefin tuna retained on board may be notified at the agreed time of notification prior to arrival.

Amendment

3. Where Member States apply Article 80(3) of **Implementing** Regulation (EU) No 404/2011 to the notification under paragraphs 1 and 2, the estimated quantities of Bluefin tuna retained on board may be notified at the agreed time of notification prior to arrival. ***If the fishing grounds are less than four hours from the port, the estimated quantities of Bluefin tuna retained on board may be modified at any time prior to arrival.***

Amendment 29

Proposal for a regulation

Article 37 — paragraph 2

Text proposed by the Commission

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59(3).

Amendment

deleted

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Amendment 30

Proposal for a regulation

Article 46 — paragraph 2

Text proposed by the Commission

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59(3).

Amendment

deleted

Amendment 31

Proposal for a regulation

Article 47 — paragraph 4

Text proposed by the Commission

4. Member States shall *ensure that their Fisheries Monitoring Centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag.* The Commission shall send electronically those messages to the ICCAT Secretariat.

Amendment

4. Member States shall *transmit the data provided for in this Article in accordance with Article 28 of Implementing Regulation (EU) No 404/2011.* The Commission shall send electronically those messages to the ICCAT Secretariat.

Amendment 32

Proposal for a regulation

Article 49 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

(ca) during all transfers from one farm to another;

Amendment 33

Proposal for a regulation

Article 49 — paragraph 5 — point a a (new)

Text proposed by the Commission

Amendment

(aa) observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures;

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Amendment 34
Proposal for a regulation
Article 57

Text proposed by the Commission

Article 57

Amendment

deleted

Procedure for amendments

1. As far as is necessary, in order to incorporate into Union law amendments to the existing provisions of the Bluefin tuna recovery plan which become binding to the Union, the Commission may amend non-essential provisions of this Regulation by means of delegated acts in accordance with Article 58.

Amendment 35
Proposal for a regulation
Article 58

Text proposed by the Commission

Article 58

Amendment

deleted

Exercise of the delegation for amendments

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 57 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 57 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

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Text proposed by the Commission

Amendment

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 57 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Amendment 36

Proposal for a regulation

Article 59 — paragraph 3

Text proposed by the Commission

Amendment

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

deleted

Amendment 37

Proposal for a regulation

Article 61 — paragraph 1

Text proposed by the Commission

Amendment

This Regulation shall enter into force **on the third day** following its publication in the Official Journal of the European Union.

This Regulation shall enter into force **on the twentieth day** following **that of** its publication in the Official Journal of the European Union.

Amendment 38

Proposal for a regulation

Annex I — paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the provisions set out in Article 8(3), the maximum number of catching vessels authorised to fish for Bluefin tuna in the Adriatic sea for farming purposes under the specific conditions applying to the derogation referred to in Article 13(2)(b) is set at the number of Union catching vessels participating in the directed fishery for Bluefin tuna in 2008.

2. In addition to the provisions set out in Article 8(3), the maximum number of catching vessels authorised to fish for Bluefin tuna in the Adriatic sea for farming purposes under the specific conditions applying to the derogation referred to in Article 13(2)(b) is set at the number of Union catching vessels participating in the directed fishery for Bluefin tuna in 2008. **For that purpose, the number of Croatian catching vessels participating in the directed fishery for Bluefin tuna in 2008 shall be taken into account.**

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Amendment 39**Proposal for a regulation****Annex IV — point 2 — line 2**

<i>Text proposed by the Commission</i>		<i>Amendment</i>		
Number of individuals:	Species:	Number of individuals:	Species:	Weight:

Amendment 40**Proposal for a regulation****Annex VII — point 7 — point a**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(a) allowed access to the vessel and farm personnel and to the gear, cages and equipment	(a) allowed access to the vessel, farm and trap personnel and to the gear, cages and equipment

Wednesday 20 January 2016

P8_TA(2016)0010

Automated data exchange with regard to vehicle registration data (VRD) in Latvia *

European Parliament legislative resolution of 20 January 2016 on the draft Council implementing decision on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Latvia (13060/2015 — C8-0338/2015 — 2015/0813(CNS))

(Consultation)

(2018/C 011/18)

The European Parliament,

- having regard to the Council draft (13060/2015),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0338/2015),
 - having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, and in particular Article 33 thereof,
 - having regard to its resolution of 10 October 2013 on strengthening cross-border law-enforcement cooperation in the EU: the implementation of the 'Prüm Decision' and the European Information Exchange Model ⁽²⁾,
 - having regard to its resolution of 9 July 2015 on the European Agenda on Security ⁽³⁾,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0370/2015),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

⁽²⁾ Texts adopted, P7_TA(2013)0419.

⁽³⁾ Texts adopted, P8_TA(2015)0269.

Wednesday 20 January 2016

P8_TA(2016)0011

Presumption of innocence and right to be present at trial in criminal proceedings *I**

European Parliament legislative resolution of 20 January 2016 on the proposal for a directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (COM(2013)0821 — C7-0427/2013 — 2013/0407(COD))

(Ordinary legislative procedure: first reading)

(2018/C 011/19)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0821),
 - having regard to Article 294(2) and Article 82(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0427/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the United Kingdom House of Commons, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 25 March 2014 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 November 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A8-0133/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2013)0407

Position of the European Parliament adopted at first reading on 20 January 2016 with a view to the adoption of Directive (EU) 2016/... of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2016/343.)

⁽¹⁾ OJ C 226, 16.7.2014, p. 63.

Wednesday 20 January 2016

P8_TA(2016)0012

Personal protective equipment *I**

European Parliament legislative resolution of 20 January 2016 on the proposal for a regulation of the European Parliament and of the Council on personal protective equipment (COM(2014)0186 — C7-0110/2014 — 2014/0108(COD))

(Ordinary legislative procedure: first reading)

(2018/C 011/20)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0186),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0110/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 9 July 2014 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 7 October 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Employment and Social Affairs (A8-0148/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0108

Position of the European Parliament adopted at first reading on 20 January 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/425.)

⁽¹⁾ OJ C 451, 16.12.2014, p. 76.

Wednesday 20 January 2016

P8_TA(2016)0013

Appliances burning gaseous fuels *I**

European Parliament legislative resolution of 20 January 2016 on the proposal for a regulation of the European Parliament and of the Council on appliances burning gaseous fuels (COM(2014)0258 — C8-0006/2014 — 2014/0136(COD))

(Ordinary legislative procedure: first reading)

(2018/C 011/21)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0258),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0006/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 10 July 2014 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 7 October 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0147/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0136

Position of the European Parliament adopted at first reading on 20 January 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/426.)

⁽¹⁾ OJ C 458, 19.12.2014, p. 25.

Wednesday 20 January 2016

P8_TA(2016)0014

Cableway installations *I****European Parliament legislative resolution of 20 January 2016 on the proposal for a regulation of the European Parliament and of the Council on cableway installations (COM(2014)0187 — C7-0111/2014 — 2014/0107(COD))****(Ordinary legislative procedure: first reading)**

(2018/C 011/22)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0187),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0111/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 9 July 2014 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 7 October 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0063/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0107**Position of the European Parliament adopted at first reading on 20 January 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/424.)

⁽¹⁾ OJ C 451, 16.12.2014, p. 81.

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P8_TA(2016)0015

Objection to a delegated act: specific compositional and information requirements for processed cereal-based food and baby food

European Parliament resolution of 20 January 2016 on Commission Delegated Regulation (EU) No .../... of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for processed cereal-based food and baby food (C(2015)06507 — 2015/2863(DEA))

(2018/C 011/23)

The European Parliament,

- having regard to the Commission delegated regulation (C(2015)06507),
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 ⁽¹⁾, and in particular Article 11(1) thereof,
 - having regard to the United Nations Convention on the Rights of the Child,
 - having regard to the International Code of Marketing of Breast-Milk Substitutes adopted by the World Health Assembly in 1981 ⁽²⁾ and the 16 subsequent relevant World Health Assembly resolutions, in particular resolution WHA63.23 of 21 May 2010, which urges Member States ‘to end inappropriate promotion of food for infants and young children and to ensure that nutrition and health claims shall not be permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation’,
 - having regard to the UK Government’s Scientific Advisory Committee on Nutrition (SACN) position statement of 24 September 2007 ⁽³⁾,
 - having regard to Article 5 of Regulation (EU) No 609/2013 and the precautionary principle enshrined therein,
 - having regard to the motion for a resolution by the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rule 105(3) of its Rules of Procedure,
- A. whereas the Commission has failed to present to Parliament and the Council the report on young-child formula required by Regulation (EU) No 609/2013 (Article 12), which is a necessary condition for national strategies to reduce childhood obesity;
- B. whereas part 3 of Annex I to the delegated regulation allows 30 % of the energy in baby foods to be provided by sugar (7,5 g sugar/100 kcal is equivalent to 30 kcal from sugar in 100 kcal energy);

⁽¹⁾ OJ L 181, 29.6.2013, p. 35.

⁽²⁾ http://www.who.int/nutrition/publications/code_english.pdf

⁽³⁾ http://webarchive.nationalarchives.gov.uk/20140507013106/http://www.sacn.gov.uk/pdfs/position_statement_2007_09_24.pdf

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- C. whereas the provisions contained in part 3 of Annex I are contrary to all health advice from the World Health Organisation (WHO) ⁽¹⁾ — which recommends limiting the intake of free sugars to less than 10 % of total energy intake, with a further reduction to less than 5 % of total energy intake for additional health benefits — and from scientific committees in Member States, which have recommended significant reductions in total sugar intake; whereas the introduction of such foods — especially at such an early stage — is likely to contribute to rising levels of childhood obesity and may affect the developing taste preferences of children; whereas, in the case of infants and young children in particular, added sugar levels should be kept to a minimum;
- D. whereas poor diet is now by far the biggest underlying cause of disease and death globally — bigger than tobacco, alcohol and physical inactivity combined ⁽²⁾;
- E. whereas the WHO recommends that, from six months of age, breast milk should be complemented with a variety of adequate, safe and nutrient dense complementary foods, while salt and sugars should not be added to complementary foods ⁽³⁾;
- F. whereas all Member States have endorsed the International Code of Marketing of Breast-Milk Substitutes adopted by the World Health Assembly (WHA) in 1981 ('the International Code') and the 16 subsequent relevant WHA resolutions;
- G. whereas Regulation (EU) No 609/2013 was adopted before the European Food Safety Authority's Scientific Opinion on the essential composition of infant and follow-on formulae of 5 August 2014 ⁽⁴⁾ was published;
- H. whereas the Union has an obligation to promote high-quality public health principles, standards and legislation in its relations with non-EU countries and international organisations in the field of public health and a duty to establish an effective health protective framework;
- I. whereas infants and young children are a particularly vulnerable population group as regards endocrine disrupting chemicals and other contaminants;
- J. whereas the International Agency for Research on Cancer — the WHO's specialised cancer agency — classified glyphosate as probably carcinogenic to humans on 20 March 2015 ⁽⁵⁾;

1. Objects to the Commission delegated regulation;

Obesity

2. Considers that the delegated regulation does not contain sufficient measures to protect infants and young children against obesity and that the allowed maximum sugar level should be substantially lowered in line with WHO recommendations;

Emerging technologies

3. Considers that, in line with the precautionary principle, emerging technologies such as GMOs and nanotechnologies, whose long-term risks are not known, should be prohibited in processed cereal-based food and baby food;

⁽¹⁾ <http://www.who.int/mediacentre/factsheets/fs394/en/>

⁽²⁾ Changes in health in England, with analysis by English regions and areas of deprivation, 1990–2013: a systematic analysis for the Global Burden of Disease Study 2013 *Lancet* 2015; 386: 2257–74 Published Online 15 September 2015.
[http://thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(15\)00195-6.pdf](http://thelancet.com/pdfs/journals/lancet/PIIS0140-6736(15)00195-6.pdf)

⁽³⁾ <http://www.who.int/mediacentre/factsheets/fs394/en/>

⁽⁴⁾ http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/3760.pdf

⁽⁵⁾ <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>

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Labelling

4. Takes the view that, in consideration of global public health recommendations, including WHA resolution 63.23, the WHA Global Strategy on Infant and Young Child Feeding and the global impact of exports from the Union to third countries, the labelling and marketing of processed baby foods should make it clear that these products are not adequate for use by infants of less than six months of age and should not undermine the six-month exclusive breastfeeding recommendation; considers, therefore, that the labelling and marketing should be revised in line with WHA recommendations for foods for infants and young children;

Transparency

5. Considers that, for the sake of transparency and building public trust in Union institutions and EU decision making, the list of 'bilateral meetings' (including the dates thereof and participants) which the Commission has held with interested parties during the process of drafting the delegated regulation should be made public;

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6. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;

7. Calls on the Commission to bring forward a new delegated act that takes into consideration the findings of EFSA's review of the compositional requirements of processed cereal-based food, and scientific evidence on the effects of added sugar and the early introduction of processed foods in relation to optimal infant and young child feeding recommendations;

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

Thursday 21 January 2016

P8_TA(2016)0017

EU-Kosovo Stabilisation and Association Agreement ***

European Parliament legislative resolution of 21 January 2016 on the draft Council decision on the conclusion, on behalf of the Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part (10725/2/2015 — C8-0328/2015 — 2015/0094(NLE))

(Consent)

(2018/C 011/24)

The European Parliament,

- having regard to the draft Council decision (10725/2/2015),
 - having regard to the draft Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part (10728/1/2015),
 - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a)(i), and Article 218(7) and (8), of the Treaty on the Functioning of the European Union (C8-0328/2015),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0372/2015),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Kosovo.

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