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## Information and Notices

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2016-2017 SESSION

Sittings of 27 and 28 April 2016

*The Minutes of this session have been published in OJ C 190, 15.6.2017.*

*The texts adopted of 28 April 2016 concerning the discharge for the financial year 2014 have been published in OJ L 246, 14.9.2016.*

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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.)

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

## EUROPEAN PARLIAMENT

2016-2017 SESSION

Sittings of 27 and 28 April 2016

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TEXTS ADOPTED

Thursday 28 April 2016

# I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

### EUROPEAN PARLIAMENT

P8\_TA(2016)0142

#### **Safeguarding the best interest of the child across the EU on the basis of petitions addressed to the European Parliament**

**European Parliament resolution of 28 April 2016 on safeguarding the best interests of the child across the EU on the basis of petitions addressed to the European Parliament (2016/2575(RSP))**

(2018/C 066/01)

*The European Parliament,*

- having regard to Article 228 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 81(3) TFEU,
- having regard to the European Charter of Fundamental Rights, in particular Article 24 thereof,
- having regard to Articles 8 and 20 of the United Nations Convention on the Rights of the Child, which underline the obligation of governments to protect a child's identity, including his or her family relations,
- having regard to the Vienna Convention on Consular Relations of 1963, in particular Article 37(b) thereof,
- having regard to the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption,
- having regard to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 <sup>(1)</sup> (Brussels IIa),
- having regard to the EU Agenda for the Rights of the Child (COM(2011)0060),
- having regard to the guidelines drawn up in the reflection paper for the 9<sup>th</sup> European Forum on the Rights of the Child,
- having regard to the mapping of the child protection systems carried out by the Fundamental Rights Agency,
- having regard to the numerous petitions on practices of child welfare authorities and the protection of children's rights, child custody, child abduction and childcare which the Committee on Petitions has received over the years from various EU Member States, and to the recommendations made in the reports on fact-finding visits to Germany (23-24 November 2011) (Jugendamt), Denmark (20-21 June 2013) (social services) and the United Kingdom (5-6 November 2015) (non-consensual adoptions),

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<sup>(1)</sup> OJ L 338, 23.12.2003, p. 1.

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- having regard to the role and activities of the European Parliament Mediator for International Parental Child Abduction,
  - having regard to Rule 216(2) of its Rules of Procedure,
- A. whereas the best interests of the child must be paramount in all decisions related to childcare issues at all levels;
- B. whereas the EU may adopt measures concerning family law with cross-border implications (Article 81(3) TFEU), including in the field of adoption;
- C. whereas increased mobility within the EU has led to increasing numbers of cross-border child protection issues involving custody removal;
- D. whereas child-custody-related issues have a significant impact on the life of every individual involved and on society as a whole, and whereas the Brussels IIa Regulation is not free of loopholes, and the upcoming revision thereof is a good opportunity to enhance its provisions;
- E. whereas the exercise of a fundamental right such as freedom of movement and residence should not entail a higher threat to the child's right to family life;
- F. whereas children whose parents are exercising their right to free movement have the right to maintain on a regular basis a personal relationship and direct contact with their parents unless this is contrary to the interests of the child, in accordance with Article 24 of the Charter of Fundamental Rights;
1. Recalls that the large number of petitions received on child-related cases indicates that there is a major problem with the implementation of the Brussels IIa Regulation;
2. Considers that all child protection systems should have transnational and cross-border mechanisms in place which take into account the specificities of cross-border conflicts;

#### ***Child protection and judicial cooperation within the EU***

3. Calls on the Member States to put in place monitoring and evaluation systems (with relevant socioeconomic and nationality-disaggregated statistics) within a national coordinating framework on cross-border cases involving children; recommends that the Commission coordinate the transfer of information among the relevant Member State authorities;
4. Calls on the Council to report on the specific actions being implemented by the Member States with a view to bringing about synergies between the 28 national child protection systems;
5. Calls for a clear definition of 'habitual residence' in the revised Brussels IIa Regulation;
6. Stresses the obligation of national authorities, set out in the Brussels IIa Regulation, to recognise and enforce judgments delivered in another Member State in child-related cases; calls on the Member States to increase and improve the cooperation of their judiciaries in cases involving a child;
7. Calls on the Commission and the Member States to co-finance and promote the establishment of a platform providing assistance to non-national EU citizens in family proceedings and of a single European helpline for cases of child abduction or abuse, as well as counselling concerning care and adoption proceedings;
8. Calls on the Commission to provide a clear and easily accessible guide with practical information for EU citizens on the institutional arrangements on child protection, with a particular focus on adoption or placement without parental consent and on parents' rights in different Member States;

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### ***Role of social services in child protection***

9. Calls on the Member States to take a preventive approach and to ensure appropriate and well-resourced policies to avoid launching care proceedings where possible, by introducing early-warning procedures and monitoring mechanisms and providing adequate support to families as primary caregivers, particularly within vulnerable communities where social exclusion is a risk;
10. Stresses that proper assessment of individual cases in family-related issues should not be hindered by budgetary cuts as a result of austerity measures, in particular where the quality of social services is concerned;
11. Calls on the Commission and the Member States to provide for specialised training and education for social workers and all other professionals dealing with cross-border cases involving a child;
12. Calls on the relevant authorities of a Member State that intends to send social workers to investigate a case for adoption or placement in another Member State to inform the authorities of that Member State that such an investigation will be conducted;

### ***Childcare-related judicial proceedings***

13. Invites the Member States to designate specialised chambers within family courts or cross-border mediation bodies to deal with cross-border child-related cases; stresses that proper monitoring of the post-judgment situation is pivotal, including when contact with parents is involved;
14. Calls on the Member States to systematically implement the provisions of the Vienna Convention of 1963, and to ensure that embassies or consular representations are informed from the start of all childcare proceedings involving their nationals and that they have full access to the relevant documents; suggests that consular authorities should be allowed to attend every stage of the proceedings;
15. Calls on the Member States to guarantee regular visitation rights to parents, except where this could be detrimental to the best interests of the child, and to allow parents to use their mother tongue with their children during the visits;
16. Recommends that the Member States provide parents, from the outset and at every stage of child-related proceedings, with complete and clear information on the proceedings and on the possible consequences thereof; calls on them to inform parents about the rules on legal support and aid, for example by providing them with a list of bilingual specialised lawyers and by offering interpretation facilities, so as to avoid cases where parents give their consent without fully understanding the implications of their commitments; recommends also that adequate support be provided to parents with literacy difficulties;
17. Recommends establishing minimum standards for the hearing of a child in national civil proceedings, in accordance with Article 24 of the Charter of Fundamental Rights;
18. Recommends separate hearings of parents and children before a judge, an expert or a social worker, in order to avoid children being influenced or falling victim to conflicts of loyalty;
19. Recommends that thresholds for the duration of each stage in cross-border childcare proceedings be set, so that members of the child's extended family have sufficient time to come forward and apply to adopt the child, or parents can address their problems and propose sustainable alternatives before the final decision on adoption is taken; considers that before any permanent solution, such as adoption, is determined, a proper re-evaluation of the situation of the biological family must be undertaken;
20. Calls on the Member States to give parents suffering from alcohol or drug addiction reasonable time to have a real opportunity to recover before the court takes a final decision on adoption of their child;



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21. Calls on the Commission to pay particular attention to the recommendations received on cross-border mediation by all relevant stakeholders at national and European level;

***Child placement and adoption***

22. States that there is no mechanism within the EU providing for automatic recognition of domestic adoption orders issued in other Member States; calls on the Member States and the Commission to regulate on recognition of domestic adoption, taking into account the best interests of the child and with due respect for the principle of non-discrimination;

23. Calls on the Member States to encourage non-contracting states to join the 1993 Hague Convention, which would guarantee that all children benefit from the same standards and would help to avoid a parallel system with fewer safeguards; calls on the Member States to avoid heavy bureaucracy in processing the recognition of international adoptions already recognised in another Member State;

24. Emphasises the importance of offering children in any kind of fostering or adoption arrangement the placement that offers the best opportunities to maintain links with the child's cultural background and to learn and use their mother tongue; asks the Member State authorities involved in childcare proceedings to make all possible efforts to avoid separating siblings;

25. Calls on the Member States to give particular attention and support to parents, and particularly women, who have been victims of domestic violence, either as children or adults, in order to avoid their being victimised again by the automatic removal of custody of their children;

***Cross-border parental child abduction***

26. Calls on the Commission to publicise the results achieved in the promotion of cross-border cooperation in child abduction cases, which it declared to be a priority in the EU Agenda for the Rights of the Child;

27. Calls on the Council to report on the results achieved in establishing child abduction alert systems with cross-border implications, and to conclude the relevant cooperation agreements dealing with cross-border abduction cases on the basis of the Commission guidelines;

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

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P8\_TA(2016)0200

## **European Investment Bank annual report 2014**

**European Parliament resolution of 28 April 2016 on the European Investment Bank (EIB) — Annual Report 2014 (2015/2127(INI))**

(2018/C 066/02)

*The European Parliament,*

- having regard to the 2014 Activity Report of the European Investment Bank,
- having regard to the 2014 Financial Report and the 2014 Statistical Report of the European Investment Bank,
- having regard to the 2014 Sustainability Report, the 2014 Report on 3 Pillar Assessment for EIB operations inside the EU and the 2014 Report on Results Outside of the EU of the European Investment Bank,
- having regard to the Annual Reports of the EIB Audit Committee for the year 2014,
- having regard to the European Investment Bank Group Annual Report on Anti-Fraud Activities — 2014,
- having regard to the EIB Group Operational Plan 2014-2016 (17 December 2013), the EIF Corporate Operational Plan 2014-2016 (December 2013) and the EIB Group Operational Plan 2015-2017 (21 April 2015),
- having regard to the report on the implementation of the EIB's Transparency Policy in 2014,
- having regard to the EIB Office of the Chief Compliance Officer Activity Report 2014,
- having regard to Articles 3 and 9 of the Treaty on European Union (TEU),
- having regard to Articles 15, 126, 174, 175, 208, 209, 271, 308 and 309 of the Treaty on the Functioning of the European Union (TFEU) and to Protocol No 5 thereto on the Statute of the EIB,
- having regard to the Rules of Procedure of the European Investment Bank,
- having regard to its resolution of 11 March 2014 on the European Investment Bank (EIB) — Annual Report 2012 <sup>(1)</sup>,
- having regard to its resolution of 30 April 2015 on the European Investment Bank (EIB) — Annual Report 2013 <sup>(2)</sup>,
- having regard to its resolution of 26 February 2014 on long-term financing of the European economy <sup>(3)</sup> and to the Commission communication of 27 March 2014 on Long-Term Financing of the European Economy (COM(2014)0168),
- having regard to Decision No 1080/2011/EU of the European Parliament and of the Council of 25 October 2011 on the EIB External Mandate 2007-2013 and to Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union,

<sup>(1)</sup> Texts adopted, P7\_TA(2014)0201.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0183.

<sup>(3)</sup> Texts adopted, P7\_TA(2014)0161.

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- having regard to Regulation (EU) No 670/2012 of the European Parliament and of the Council of 11 July 2012 amending Decision No 1639/2006/EC establishing a Competitiveness and Innovation Framework Programme (2007-2013) and Regulation (EC) No 680/2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (concerning the pilot phase for the Europe 2020 Project Bond Initiative),
  - having regard to the October 2014 European Council conclusions explicitly referring to involvement of the EIB in a new fund targeting investments aimed at improving energy efficiency and modernising energy systems in lower-income Member States,
  - having regard to the Commission communication of 26 November 2014 on 'An Investment Plan for Europe' (COM(2014)0903),
  - having regard to Regulation (EU) No 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 <sup>(1)</sup>,
  - having regard to the Commission communication of 22 July 2015 on 'Working together for jobs and growth: The role of National Promotional Banks (NPBs) in supporting the Investment Plan for Europe' (COM(2015)0361),
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinions of the Committee on International Trade, the Committee on Budgets, the Committee on Economic and Monetary Affairs and the Committee on Regional Development (A8-0050/2016),
- A. whereas the core task of the EIB, as the EU's bank, is to support financially projects in the interest of the Union that contribute to the balanced development of the internal market and to social, economic and territorial cohesion, and thus to strengthening European integration, contributing to higher employment and to the competitiveness of the Union;
- B. whereas all EIB-financed activities must be consistent with the EU Treaties and the EU's overarching objectives and priority areas, as defined by the Europe 2020 strategy and the Growth and Employment Facility;
- C. whereas, for the purpose of fulfilling its task, the EIB grants loans and gives guarantees which facilitate the financing of projects in all sectors of the economy, while operating on a non-profit-making basis;
- D. whereas the 2008 financial, economic and social crisis has resulted in the emergence of a severe investment gap and extreme levels of unemployment, particularly among young people, along with the prospect of protracted stagnation of the European economy;
- E. whereas at present both individual Member States and the EU as a whole are facing the overwhelming challenge, unprecedented in the entire history of the EU, of having to manage mass inflows of migrants from diverse regions of the world;
- F. whereas under the present circumstances a qualitatively new degree of urgency now characterises the central role of the EIB for the effective implementation of the Investment Plan for Europe and for the efficient operation of the European Fund for Strategic Investments (EFSI), as the principal vehicle for boosting growth, delivering decent jobs and overcoming social and territorial divisions within the Union;
- G. whereas the European Investment Fund (EIF) has a critical role to play in the response of the EIB Group as regards addressing the longer-term consequences of the crisis, and also contributes to the recovery of the European economy through support to SMEs;

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<sup>(1)</sup> OJ L 169, 1.7.2015, p. 1.

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- H. whereas the EIB should be not only a financial institution but also a bank of knowledge and good practices which advises the Member States and economic stakeholders and contributes to maximising the added value of EU funds;
- I. whereas EIB financing of operations outside the EU is designed to support the EU's external policy objectives, in line with Union values and on a basis of respect for sustainable social and environmental standards;
- J. whereas the scale and complexity of the tasks facing the EIB at present call for a renewed commitment to strictly avoiding the funding of projects that violate the basic standards of sound financial management, thus damaging the EIB's credibility as a triple-A public financial institution of unimpeachable reputation;

***EIB's investment programme underpinning EU policy objectives***

*Prioritising investments to accelerate recovery and enhance productivity*

1. Welcomes the EIB's Annual Reports for 2014 and its achievements presented therein, and strongly encourages the EIB to continue in its efforts to increase the low level of investment in the EU;
2. Welcomes, in particular, the fact that in 2014 the EIB funded 285 000 small and medium-sized enterprises, thus safeguarding 3,6 million jobs, and signed contracts for a total of 413 projects within the EU worth EUR 69 billion and 92 new projects outside the EU for a total of EUR 7,98 billion; also welcomes the fact that in the same year the EIF committed EUR 3,3 billion through its equity and guarantee activities for the benefit of smaller businesses, thus registering the successful implementation of one of the EIB's most ambitious business plans, with a total of EUR 80,3 billion in EIB Group financing; welcomes the fact that the volume of signatures achieved by the EIB in 2014 is at its highest level since 2009, but stresses that signature levels have further potential; endorses the EUR 10 billion increase in the EIB's capital agreed by all the Member States in 2012;
3. Observes, however, that in 2014 59,4 % of all EIB-signed projects were allocated to the top five EU economies, while the share of the other 23 Member States stood at only 30,3 %; encourages the EIB to implement a more balanced lending policy towards Member States, given the intensity of both the current and the long-term challenges facing the Union;
4. Calls on the EIB to provide increased technical support at pre-approval stage for Member States that have a lower success rate for project approval, and encourages the EIB to facilitate exchanges of best practice between Member States in relation to successful project development;
5. Calls on the EIB to focus on investments in the real economy in order to stimulate jobs and growth in the EU;
6. Points to the dramatically high unemployment rates in many Member States, in particular among young people, and urges the EIB to take this situation into consideration when implementing its policies;
7. Points out that operations, while taking account of the availability of funds, must be targeted at generating investments that enhance economic recovery and productive employment, accompanied by consistent support to Member States aimed at increasing absorption capacities where necessary, as well as by a continuous commitment to avoiding the risk of territorial fragmentation;
8. Notes that insufficient project generation capacity in the public and private sectors and low levels of borrowing capacity in some Member States, in conjunction with current market conditions, present significant challenges to the EIB's lending programme; urges the EIB, therefore, to substantially step up its technical assistance and financial advice in all key areas of activity, on an easily accessible basis and vis-à-vis all Member States, in order to attain a much higher level of growth-generating capacity;
9. Welcomes the use of the 3 Pillar Assessment Framework (3PA) and the Results Measurement (ReM) Framework by the EIB for the ex-ante assessment of expected results from investment projects, both inside and outside the EU;

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10. Invites the EIB, when assessing and rating projects, to give decisive priority to the long-term effect of investments, regarding not only financial indicators but also, above all, their contribution to sustainable development and to a better quality of life by means of further improvements in the field of employment, social standards and the environment;

11. Emphasises that project funding approval should be based on adequate financial and risk analysis, financial viability and sound budgetary management; considers that projects approved for EIB funding should offer clear added value to the European economy;

12. Regrets that there is no information presented in the 3PA Report, whether based on 3PA or other relevant tools, about actual results achieved from operations executed inside the EU in 2014 (in contrast to results achieved outside the EU), despite the fact that the 3PA is designed with the specific purpose of enhancing the EIB's ability to monitor implementation by tracking impacts throughout the project cycle; expects that, as a result of the ongoing harmonisation between 3PA and ReM, a new harmonised framework, better fitted for the ex-post assessment and reporting of project results both inside and outside the EU and fully in line with the scoreboard for EFSI operations, will be in place at the beginning of 2016 and will be used for the 2015 EIB reporting exercise; calls for the individual projects assessments to be published on a systematic basis;

13. Takes note of the EIB Operational Plan for 2015-2017; welcomes the fact that it recognises that speeds of recovery differ between the Member States and that it has set economic and social cohesion as a cross-cutting policy goal;

14. Takes into consideration the fact that the EIB has restructured the classification of its main Public Policy Goals (PPGs) for the EIB Group for 2015-2017 (innovation and human capital, SMEs and midcap finance, efficient infrastructure, and the environment) in a way that differs from the formulation of its PPGs for 2014-2016 (increase in growth and employment potential, environmental sustainability, economic and social cohesion and convergence, and climate action); notes that the PPGs have been aligned with the evolving economic circumstances, and, in this connection, calls on the EIB to ensure that the two cross-cutting goals, for economic and social cohesion in the EU and for climate action, together with the envisaged percentage of signatures contributing to them, are further enhanced;

15. Considers, however, that the presentation of the EIB's activities in the 2014 Activity Report is not fully consistent with the PPGs for 2014; regrets, furthermore, the lack of information on the results achieved by the different EIB financial instruments and initiatives that were in place in 2014; recommends that, in communicating information about its activities, the EIB should focus not primarily on the volume of investments made but rather on their effect;

16. Expects the EIB to contribute to the mid-term review of the Europe 2020 strategy by presenting information about its activities and their contribution to achieving the strategy's targets;

17. Invites the EIB to consider drawing up, in 2015, a more comprehensive and analytical report on its annual activities which would adequately summarise the information from its thematic reports and correspond more fully with the requirements of Article 9 of the EIB Statute;

18. Welcomes the new information provided by the working document on financial instruments accompanying the draft budget; regrets, however, the lack of a global overview of the annual commitments and payments to the EIB, and expects further details;

19. Emphasises that investment, structural reforms and sound budgetary policies must be part of an overall strategy;

#### *Promoting youth employment, innovation and SMEs*

20. Welcomes the implementation in 2014 of the EIB initiative 'Skills and Jobs — Investing for Youth', and encourages the EIB to continue investing in education, skills development and jobs for young people; calls on the EIB to report comprehensively on the results achieved by its Investing for Youth initiative, including through the use of an indicator such as sustainable employment resulting from specific operations;

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21. Welcomes the launch in 2014 of a new range of products under InnovFin — EU Finance for Innovators, open to innovators of all sizes, as well as the launch of the InnovFin advisory service for large R&D projects; also notes the launch in 2014 of a new EIB Group Risk Enhancement Mandate;
22. Notes that in 2014 the EIB signed a total of 225 operations inside the EU for promoting innovation and skills (62 Innovation and R&D operations for EUR 9,6 billion and 25 Education and Skills operations for EUR 4,4 billion) and for SMEs and midcaps (138 operations for EUR 22,2 billion);
23. Notes the EIF's capital increase of EUR 1,5 billion in 2014, and its record investment in providing risk finance for SMEs amounting to EUR 3,3 billion, which leveraged EUR 14 billion of capital; calls for a comprehensive and transparent overview of the EIF's operations to be included in the EIB Annual Report;
24. Notes that the EIB Group channels SME and midcap finance through a variety of financial intermediaries, aimed at improving conditions for and enhancing access to finance; calls on the EIB, accordingly, to work much more closely with its financial intermediaries in the Member States and to urge them to disseminate relevant information to potential beneficiaries in order to establish an entrepreneur-friendly environment which allows SMEs easier access to funding;
25. Notes that SMEs in many parts of Europe face extreme difficulties accessing necessary finance; welcomes, in this context, the greater emphasis the EIB is placing on supporting SMEs; emphasises the importance of the EIB in facilitating partnerships and strengthening support instruments for funding micro, small and medium-sized enterprises' activity and for innovative start-ups; calls furthermore on the EIB to cooperate more closely with regional public institutions with a view to optimising the financing possibilities for SMEs;
26. Welcomes the EIB trade facilitation programmes, in particular the SME Trade Finance Facility offering guarantees to foreign banks providing trade finance to SMEs and thereby contributing to reigniting trade flows and alleviating cash collateral constraints, and other new trade finance projects aimed at countries heavily impacted by the economic crisis or tailor-made financial solutions such as the European Progress Microfinance Facility dedicated to financial inclusion;
27. Invites the EIB to develop an effective communication policy addressing potential private beneficiaries, as an integral part of its advisory function; encourages it to reinforce and expand its office network inside the EU;
28. Regrets the lack of information in the 2014 Activity Report about the implementation of the agreement from July 2014 between the Commission and the EIF under the EU Competitiveness of Enterprises and SMEs (COSME) programme;

*Enhancing environmental sustainability and climate action*

29. Notes that out of the 84 environment projects signed in 2014 inside the EU, amounting to a total of EUR 12,6 billion, sustainable transport projects accounted for EUR 5,1 billion, renewable energy and energy efficiency projects for EUR 3,7 billion, and protection of the environment projects for EUR 3,8 billion; notes further that signed operations for the 'climate action' cross-cutting objective amounted to EUR 16,8 billion, or 24 % of total EIB financing inside the EU;
30. Takes note that EIB support for renewable energy capacity development in 2014 was concentrated for the most part in the EU's five largest economies, with only EUR 42 million out of EUR 4,5 billion for renewable energy projects in the EU-28 being spent in the 13 new Member States; adds that a similar concentration is observed in the energy efficiency sector, where out of EUR 2 billion only EUR 148 million was allocated to the 13 new Member States; encourages the share of future investments in renewable energy capacity developments and the energy efficiency sector in new Member States to be increased progressively until they reach 30 % of the total investments in these fields by 2020; calls for greater effort to be made in providing further technical assistance to national and regional authorities in order to improve their capacity to prepare viable projects that will allow for more investments in the energy sector;



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31. Welcomes the launch in 2014 of new innovative instruments to support climate action, such as the Private Finance for Energy Efficiency instrument and the Natural Capital Financing Facility, and expects the EIB to report on their implementation in its future activity reports;

32. Encourages the EIB's commitment to supporting initiatives helping the EU both to stay a front-runner and to fulfil its own long-standing carbon market ambitions within the context of the Climate and Energy Policy Framework 2030, the Low Carbon Strategy 2050, and the UN climate talks for defining a new global agreement; calls for a review of the share of EIB investments in climate action, as the 25 % share has already been reached;

33. Notes the momentum towards the development of the green bonds market and the leading role of the EIB with its own green bonds and climate-awareness bonds, bearing witness to investor interest in financial products dedicated to sustainable, low-carbon and climate-resilient growth; calls on the EIB to review its emissions performance standard in 2016 in the light of the EU 2050 Low Carbon Strategy;

34. Welcomes the publication in September 2015 of the EIB Climate Strategy — Mobilising finance for the transition to a low-carbon and climate-resilient economy, and of the Synthesis Report on Operations Evaluation of EIB Financing of Climate Action (mitigation) within the EU 2010-2014; calls for the SMART (Specific, Measurable, Attainable, Realistic and Timely) approach to be applied in the specific action plans following the EIB Climate Strategy by 2017;

*Promoting economic and social cohesion and convergence*

35. Notes that EUR 19,9 billion, or 29 % of total EIB financing inside the EU in 2014, were for operations supporting cohesion; regrets, however, that there is no information about the number of projects supported by the EIB Group under the relevant sectors or the financial instruments or applied initiatives related to this cross-cutting policy objective;

36. Underlines the decisive role of cohesion policy in reducing imbalances between European regions and fostering European integration, and in this context highlights the key importance of the performance-based approach; urges the EIB to include in its future annual reports detailed information about the contribution and results achieved towards implementing the objectives of cohesion policy through EIB activities;

37. Welcomes the enlarged role the EIB Group will play in implementing cohesion policy for the 2014-2020 programming period; believes that this is a step in the right direction towards improving synergies between the EIB and ESI Funds; calls for the improvement of its activity in line with the TFEU Protocol (No 28) on Economic, Social and Territorial Cohesion; considers that there is a need to strengthen cooperation between the Commission, the EIB and local and regional bodies to ensure that the financial instruments are used effectively to boost territorial development and cohesion; welcomes the partnership between the Commission and the EIB in setting up the fi-compass advisory platform; firmly believes that there is a need to simplify the rules governing the support given by the ESI Funds to financial instruments under the EIB;

38. Welcomes in particular the EIB's financing activity in support of infrastructure and transport projects in Europe's regions; emphasises that financial support of this kind significantly increases the development potential of trade, by fostering growth and competitiveness, in particular in those areas with natural geographical disadvantages;

39. Notes that in 2014 the EIB signed, inside the EU, 104 projects for development of social and economic infrastructure for a total of EUR 20,2 billion, of which strategic transport projects (including TEN-T) accounted for EUR 8,2 billion, competitive and secure energy projects for EUR 7,5 billion, and urban renewal projects (including health) for EUR 4,5 billion;

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40. Stresses that investment in sustainable infrastructure projects is key to improving competitiveness and restoring growth and jobs in Europe; calls, therefore, for EIB financing to be deployed towards the areas most affected by high unemployment, and for more social infrastructure projects; emphasises that EIB financing should focus primarily on those countries which are lagging behind in terms of infrastructure quality and development, bearing in mind, however, the principle of sound financial management and viability of projects;

41. Notes with concern the tendency to finance infrastructure such as motorways, which encourage fossil fuel consumption and therefore run counter to the Union's long-term objectives of moving towards a carbon-free economy; calls on the EIB to include a compulsory ex-ante assessment of environmental, economic and social added value in the process for selecting projects to be funded inside and outside the EU and for all ex-ante and ex-post assessments to be carried out with the active involvement of stakeholders, local, regional and national authorities and civil society representatives; calls, in addition, for the results of such assessments and the indicators used to be made public and to be fully accessible;

42. Stresses that the financing of major projects often facilitates infiltration by companies linked to organised crime; criticises the fact that the EIB has provided funding for the 'Passante di Mestre' motorway bypass, which is the subject of tax fraud investigations; notes with concern that the EIB has not responded to the requests in this regard set out in the report on the Annual Report 2013 on the Protection of the EU's Financial Interests — Fight against fraud; calls on the EIB, once again, to suspend all forms of funding for the project;

43. Stresses the importance of regional development, and calls on the EIB to enhance dialogue and cooperation with regional and local authorities, banks and agencies; considers that, in this framework, cross-border cooperation should be also supported;

44. Calls on the EIB to increase its support to projects covered by the EU macro-regional strategies; stresses the importance of continuing to support sustainable innovative economic sectors, as well as traditional ones, in the EU; underlines the need to interconnect Europe by means of intermodal transport as well as place-based investments; calls, furthermore, for the establishment of financial and investment platforms in order to enable the bundling of funds from various sources and the mobilisation of investments needed for such macro-regional projects;

#### *Managing the European Fund for Strategic Investments (EFSI)*

45. Welcomes the new European Fund for Strategic Investments (EFSI); emphasises the need for the EFSI to function in an effective, fully transparent and fair way in line with the criteria of its mandate and regulation, and recommends close cooperation and overview of EFSI operations by Parliament and the European Court of Auditors; stresses that its resources should demonstrate real additionality compared with the usual operations funded by the EIB; recalls that the EFSI must also contribute to cohesion, and calls on the EIB to ensure consistency and complementarity with the investments from the European Structural and Investment Funds and other public funds; calls on the EIB to implement and further develop the EFSI in close cooperation with the co-legislators, including through a timely and mandatory conclusion of the pending agreement between Parliament and the EIB;

46. Expects that the goals for the EFSI will be consistent with the EIB's PPGs and that the levels of EIB investments for 2016 will be adapted to reflect EFSI operations as well;

47. Stresses that the EFSI should benefit all Member States without sectoral and regional pre-allocation, and should also be consistent with ongoing regional or local investment initiatives; emphasises that EFSI funding should also benefit small-scale projects;

48. Recognises the challenges involved in creating and swiftly making operational an EFSI pipeline of strategic projects; welcomes the setting-up by the EIB of the European investment advisory hub, which aims to provide technical assistance and expertise to potential promoters; expects the technical assistance mechanism to work effectively at local and regional level;



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49. Recommends that Member States designate national promotional banks and closer cooperation between the EIB and national promotional banks, financial institutions and investment platforms, in order to pool and share expertise and know-how as well as to better align EIB actions with Member States' policy priorities; recalls the need for full transparency and for prioritising result-orientation with regard to the involvement of national promotional banks and institutions in EFSI projects;

50. Calls on the EIB to ensure that the EFSI is not indirectly used as a means of increasing the EIB's capital; calls therefore on the EIB to regularly review its involvement in the EFSI and to show that the conditions on additionality laid down in Article 5(1) of Regulation (EU) No 2015/1017 have been met and, in particular, that private funding sources are not being crowded out;

51. Is worried that many projects selected during the warehousing phase would have found access to financing under normal conditions and do not meet the additionality requirement; recalls that the EFSI guarantee was meant to enable the EIB to take more risks while maintaining its triple-A rating; stresses that it will be extremely vigilant in monitoring compliance with this criterion;

52. Expects the EIB group to be particularly watchful with regard to compliance with Article 140(6) of the Financial Regulation, which provides that financial instruments 'shall not generate undue advantages, in particular in the form of undue dividends or profits for third parties', given fears that the EFSI could in some way contribute to the 'socialisation of risks and privatisation of profits' in the light of financing experiences in cases such as the Castor project in Spain or the Passante di Mestre project in Italy;

#### *Considering the Project Bonds Initiative (PBI)*

53. Considers that the Project Bonds Initiative (PBI) should be seriously assessed with regard to its financial, social and environmental impact; urges the Commission to set up an inclusive and open consultation process at EU level, with the active participation of representatives from the European Parliament, on the future of project bonds for the period 2016-2020 before the current PBI pilot phase is fully rolled out;

#### *Updating the external dimension of EIB interventions*

54. Welcomes the EIB's renewed external lending mandate for 2014-2020, which provides an EU guarantee covering the EIB's external operations up to EUR 30 billion, as well as its core objectives, namely local private sector development, development of social and economic infrastructure, and climate change adaptation and mitigation;

55. Calls on the EIB to pay attention to third countries and regions outside the EU suffering from conflict and extreme poverty, the main goal being to reduce the development gap between the EU and those regions, as well as to contribute to SME support programmes in trading partner countries, including through sufficient funding for the Deep and Comprehensive Free Trade Area (DCFTA) Facility for SMEs, with a special focus on the Southern Mediterranean and Eastern European Neighbourhood countries; calls on the EIB to work alongside the African Development Bank (AfDB) to finance long-term investments in the service of economic development; welcomes the fact that EU grants are increasingly blended with EIB lending in order to achieve better project results in EU partner countries;

56. Urges the EIB to continue to actively promote sustainable growth in both developed and developing countries in order to support sustainable development around the world; stresses that the EIB as the financial arm of the Union must play its part in fulfilling the UN Sustainable Development Goals; calls for the post-2015 development agenda to be given special attention in the review of the mid-term external lending mandate of the EIB in 2016;

57. Recalls that the European Investment Bank is the largest foreign financier in Turkey and that following the opening of the accession negotiations in 2004, the EIB stepped up its lending operations to that country and some EUR 23 billion has been made available over the past decade; regrets the fact that, despite the persistent economic crisis in the EU, Turkey currently ranks first among EIB recipient countries outside the EU, with about 3,5 % of total EIB loans (2015); calls for stronger conditionality for financing linked to respect for human rights and freedom of expression;

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58. Encourages the EIB to develop and deploy the necessary comprehensive approach in response to the severe challenges generated by the flow of migrants to Europe, including enhanced operations in countries of origin of such flows as well as in countries which border directly on countries of origin;

59. Calls on the EIB, in this connection, to focus its activities on supporting investment needs in urban, health, educational and social infrastructure, stimulating economic activities that create new job opportunities and promoting cross-border cooperation between Member States and third countries;

60. Points out that the EIB is an important actor for promoting EU foreign policy priorities and objectives; recommends enhanced coordination and cooperation between the EIB and the external policy services and instruments of the EU; calls for the continuation and improvement of the systematic ex-ante and ex-post assessments of the economic, social and environmental impact of EIB-supported projects against EEAS goals and the general principles guiding Union external action as referred to in Article 21 TEU and the EU Strategic Framework and Action Plan for Human Rights; calls, with regard to investments outside the EU, for an in-depth report on any possible losses and on how and in what cases the guarantee instrument has been used; welcomes the fact that the EIB has held a series of seminars on business and human rights;

61. Calls on the EIB to provide Parliament and the public with detailed information on EIB funding and the performance of the Business Ombudsman in the Ukraine;

62. Welcomes the solution found in conjunction with the World Bank enabling the EIB to contribute to facilitating Ukrainian gas purchases;

63. Expresses its intention to scrutinise closely the implementation of the EIB's external mandate ahead of the mid-term review, while bearing in mind the potential activation of an additional EUR 3 billion; confirms its commitment to examining closely the first 'project completion reports' to be published under the external lending mandate for the period 2014-2020; requests that the European Court of Auditors produce a special report on the performance and alignment with EU policies of EIB external lending activities;

#### ***Enhancing the EIB's governance, transparency and control framework***

64. Welcomes the strong asset quality of the EIB, with its rate of impaired loans close to 0 % (0,2 %) of the total loan portfolio and its prudent management of liquidity; considers it essential that the EIB should keep its triple-A credit rating in order to preserve its access to international capital markets under the best funding conditions;

65. Suggests that the EIB enhance its sectoral analysis capacities and publish aggregate statistical data, as well as information regarding sub-projects, facilitating a targeted approach to certain sectors or types of SMEs; emphasises the need to include in EIB annual reports a more comprehensive and detailed analysis of investment requirements by sector in the EU, in order to be able to identify any areas in which investment falls short of what is required for the pursuit of the EU's priorities; believes that the EIB should assess the ability of its investment instruments to rectify such shortfalls;

66. Underlines the importance accorded by the EIB to its policy of zero tolerance of fraud, corruption and collusion and its commitment to strong integrity and ethical rules; welcomes, in this context, the approval by the EIB Board of an updated anti-fraud policy and the EIB Group Annual Report on Anti-Fraud Activities — 2014; expects the EIB to stop further loan disbursements to projects under ongoing national or European corruption investigations;

67. Welcomes the adoption of a revised EIB Group Anti-Money Laundering and Combating the Financing of Terrorism Framework (AML-CFT) in July 2014; encourages the EIB to pursue dialogue with civil society on the improvement of its non-cooperative jurisdictions (NCJ) policy; calls on the EIB to establish a new responsible taxation policy, starting from the review of its NCJ policy in 2016; calls on the EIB to make both direct funding and funding via intermediaries contingent upon disclosure of both country-by-country tax-relevant data along the lines of the CRD IV provision for credit institutions, and beneficial ownership information;

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68. Calls on the EIB, in the context of the ex-ante assessments of undertakings which are the subject of judicial investigations, to update its policies on anti-money laundering and on combating the financing of terrorism and organised crime;

69. Takes note of the report on the implementation of the EIB's transparency policy in 2014; insists on the need to achieve the highest levels of transparency and institutional accountability by ensuring the proactive public disclosure of exhaustive and sound budgetary information and access to financial data related to projects funded by the EIB;

70. Calls for maximum transparency and publicity regarding the system of contracts and subcontracts, and for Parliament to be given access to information and financial documentation in every case;

71. Encourages the EIB to strictly follow the requirements related to the public register of environmental documents under the Aarhus Regulation (Regulation (EC) No 1367/2006), and to continue its regular reporting on its lending activities outside the EU in accordance with the International and Transparency Initiative (IATI) standards;

72. Reiterates that the EIB should reinforce its due diligence activities so as to improve the quality of information on ultimate beneficiaries and to more effectively prevent transactions with financial intermediaries with a negative record in terms of transparency, fraud, corruption, organised crime, money laundering and harmful social and environmental impacts or registered in offshore financial centres or tax havens which resort to aggressive tax planning; calls on the EIB not to use the Project Bond Initiative to fund activities infiltrated by organised crime; stresses once again the need to establish a stringent public list of criteria for selection of financial intermediaries by the EIB, jointly with the Commission;

73. Calls on the EIB to develop more stringent rules on conflicts of interest and clear, strict and transparent criteria for public-private partnerships receiving funding, in order to ensure that not only the investment part of the projects are fairly shared by both public and private partners but also the risks involved in the investments so as to safeguard public interest; calls on the EIB to strengthen the know-how base for the participation of governments, regions and municipalities in public-private partnership structures, including by providing them with guidelines;

74. Calls on the EIB to ensure that companies participating in projects co-financed by the EIB should be required to adhere to the principle of equal pay and pay transparency and to the principle of gender equality as set out in 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; points out furthermore that when deciding which projects to finance, the EIB should take into account the corporate social responsibility measures taken by candidate companies;

75. Believes that regular updates on the management costs and fees incurred by the EIB and on the impact of financed projects in terms of employment and added economic value would be useful;

76. Recommends publication on the EIB website of non-confidential documents such as Corporate Operational Plans for previous years, interinstitutional agreements and memorandums, and other relevant agreements, as well as disclosure of the minutes of the meetings of the EIB managing bodies on a regular basis, starting with January 2016; considers that better public access to documents is a key element for the transparency, accountability and integrity of the institution;

77. Welcomes the process of reviewing the EIB Complaints Mechanism policy, launched in September 2015, and the public consultation opened for relevant stakeholders; expects that the ongoing revision of the Complaints Mechanism will improve and enhance its independence and effectiveness and will contribute as well to the greater effectiveness and efficiency of the Complaints Mechanism Office; calls on the EIB Management Committee to take on board the recommendations of that office and to act on the opinions of the European Ombudsman; calls for a steady flow of information between the EIB Complaints Mechanism Office and the EIB Board of Directors; believes that there is a need to update the Memorandum of Understanding between the EIB and the European Ombudsman in order for the Ombudsman to exercise external scrutiny over the EIB more actively and to improve monitoring procedures and further accountability of the EIB;

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78. Welcomes the annual reports for the 2014 financial year of the EIB Audit Committee, and urges the responsible EIB bodies to ensure full compliance with best prudential banking practices in the areas where full compliance was not achieved in 2014; takes note of the EIB management's intention to reorganise the Bank's control functions; supports the Audit Committee's request for a respective implementation plan as well as its intention to carefully monitor further developments; endorses the fact that the Audit Committee has cautioned the EIB management and services to the effect that the EIB should maintain its capacity while not weakening the current Internal Control Framework;

79. Considers that EIB Annual Reports should devote a greater focus to the outcomes of projects completed; calls in this context on the EIB, in conjunction with project partners, to produce a set of results from each project completed which assesses the effectiveness of EIB funding;

80. Notes the expiry, on 27 October 2015, of the Tripartite Agreement mentioned in Article 287(3) TFEU, governing cooperation between the EIB, the Commission and the Court of Auditors with respect to the control methods exercised by the Court regarding the EIB's activity in managing Union and Member State funds; calls on the three institutions to cooperate in the process of renewal and updating of this agreement, and to ensure that the renewed agreement covers the already existing and any new EIB instruments or initiatives involving public funds from the EU or the European Development Fund; calls in this context for the European Court of Auditors to be given enhanced powers in order to evaluate and report more thoroughly on EIB lending practices, instruments and initiatives when directly related to the use of EU budget appropriations;

*Towards comprehensive parliamentary accountability*

81. Considers that the evolving complexity and growing volume of EIB activities, together with the continuing uncertainties on the financial markets, make it even more necessary to find solutions to put in place effective prudential banking supervision of the EIB; regrets, therefore, that Parliament's proposals, previously put forward, for introducing regulatory external prudential supervision were not taken into consideration, by neither the Commission nor the EIB;

82. Encourages the efforts being made by the parties involved to draw up an interinstitutional agreement between the European Parliament and the EIB, providing for enhanced cooperation between the two institutions; calls for regular structured dialogue between the President of the EIB and the European Parliament to ensure increased parliamentary oversight of the EIB's activities; calls furthermore on the EIB, as part of this interinstitutional agreement, to agree to sign an agreement with Parliament to allow Members of the European Parliament to ask direct questions to its President with an agreed timeline for response, as already happens with the ECB President;

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

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P8\_TA(2016)0201

**Attacks on hospitals and schools as violations of international humanitarian law****European Parliament resolution of 28 April 2016 on attacks on hospitals and schools as violations of international humanitarian law (2016/2662(RSP))**

(2018/C 066/03)

*The European Parliament,*

- having regard to the Geneva Conventions and other legal instruments on international humanitarian law (IHL),
- having regard to the Universal Declaration of Human Rights and other United Nations (UN) human rights instruments,
- having regard to the Rome Statute of the International Criminal Court,
- having regard to the Council conclusions of 10-11 December 2015 on the World Humanitarian Summit preparatory process,
- having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU) on policy coherence for development,
- having regard to the Foreign Affairs Council conclusions of 8 December 2009 on promoting compliance with international humanitarian law,
- having regard to the updated European Union Guidelines on promoting compliance with international humanitarian law <sup>(1)</sup>,
- having regard to the Principles of Partnership (as endorsed by the Global Humanitarian Platform) of 12 July 2007,
- having regard to the report of the UN Secretary-General for the World Humanitarian Summit, 'One humanity, shared responsibility', 2 February 2016,
- having regard to UN Security Council Resolution 1998, adopted on 12 July 2011, and Resolution 2143, adopted on 7 March 2014, addressing the protection of children affected by armed conflict,
- having regard to UN General Assembly Resolution 64/290 of 9 July 2010 on the right to education in emergency situations,
- having regard to its resolutions of 25 February 2016 on the humanitarian situation in Yemen <sup>(2)</sup>, of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ISIS/Daesh <sup>(3)</sup>, of 26 November 2015 on education for children in emergency situations and protracted crises <sup>(4)</sup>, of 27 February 2014 on the use of armed drones <sup>(5)</sup>, and of 16 December 2015 on preparing for the World Humanitarian Summit: Challenges and opportunities for humanitarian assistance <sup>(6)</sup>,
- having regard to UN Security Council Resolution 1502 (2003) on violence against humanitarian workers, and Resolution 2175 (2014) on protection of civilians in armed conflict,
- having regard to the Safe Schools Declaration of May 2015, opened for endorsement at the Oslo Conference on Safe Schools as convened by the Norwegian Ministry of Foreign Affairs in May 2015, and the related Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,

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<sup>(1)</sup> OJ C 303, 15.12.2009, p. 12.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0066.

<sup>(3)</sup> Texts adopted, P8\_TA(2016)0051.

<sup>(4)</sup> Texts adopted, P8\_TA(2015)0418.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0172.

<sup>(6)</sup> Texts adopted, P8\_TA(2015)0459.

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- having regard to the Guidance Note on attacks against schools and hospitals, to assist all those involved in monitoring, reporting and advocacy, launched on 21 May 2014 by the Special Representative of the UN Secretary-General for Children and Armed Conflict,
  - having regard to the resolution adopted by the 32nd International Conference of the Red Cross and Red Crescent Movement on 10 December 2015 on strengthening compliance with international humanitarian law,
  - having regard to the International Committee of the Red Cross (ICRC) report on the Health Care in Danger project and its report on violence against health care facilities and personnel,
  - having regard to Rules 128(5) and 123(4) of its Rules of Procedure,
- A. whereas the international community has witnessed over the last few years a harrowing trend of attacks on hospitals and schools in armed conflicts around the world, such as the latest attacks on Doctors without Borders (MSF) health centres in Kunduz (Afghanistan) on 3 October 2015, in Razah (Yemen) on 10 January 2016 and in a number of Syrian towns throughout the ongoing conflict; whereas there has been an unprecedented increase in denial of humanitarian aid and access, the execution of civilians and humanitarian personnel, detention in dire conditions, and civilians being used as hostages or forced into slavery; whereas the growing needs and challenges, the lack of sustained commitments and the rising cost of humanitarian assistance have contributed to the current humanitarian system reaching its limits, and whereas this has forced a number of organisations to temporarily suspend food assistance, shelter and other life-saving humanitarian operations;
- B. whereas the first World Humanitarian Summit will be held in Istanbul on 23-24 May 2016; whereas, in his report for the World Humanitarian Summit entitled 'One humanity, shared responsibility', the UN Secretary-General draws attention to what he calls 'the brazen and brutal erosion of respect for international human rights and humanitarian law' in armed conflict situations, which threatens to cause a return to an era of war without limits; whereas the report notes that the failure to demand and promote respect for these norms and to support the existing enforcement, monitoring and accountability mechanisms contributes to this erosion;
- C. whereas international humanitarian law (IHL), also known as the Law of Armed Conflict, is intended to alleviate the effects of armed conflict by protecting those not taking part in conflict and by regulating the means and methods of warfare;
- D. whereas the UN Security Council has a clear role to play in ensuring respect for international law relevant to the protection of all humanitarian workers;
- E. whereas there is a need to strengthen protection for humanitarian workers without distinction in security arrangements between international and local staff;
- F. whereas the growing emergence of non-state actors, terrorist groups and other entities in armed conflicts poses challenges to the application of international humanitarian law; whereas all parties in a conflict, including state and non-state armed parties, must guarantee humanitarian actors the necessary access to assist vulnerable, conflict-affected civilian populations;
- G. whereas the humanitarian principles of humanity, neutrality, impartiality and independence, and the basic rules of international humanitarian law and the human rights provided for by the Geneva Conventions and the additional protocols thereto, must be at the core of all humanitarian actions; whereas the protection of displaced persons must be guaranteed, and whereas aid independence must prevail;
- H. whereas hospitals and medical personnel are specifically protected under international humanitarian law, and whereas any intentional attack against civilians and civilian infrastructure is clearly prohibited under, and considered to be a serious violation of, international humanitarian law;



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- I. whereas the Rome Statute of the International Criminal Court defines attacks against humanitarian workers as a war crime; whereas it also stresses that intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments, constitutes a war crime;
- J. whereas UN premises and assets, including schools and health centres, are inviolable and protected under the 1946 Convention on the Privileges and Immunities of the United Nations;
- K. whereas the ICRC has also declared that the duty to investigate suspected war crimes is a rule of customary IHL applicable to both international and non-international armed conflicts;
- L. whereas some armed groups are opposed to secular and girls' education, or to girls being treated by male medical personnel, and therefore hamper access to these services; whereas a general climate of insecurity as a result of conflict also prevents children, teachers and medical personnel from attending school or seeking medical assistance; whereas women and children face heightened risks as a result of displacement and the breakdown of normal protection and support structures; whereas international humanitarian law requires that all necessary medical care be provided without discrimination to girls and women raped in war; whereas unsafe abortion is listed by the World Health Organisation as one of the three leading causes of maternal mortality; whereas maternal health, counselling of women rape victims, and education and schooling of displaced children are major challenges at refugee camps;
- M. whereas, as of 14 March 2016, 52 states, including several but not all EU Member States, have endorsed the Safe Schools Declaration following the Oslo Conference on Safe Schools, held in May 2015;
- N. whereas the Foreign Affairs Council, when adopting the EU Guidelines on promoting compliance with international humanitarian law, emphasised the importance of dealing effectively with the legacy of serious violations by supporting appropriate accountability mechanisms, and underlined the key role which the International Criminal Court (ICC) can play in cases where the state or states in question are unable or unwilling to exercise their jurisdiction; whereas the EU Guidelines commit the 'appropriate Council working groups' to monitoring situations where IHL may apply and, in such cases, to recommending action to promote compliance with IHL (paragraph 15(a));
- O. whereas, between 2012 and 2015, the ICRC organised a major consultation process on how to strengthen legal protection for victims of armed conflict and how to enhance the effectiveness of mechanisms of compliance with IHL;
- P. whereas the updated EU Guidelines on promoting compliance with international humanitarian law refer to a variety of means of action at the EU's disposal in its relations with third countries in this regard, including political dialogue, general public statements, restrictive measures, cooperation with other international bodies, crisis-management operations, individual responsibility, training and the control of arms exports;
- Q. whereas the participating states in the 32nd International Conference of the Red Cross and Red Crescent Movement in December 2015 were finally unable to agree on a new mechanism proposed by the ICRC and the Government of Switzerland to strengthen compliance with IHL; whereas the participating states agreed to launch a new intergovernmental process to find ways to enhance the implementation of IHL with the aim of having the outcome presented at the next International Conference in 2019;
- R. whereas the EU humanitarian aid chapter, which amounted to EUR 909 million in 2015, represents less than 1 % of the total EU budget; whereas an improved linkage between relief and long-term assistance would be one means of reducing the current discrepancy between the vast humanitarian needs and the resources available;

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1. Reaffirms the fundamental contribution of international humanitarian law to the modern history of humanity, and calls on all UN member states to seize the opportunity of the World Humanitarian Summit (WHS) to reaffirm the centrality of international humanitarian law and the protection it offers;
2. Deeply regrets the lack of respect for international humanitarian law, and expresses its shock and grave concern at the deadly attacks against hospitals, schools and other civilian targets that are occurring at an increasingly alarming rate in armed conflicts around the world, with patients, students, medical and teaching staff, humanitarian aid workers, children and family members becoming targets and victims; expresses its opinion that international condemnations must be followed by independent investigations and genuine accountability; calls on the Member States, the EU institutions and the Vice-President/High Representative (VP/HR) to recognise the true extent of this emergency and to use all instruments at their disposal to address this matter;
3. Condemns attacks on hospitals and schools, as prohibited under international law, recognising that such acts may constitute grave breaches of the Geneva Conventions of 1949, and war crimes under the Rome Statute of the ICC; expresses its conviction that the preservation of health and educational facilities as neutral, protected spaces during armed conflict situations must be ensured by transparent, independent and impartial investigations into the brutal attacks that have occurred and by achieving genuine accountability for the crimes committed by all parties involved; stresses the importance of upholding the distinction between humanitarian and military actors and the need to refrain from the co-optation of humanitarian action for military or political ends, which undermines and endangers genuine humanitarian operations and their staff;
4. Condemns the use of hospitals and schools by parties to armed conflict, effectively turning them into targets for attacks; recalls that those using protected people or property as human shields or camouflage are also guilty of IHL violations;
5. Calls on the conflicting parties in conflicts to respect the basic principles of IHL and refrain from deliberately targeting civilian infrastructures; stresses the importance of improving the security of aid workers in order to react to the attacks more effectively; requests therefore that the EU and its Member States call on the UN and the UN Security Council to guarantee the protection of both local and international humanitarian workers;
6. Pays tribute to the admirable courage and dedication of the international and local medical personnel, teaching staff and humanitarian aid workers who operate in conflict areas;
7. Stresses that the right to health is a human right, and calls for the parties involved in an armed conflict to guarantee the availability, accessibility, acceptability and quality of medical services during armed conflicts; calls for a global commitment to ensuring that women and girls are safe from the start of every emergency or crisis by addressing the risk of sexual and gender-based violence, by raising awareness, by taking steps to prosecute the perpetrators of such violence, and by ensuring that women and girls have access to the full range of sexual and reproductive health services, including safe abortions, in humanitarian crises, rather than perpetuating what amounts to inhumane treatment, as required by international humanitarian law and as foreseen in the Geneva Conventions and their Additional Protocols;
8. Underlines that increased complementarity between humanitarian and development aid is needed in order to address the issues of effectiveness and the humanitarian financing gaps, and should go hand in hand with increased development aid and humanitarian funding; calls on the EU, its Member States and other international donors to fully commit at the WHS to all proposed Core Commitments included in the Agenda for Humanity, which focuses on reducing the humanitarian impact of the conduct of hostilities and enabling humanitarian action;



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9. Calls for the EU and its Member States to urge the UN Security Council to use all available tools, such as the use of targeted measures, the establishment of fact-finding missions or commissions of inquiry, and judicial mechanisms such as referrals to the ICC; requests that the power of veto not be used in Security Council decisions on issues related to humanitarian action, that respect for international law norms that provide for the protection of humanitarian workers be enhanced, that acts that could constitute violations of those norms be systematically investigated and that those suspected of being responsible for such acts be brought to justice;

10. Deplores that a number of partners of the EU and its Member States are engaged in grave violations of international humanitarian law; calls for the EU to seize all bilateral tools at its disposal to effectively promote compliance with international humanitarian law by its partners, including through its political dialogue and, in the event that such dialogue yields no results, to consider other measures in accordance with the EU Guidelines on promoting compliance with international humanitarian law;

11. Calls on the VP/HR to launch an initiative aimed at imposing an EU arms embargo against countries that are responsible for serious breaches of international humanitarian law, in particular as regards the deliberate targeting of civilian infrastructure; stresses the fact that the continued licensing of weapons sales to such countries represents a breach of Council Common Position 2008/944/CFSP of 8 December 2008 <sup>(1)</sup>;

12. Calls on the Foreign Affairs Council and the VP/HR to request that the EU Heads of Mission and appropriate EU representatives (heads of EU Civilian Operations, Commanders of EU Military Operations and EU Special Representatives) report on cases of serious violation of international humanitarian law;

13. Encourages the EU and its Member States to fully support the UN Secretary-General's call for all UN member states to seize the opportunity of the WHS to recommit to protecting civilians and ensuring the human rights of all by respecting, implementing and promoting the rules that they have already agreed upon; emphasises the importance attributed by the UN Secretary-General to the strengthening of international investigative and judicial systems, including the ICC, to complement national frameworks, in order to bring an end to impunity for IHL violations;

14. Acknowledges the importance of the EU Guidelines on promoting compliance with international humanitarian law, as no other states or organisations have adopted an equivalent document; calls for the EU and its Member States to implement the EU Guidelines effectively;

15. Calls on the Foreign Affairs Council and the VP/HR to ensure that EU policies and actions related to IHL are developed in a coherent and effective way and that the implementation of IHL Guidelines falls primarily within the remit of the Council Working Group on Public International Law, chaired by the Council Presidency; emphasises, in this context, that the EU Guidelines commit 'the appropriate Council working groups' to monitoring situations where IHL may apply and, in such cases, to recommending action to promote compliance with IHL; calls for the EU and the Member States to provide more detailed reporting on the implementation of the Guidelines in specific conflict situations, in particular in the EU Annual Report on Human Rights and Democracy;

16. Recalls the position taken in the EU Guidelines that consideration will be given, where appropriate, to drawing on the services of the International Humanitarian Fact-Finding Commission (IHFFC), established under Additional Protocol I to the Geneva Conventions of 1949, which can assist in promoting respect for IHL through its fact-finding capacity and its good offices function; regrets that the services of the IHFFC have not been used, and calls on the involved parties to consider its activation; calls on all the Member States to recognise the competence of the IHFFC;

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<sup>(1)</sup> OJ L 335, 13.12.2008, p. 99.

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17. Calls for enhanced institutional space for the international community to address common concerns relating to IHL implementation; welcomes the pledge of the EU and its Member States to the ICRC to strongly support the establishment of an effective mechanism on strengthening compliance with IHL, but calls on the VP/HR to report to Parliament on her objectives and strategy in terms of realising this pledge in the forthcoming intergovernmental process to find ways to enhance the implementation of IHL as agreed at the 32nd International Conference of the Red Cross and Red Crescent in December 2015, which could strengthen the governance system of IHL;
  18. Welcomes the practice of the EU and the Member States of issuing pledges to the ICRC conference; calls on the VP/HR to report regularly on the implementation of these pledges, notably through the inclusion of a detailed section in the chapter on IHL in the Council's Annual Report on Human Rights;
  19. Calls for the UN and the EU to promote campaigns to ensure that all actors, including non-state armed groups, are aware of their obligations under international law, and to fulfil their obligations to facilitate humanitarian assistance and protection for people under their influence;
  20. Calls on the Member States to lead by example and to fulfil their commitment to ratifying the principal international humanitarian law instruments and other relevant legal instruments, which have an impact on international humanitarian law;
  21. Reiterates its grave concern over the use of armed drones outside the international legal framework, and insists on its call on the Council to adopt an EU common position on the use of armed drones;
  22. 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 EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.
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P8\_TA(2016)0202

**Public access to documents for the years 2014-2015****European Parliament resolution of 28 April 2016 on public access to documents (Rule 116(7)) for the years 2014-2015 (2015/2287(INI))**

(2018/C 066/04)

*The European Parliament,*

- having regard to Articles 1, 10, 11 and 16 of the Treaty on European Union (TEU) and Articles 15 and 298 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to Articles 41 and 42 of the EU Charter of Fundamental Rights,
  - having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(1)</sup>,
  - having regard to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies <sup>(2)</sup>,
  - having regard to its position of 15 December 2011 on the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast) <sup>(3)</sup>,
  - having regard to its resolution of 11 March 2014 on public access to documents (Rule 104(7)) for the years 2011-2013 <sup>(4)</sup>,
  - having regard to the judgment of the European Court of Justice of 17 October 2013 in Case C-280/11 P, *Council of the European Union v Access Info Europe*,
  - having regard to the Commission's 'Better Regulation' package submitted in May 2015,
  - having regard to President Juncker's Political Guidelines for the Commission,
  - having regard to the Commission, Council, and Parliament reports on the application of Regulation (EC) No 1049/2001 in 2013 and 2014,
  - having regard to the Commission's Green Paper on Public Access to Documents held by institutions of the European Community of 2007,
  - having regard to the Annual Report 2014 of the Ombudsman,
  - having regard to Rule 52 and Rule 116(7) 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 (A8-0141/2016),
- A. whereas full transparency underpins citizens' trust in EU institutions, contributes to developing an understanding of the rights deriving from the legal system of the Union and an awareness and knowledge of the EU decision-making process, including the correct implementation of administrative and legislative procedures;

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<sup>(1)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(2)</sup> OJ L 264, 25.9.2006, p. 13.

<sup>(3)</sup> OJ C 168 E, 16.6.2013, p. 159.

<sup>(4)</sup> Texts adopted, P7\_TA(2014)0203.

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- B. whereas the right of access to documents is a fundamental right, protected by the Charter of Fundamental Rights and the Treaties and implemented by Regulation (EC) No 1049/2001, with the aim, in particular, of ensuring that this right can be exercised as easily as possible, and of promoting good administrative practices regarding access to documents by ensuring democratic scrutiny of the activities of the institutions and ensuring that they comply with the rules enshrined in the Treaties;

### ***Transparency and democracy***

1. Points out that many of the recommendations in its resolution on public access to documents for the years 2011-2013 have not been given a proper follow-up by the three institutions; regrets, in particular, the fact that the EU institutions and bodies have not appointed from within their existing management structures a Transparency Officer, to be responsible for compliance and for improving practices; urges the institutions to do so within the shortest delay;

2. Points out that the EU institutions, in their actions and their policies, have to be based on representative democracy, as laid down in Article 10(1) TEU, and have to ensure compliance with the principles of full transparency, sharing and of informing citizens accurately and in good time; stresses that Article 10(3) TEU recognises participatory democracy as one of the main democratic principles of the EU, thereby highlighting that decisions must be taken as close to the citizens as possible; stresses that when citizens' participation in the decision-making process takes the form of public consultations, the institutions must take into account the outcome of those consultations;

3. Points out that transparency and full access to documents held by the institutions have to be the rule, in accordance with Regulation (EC) No 1049/2001, and that, as has already been laid down by the precedents consistently set by the Court of Justice, exceptions to that rule have to be properly interpreted, taking into account the overriding public interest in disclosure and in the requirements of democracy, including closer involvement of citizens in the decision-making process, the legitimacy of governance, efficiency and accountability to citizens;

4. Considers that the institutions, agencies and other bodies of the European Union still fail to take fully into account of, and to comply with, the rules and the changes provided for in the Lisbon Treaty and the Charter of Fundamental Rights when applying Regulation (EC) No 1049/2001, especially as concerns participatory democracy; notes and welcomes the recent judgments of the Grand Chamber of the Court of Justice in the *Digital Rights Ireland* <sup>(1)</sup> and *Schrems* <sup>(2)</sup> cases, in both of which the Court based itself on the Charter when declaring invalid the Data Retention Directive <sup>(3)</sup> and the Safe Harbour Decision <sup>(4)</sup>, respectively; stresses that actual public access to documents and the management of registers of documents need to be based on standards that comply adequately with Articles 41 and 42 of the Charter;

5. Stresses that privacy and data protection should be respected while ensuring transparency;

6. Recalls that any decision denying public access to documents must be based on clearly and strictly defined legal exemptions, accompanied by reasoned and specific justification, allowing citizens to understand the denial of access, and to make effective use of the legal remedies available;

7. Notes that in order to bring about a legitimate, accountable and democratic political system complying with the rule of law, citizens must have the right to know about, and scrutinise:

— the actions of their representatives, once the latter have been elected or appointed to public office;

— the decision-making process (including any documents circulated, individuals involved, votes cast, etc.);

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<sup>(1)</sup> Joined Cases C-293/12 and C-594/12. Judgment of the Court (Grand Chamber) of 8 April 2014.

<sup>(2)</sup> Case C 362/14. Judgment of the Court (Grand Chamber) of 6 October 2015.

<sup>(3)</sup> Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006.

<sup>(4)</sup> Commission Decision 2000/520/EC of 26 July 2000.

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— the way in which public money is apportioned and spent, and the ensuing outcomes;

considers it necessary, therefore, to publish an e-register in which all the aforementioned items are recorded;

8. Urges the Commission to designate a Commissioner to be responsible for transparency and for public access to documents; calls on the Commission Vice-President to present, in the meantime and within the shortest possible delay, an ambitious plan of action regarding transparency and public access to documents, in recognition of the fact that transparency is the cornerstone of better regulation;

9. Regrets that it is still difficult for citizens to gain access to information held by EU institutions, the reason being that there is no common approach among the institutions geared to facilitate access to documents for citizens and based on complete transparency, communication and direct democracy; urges the EU institutions, bodies, offices and agencies to develop further a more proactive approach on transparency by proactively disclosing as many of their documents as possible, in the most simple, user-friendly and accessible way, by having documents translated upon request into other EU official languages, and by establishing proper, simple and inexpensive information access arrangements, including by digital and electronic means, allowing for the needs of people with disabilities; considers, in particular, that the accessibility of information should be improved on by means of easy-to-use interfaces and search systems; calls for the development of a common access point to the portals of the three institutions, building on the pilot project for the online platform for the proactive publication of EU institutions documents, and for harmonising search portals between departments of the same institution (including Directorates-General in the Commission); calls, as well, on the institutions to continue and strengthen the work of expanding knowledge of EU legislation and policies; believes that, to that end, the EU should make full use of the potential offered by new technologies (social networks, smartphone applications, etc.) in order to ensure complete and easy access to information;

10. Regrets that official documents are frequently over-classified; reiterates its position that clear and uniform rules should be established for the classification and declassification of documents; regrets that institutions call for in-camera meetings without proper justification; reiterates its call on the institutions to assess and publicly justify requests for in-camera meetings in accordance with Regulation (EC) No 1049/2001; considers that requests for in-camera meetings in Parliament should be evaluated by Parliament on a case-by-case basis; believes that an independent oversight authority should oversee the classification and declassification processes;

11. Calls on the EU institutions, bodies and agencies to adopt faster, less cumbersome and more accessible procedures for handling complaints against refusals to grant access; considers that a more proactive approach would help ensure effective transparency as well as prevent unnecessary legal disputes that could result in unnecessary costs and burdens for both the institutions and citizens;

12. Urges all institutions, pending its desired revision, to apply Regulation (EC) No 1049/2001, and the subsequent jurisprudence, fully and to the letter and spirit, and to take into account the changes brought about by the Lisbon Treaty and the Charter of Fundamental Rights; calls, in particular, on the Council, including its preparatory bodies, to publish minutes of the meetings of Council working groups and other documents, in the light of the Access Info Europe case, intervening Member States and their proposals; calls on Parliament to make available the agendas and feedback notes of the meetings of Committee coordinators, the Bureau and the Conference of Presidents, as well as, in principle, all documents referred to in these agendas, in accordance with the provisions of Regulation (EC) No 1049/2001, by publishing them on the Parliament's website;

13. Urges all institutions to apply the stronger transparency provisions contained in Regulation (EC) No 1367/2006 when the information requested pertains to the environment, and to abide by their obligations to publish environmental information proactively;

14. Calls on all institutions to evaluate and, where necessary, review their internal arrangements for reporting wrongdoing, and calls for the protection of whistleblowers; calls, in particular, on the Commission to report to Parliament on its experiences with the new rules on whistleblowing for EU staff adopted in 2012, and with their implementing measures;

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**Revision of Regulation (EC) No 1049/2001**

15. Points out that, as a result of the entry into force of the TEU and the TFEU, the right of access to documents covers all EU institutions, bodies, and agencies; believes, therefore, that Regulation (EC) No 1049/2001 should be updated as a matter of urgency, and its substance amended in the light of the Treaty provisions and the relevant case law of the EU Court of Justice and the European Court of Human Rights; believes, in particular, that it is essential to broaden the regulation's scope to include all the European institutions it currently does not cover, such as the European Council, the European Central Bank, the Court of Justice and all the EU bodies and agencies;

16. Considers it regrettable that the revision of Regulation (EC) No 1049/2001 is still stalled in the Council, and hopes that progress will be achieved as soon as possible; calls on the latter to adopt a constructive position, taking into account the above mentioned position of the European Parliament adopted at first reading on 15 December 2011 with a view to the adoption of a Regulation of the European Parliament and of the Council defining the general principles and limits governing the right of access to documents of Union institutions, bodies, offices and agencies;

17. Recommends the creation, including on the basis of Regulation (EC) No 1367/2006 and Regulation (EC) No 1049/2001, of a single set of principles governing access to documents that would allow for more clarity for citizens;

18. Regrets that little progress has been made to implement Regulation (EC) No 1049/2001 as regards the obligation for the institutions, agencies and other bodies to keep complete registers of documents, as provided for in its Articles 11 and 12 and, ultimately, in the Lisbon Treaty and the Charter of Fundamental Rights; calls for a common approach on registers to be established, and calls on those EU institutions that have not yet established registers of documents to do so, and to implement measures to standardise the classification and presentation of the institutions' documents; reiterates, in this regard, further to a common access point to EU documents through the three institutions' portals, its call for common procedures and criteria for registration and the assignment of an interinstitutional code to each document so that, eventually, a common interinstitutional register, including a dedicated joint database on the state of play of legislative files, could be established;

19. Recalls that, under Articles 1(c) and 15(1) of Regulation (EC) No 1049/2001, the institutions are required to 'promote good administrative practises on access to documents' and to 'develop good administrative practices in order to facilitate the exercise of the rights guaranteed by (the) Regulation'; stresses that transparency is closely connected with the right to good administration, as referred to in Article 298 TFEU and Article 41 of the Charter of Fundamental Rights, and reiterates its call for the adoption of a regulation on the administrative procedure of the EU's own administration <sup>(1)</sup>;

20. Notes that the Treaty of Lisbon has done away with the reference to safeguarding the efficiency of legislative decision-taking;

**Transparency of the legislative process**

*'Trilogues'*

21. Points out that transparent law-making is of the utmost importance to citizens; calls on the institutions to make available documents forming part of, or related to, legislative procedures; considers, in particular, that the EU institutions should make as many documents as possible accessible to the public via their websites, and should consider using Your Europe as a single, publicly accessible EU portal to facilitate consultation;

22. Acknowledges the Ombudsman's inquiry into 'trilogues', the established practice by which most EU legislation is adopted; urges the Ombudsman, within her remit under the Treaties and under the Ombudsman's Statute, to make full use of her powers of investigation;

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<sup>(1)</sup> European Parliament resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union (OJ C 440, 30.12.2015, p. 17).



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23. Points out that the use of trilogues, although not formally foreseen by the Treaties, has become the acknowledged way of reaching consensus among the co-legislators and speeding up the legislative procedure laid down in the Treaty; notes, as a result, that conciliation committees are used only at third reading as a last resort;

24. Deplores the fact that citizens have no power to scrutinise trilogue negotiations; expresses concern about the abuses to which this legislative practice might lead, in particular with regard to the introduction of new elements of legislation during trilogues without a Commission proposal or Parliamentary amendment serving as a basis, by which means the ordinary legislative procedure, and public scrutiny, can be circumvented;

25. Deplores the fact that, owing to leaks of formal and informal trilogue documents, unequal access to documents, and therefore to the legislative process, is enjoyed by knowledgeable and well-connected interest groups; notes that document leaking would occur to a lesser extent if trilogue documents were published proactively on an easily accessible platform without delay;

26. Recalls that the case law of the Court of Justice of the European Union recognises the risk of external pressure, and that this can be a legitimate ground for restricting access to documents relating to the decision-making process, on the condition that the reality of such external pressure is established with certainty, and evidence is adduced to show that there was a reasonably foreseeable risk that the decision to be taken would be substantially affected owing to that external pressure<sup>(1)</sup>; is concerned that the present practice favours broader access by lobbyists to decisive phases of the legislative process than by the general public;

27. Points out that, while trilogues are important and effective, the procedures currently applicable to them give rise to concerns as regards the openness in the legislative procedure; calls on the institutions involved to ensure greater transparency of informal trilogues to strengthen democracy by allowing citizens to scrutinise the relevant information which has formed the basis of a legislative act, as stated by the Court of Justice of the European Union in the joined cases *Sweden and Turco v Council*, while ensuring adequate space to think for the co-legislators; calls on the EU institutions to increase reporting in the competent parliamentary committee on the state of play of trilogue negotiations; considers that where documents are created in the framework of trilogues, such as agendas, summaries of outcomes, minutes and general approaches in the Council, as available, such documents are related to legislative procedures and cannot, in principle, be treated differently from other legislative documents; takes the view that a list of trilogue meetings, and of such aforementioned documents, should be made directly accessible on Parliament's website; recalls that the future interinstitutional agreement on better law-making includes a database on legislative files and, if adopted, would also address the appropriate handling of trilogues;

#### *Plenary amendments*

28. Deplores the fact that when plenary amendments co-signed by at least 40 Members are registered, only the names of some of the co-signatories are published; considers that the names of all the co-signatories should be published;

#### *Mandatory lobby register*

29. Calls on the Commission to submit, without any further delay, its proposal for an interinstitutional agreement establishing a mandatory interinstitutional register of interest groups, and of local authorities and regional organisations, operating within the institutions, and calls for that matter to be given highest priority; calls for the register to contain detailed information showing who is representing what interest group, for what purpose and with what resources and funding;

30. Encourages MEPs and the Council's representatives to follow the Commission practice, as established by its decision of 25 November 2014, to publish information about meetings between them or their staff, on the one hand, and stakeholders and civil society, on the other;

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<sup>(1)</sup> Case T-144/05, *Pablo Munoz v Commission*, paragraph 86.

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31. Calls on Parliament, as a first step in this regard, to make available, to those MEPs who wish to report on their contacts with lobbyists, a template for Rapporteurs that can be annexed to their reports, as well as space for this type of information on the webpages of Parliament referring to individual MEPs;

#### *Delegated acts*

32. Points out that, in accordance with Regulation (EC) No 1049/2001 and in order to guarantee full democratic and transparent parliamentary control, access should likewise be granted to documents produced when powers are delegated (delegated acts), since these make up a substantial portion of European legislation, for which reason adequate and transparent parliamentary and democratic control ought to be fully guaranteed; particularly deplores, in this context, the lack of transparency of the European supervisory authorities (EBA, EIOPA, ESMA) owing to lack of involvement on the part of the co-legislators; considers it disappointing that no single register of all second-level legislation has yet been established, and calls on the Commission to set one up without delay;

#### *International agreements*

33. Notes that international agreements have binding force and an impact on EU legislation, and points to the need for negotiations to be transparent throughout the entire process, implying that the institutions should publish the negotiating mandate conferred on the EU negotiator without undermining the EU's negotiating position; considers that documents related to international agreements should be public in principle, without prejudice to legitimate exceptions and without undermining the trust necessary between the parties concerned to achieve effective negotiations; regrets that the Commission and the Council routinely classify all documents relating to negotiations, thereby limiting citizens' access to information; maintains that the public should be given access to all relevant negotiating documents, including those already agreed on, with the exception of those which are considered sensitive, with a clear justification on a case-by-case basis, in accordance with Article 9 of Regulation (EC) No 1049/2001;

34. Points out to the Commission that, under Article 218 TFEU, Parliament shall be fully and immediately informed at every stage while negotiations are taking place; calls on the Commission to assess, at every stage, which documents and what information can proactively be made public;

#### ***Transparency of the administrative process***

35. Points out that transparency strengthens, and helps to give effect to, the principle of good administration, as set out in Article 41 of the Charter and Article 298 TFEU; calls, therefore, on the EU institutions to ensure that their internal administrative procedures achieve that aim;

36. Calls on the EU institutions to draw up common rules governing the conduct of administrative procedures and the procedures for presenting, classifying, declassifying, registering and disclosing administrative documents; hopes that a legislative proposal for that purpose can be submitted without delay;

#### ***Infringement procedures***

37. Deplores the lack of transparency regarding letters of formal notice and infringement procedures against Member States; calls, in particular, for documents sent by the Commission to Member States in connection with such procedures, and the related replies, to be made accessible to the public; calls, furthermore, for information on the execution of judgments of the Court of Justice of the European Union to be published proactively;

#### ***Management of Structural Funds and other issues***

38. Calls on the Member States to ensure that information about negotiations on national and regional operational programmes is made fully accessible and genuinely transparent;

39. Believes that full data transparency and accessibility are essential to prevent and combat any abuse and fraud; calls, in this context, on the Commission to make it compulsory to publish particulars on all recipients of money from the Structural Funds, including subcontractors; reiterates that full transparency of public expenditure in the EU is crucial to ensure accountability and fight corruption;



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40. Calls on the Commission to monitor that Member States comply with the information and reporting obligations set out in Regulation (EU) No 1303/2013 and, if necessary, to impose the penalties applicable for non-fulfilment of those obligations;

41. Points out that, while progress has been achieved in providing information on Parliament's website regarding the different allowances to which Members are entitled and the rules by which they are governed, this policy should be pursued taking into account best practices in the national parliaments and the actions already undertaken by individual Members; encourages all Members, therefore, to become involved in this endeavour by proactively disclosing information relating to their specific activities and use of expenditure, so that Parliament remains at the forefront of efforts to achieve transparency and openness in the EU, and with a view to better public accountability of public funds;

42. Notes that, in a change to its policy on transparency, the ECB now publishes the minutes of meetings of the ECB Governing Council, but regrets that the ECB is still lagging the world's other central banks in this regard; awaits the implementation of further measures to improve the transparency of its communication channels;

43. Hopes, furthermore, that, in the future, all documents concerning decisions taken in the Asset Quality Review process will be made public, to guarantee a level playing field across the EU; hopes that transparency requirements will also be applied to the Single Resolution Mechanism (SRM), in accordance with the relevant provisions of the SRM Regulation, applicable from 1 January 2016;

44. Invites the Interinstitutional Committee established by Article 15(2) of Regulation (EC) No 1049/2001 to work more actively and to report to the competent committees on the issues discussed; calls on it to meet more regularly, and to open internal discussions and deliberations by, and inviting and considering submissions from, civil society, the European Ombudsman and the European Data Protection Supervisor; calls on it to address, as a matter of urgency, the issues mentioned in this resolution;

45. Considers it essential that the EU agencies apply a common policy on conflicts of interest; notes that, in some cases, the policy applied to date includes provisions concerning publication of the CVs and declarations of interests of the Director and of senior management; observes with concern, however, that the obligation to publish CVs and declarations of interest does not apply to experts; calls on the agencies to extend this obligation to experts;

#### **Follow up**

46. Requests the Commission and calls on the Secretary-General of the European Parliament to inform Parliament about the implementation of the recommendations in this resolution;

47. Invites the Commission to harmonise the criteria regarding the publication of the beneficiaries of the Structural Funds;

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48. Instructs its President to forward this resolution to the Council and the Commission, the Ombudsman, the Data Protection Supervisor and the Council of Europe, and to the governments and parliaments of the Member States.

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## **Women domestic workers and carers in the EU**

**European Parliament resolution of 28 April 2016 on women domestic workers and carers in the EU (2015/2094(INI))**

(2018/C 066/05)

*The European Parliament,*

- having regard to the Treaty on European Union, in particular the preamble and Articles 3 and 6 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 3, 5, 27, 31, 32, 33 and 47 thereof,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), in particular Article 4(1) prohibiting slavery and servitude, and Article 14 prohibiting discrimination,
- having regard to the UN Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the European Social Charter of 3 May 1996, in particular Part I and Part II, Article 3 thereof,
- having regard to the Commission communication of 6 June 2014 on an EU Strategic Framework on Health and Safety at Work 2014-2020 (COM(2014)0332),
- having regard to its resolution of 19 October 2010 on precarious women workers <sup>(1)</sup>,
- having regard to its resolution of 6 July 2010 on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue <sup>(2)</sup>,
- having regard to its resolution of 20 September 2001 on harassment at the workplace <sup>(3)</sup>,
- having regard to the report of 2013 of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) entitled ‘Women, men and working conditions in Europe’,
- having regard to Eurofound's reports of 2008 entitled ‘Measures to tackle undeclared work in the European Union’ and of 2013 entitled ‘Tackling undeclared work in 27 EU Member States and Norway: Approaches and measures since 2008’,
- having regard to its resolution of 23 May 2007 on promoting decent work for all <sup>(4)</sup>,
- having regard to the Commission communication of 24 May 2006 entitled ‘Promoting decent work for all — The EU contribution to the implementation of the decent work agenda in the world’ (COM(2006)0249),
- having regard to the report of 2015 of the Fundamental Rights Agency (FRA) entitled ‘Severe labour exploitation: workers moving within or into the European Union. States’ obligations and victims’ rights’,

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<sup>(1)</sup> OJ C 70 E, 8.3.2012, p. 1.

<sup>(2)</sup> OJ C 351 E, 2.12.2011, p. 39.

<sup>(3)</sup> OJ C 77 E, 28.3.2002, p. 138.

<sup>(4)</sup> OJ C 102 E, 24.4.2008, p. 321.

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- having regard to the report of 2011 of the FRA entitled ‘Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States’,
- having regard to Directive 2006/54/EC of the European Parliament and 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 <sup>(1)</sup>,
- having regard to the opinion of the European Economic and Social Committee of 16 October 2014 on developing services to the family to increase employment rates and promote gender equality at work,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 <sup>(2)</sup>,
- having regard to its resolution of 10 March 2015 on progress on equality between women and men in the European Union in 2013 <sup>(3)</sup>,
- having regard to its resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women <sup>(4)</sup>,
- having regard to the report of 2007 of Eurofound entitled ‘Working conditions in the European Union: The gender perspective’,
- having regard to the report of 2014 of Eurofound entitled ‘Residential care sector: Working conditions and job quality’,
- having regard to its resolution of 4 February 2014 on undocumented women migrants in the European Union <sup>(5)</sup>,
- having regard to the International Convention of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- having regard to the European Convention of 24 November 1977 on the Legal Status of Migrant Workers,
- having regard to the Vienna Convention of 18 April 1961 on Diplomatic Relations,
- having regard to the UN Convention of 13 December 2006 on the Rights of Persons with Disabilities,
- having regard to the report of 2011 of Eurofound entitled ‘Company initiatives for workers with care responsibilities for disabled children or adults’,
- having regard to its resolution of 13 September 2011 on the situation of women approaching retirement age <sup>(6)</sup>,
- having regard to the joint report of 10 October 2014 by the Social Protection Committee and the European Commission on ‘Adequate social protection for long-term care needs in an ageing society’,
- having regard to the report of 2015 of Eurofound entitled ‘Working and caring: Reconciliation measures in times of demographic change’,

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<sup>(1)</sup> OJ L 204, 26.7.2006, p. 23.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0218.

<sup>(3)</sup> Texts adopted, P8\_TA(2015)0050.

<sup>(4)</sup> OJ C 16 E, 22.1.2010, p. 21.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0068.

<sup>(6)</sup> OJ C 51 E, 22.2.2013, p. 9.

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- having regard to the opinion of 26 May 2010 of the Section for Employment, Social Affairs and Citizenship of the European Economic and Social Committee on ‘The professionalisation of domestic work’ <sup>(1)</sup>,
  - having regard to the International Labour Organisation (ILO) Convention No 189 and Recommendation No 201 on Decent Work for Domestic Workers, adopted on 16 June 2011 by the ILO’s International Labour Conference,
  - having regard to Council Decision 2014/51/EU authorising Member States to ratify, in the interests of the European Union, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organisation (Convention No 189) <sup>(2)</sup>,
  - having regard to its resolution of 12 May 2011 on the proposed ILO convention supplemented by a recommendation on domestic workers <sup>(3)</sup>,
  - having regard to the ILO Reports IV(1) and IV(2), entitled ‘Decent work for domestic workers’, drawn up for the 99th session of the International Labour Conference in June 2010, and Reports IV(1) and IV(2) (published in two volumes) entitled ‘Decent work for domestic workers’, drawn up for the 100th session of the International Labour Conference in June 2011,
  - 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 and the opinion of the Committee on Employment and Social Affairs (A8-0053/2016),
- A. whereas according to ILO Convention No 189 a ‘domestic worker’ is any person engaged in domestic work within an employment relationship, whether for one or more households, but a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker;
- B. whereas ‘care’ means work carried out in public or private institutions or in a private household or households to provide personal care for children, elderly, ill or disabled people; whereas care work can be performed by professional carers who may be employed by public or private entities or families or be self-employed, and/or it can also be performed by non-professional carers, who are usually family members;
- C. whereas the term ‘domestic and care workers’ includes diverse groups of workers including, but not limited to, live-in workers, external workers, hourly workers in several households, family workers, daily or night care workers, babysitters, au pairs and gardeners, whose reality and conditions may vary significantly;
- D. whereas the domestic work sector employed over 52 million people around the world in 2010, according to ILO figures, and a further 7,4 million domestic workers under the age of 15, accounting for between 5 % and 9 % of all employment in industrialised countries; whereas according to the ILO the majority of workers employed in this sector are women, accounting for 83 % of the global domestic workforce in 2010 and translating into 2,5 million in the EU, 88 % of them being women; whereas this sector is characterised by considerable feminisation; whereas domestic workers and carers contribute greatly to the gender equality targets of the Europe 2020 strategy by effectively providing the infrastructure enabling many families in the EU to achieve work-life balance;

<sup>(1)</sup> SOC/372 — CESE 336/2010 fin.

<sup>(2)</sup> OJ L 32, 1.2.2014, p. 32.

<sup>(3)</sup> OJ C 377 E, 7.12.2012, p. 128.

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- E. whereas professionalisation means granting workers of a certain sector employment and social protection rights; whereas the domestic work and care sector can be professionalised through a combination of public finance (tax breaks), social finance (family allowances, aid to businesses, mutual societies and health insurance, works councils, etc.) and private finance (payment for services by private individuals);
- F. whereas illicit employment and exploitation are widespread in both sectors;
- G. whereas domestic and care work is primarily characterised by the following: job instability, geographical mobility, ad-hoc hours, seasonal work patterns, shifts, lack of job security, casual employment, and mainly undeclared labour;
- H. whereas according to the ILO 29,9 % of domestic workers are completely excluded from national labour legislation, and to this day the work of domestic workers and carers in the EU is very seldom and unevenly regulated in the Member States, with the result that domestic workers are often not regarded as typical or regular workers and therefore have severely limited employment rights and social protection<sup>(1)</sup>;
- I. whereas domestic workers and carers who are excluded from labour laws cannot be guaranteed a safe and healthy work environment, and face significant discrimination regarding the level of rights and protection that applies to them if compared to a country's general standards; whereas, moreover, they have no right to participate in trade unions or in collective bargaining by other means, or are unaware of or experience difficulties in how to do so, which makes them particularly vulnerable, especially because of limited social security coverage (particularly unemployment benefits, sickness and accident pay, as well as maternity leave, parental leave and other forms of care leave), and their frequent exclusion from dismissal protection;
- J. whereas the observation and application of existing national laws for the protection of domestic and care workers' labour rights remains an outstanding issue for some Member States;
- K. whereas proper regulation of this sector would contribute to combating undeclared work;
- L. whereas some sectoral supporting measures, such as the Swedish tax deduction for domestic services, the French 'service employment voucher' or the Belgian 'service voucher', have proven their effectiveness in reducing undeclared work, improving working conditions and granting regular labour rights to domestic and care workers;
- M. whereas it is estimated that most care in the EU is currently being provided by informal, unpaid carers who themselves can be considered a vulnerable group, owing to increasing pressures to provide more sophisticated and technical levels of care; whereas 80 % of all caregivers are women, and that this affects employment levels among women, work-life balance, gender equality and healthy ageing;
- N. whereas the domestic work sector — in which the majority of workers are women — provides favourable conditions for the exploitation of workers; whereas such exploitation constitutes a serious violation of fundamental rights against which both undocumented workers and EU nationals must be protected;
- O. whereas the FRA has considered domestic and care work as one of the sectors with higher risks of severe labour exploitation in the EU; whereas this exploitation is frequently manifested in the absence of a formal contract or contracts that do not correspond to the real tasks performed, low pay, irregular payment or often even no pay, excessively long working hours, no leave, and sexual, racial and/or sexist abuse;

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<sup>(1)</sup> Domestic workers across the world: global and regional statistics and the extent of legal protection, International Labour Office, Geneva: ILO, 2013.

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- P. whereas domestic workers are often asked to work excessive hours and 45 % of them are not entitled to weekly leave or paid annual leave <sup>(1)</sup>; whereas live-in domestic workers and carers especially have responsibilities and tasks that do not allow them to take adequate consecutive rest time;
- Q. whereas more than one-third of women domestic workers are not entitled to maternity leave or related rights and allowances <sup>(2)</sup>, and in some Member States domestic and care workers have no right to unemployment benefit;
- R. whereas many jobs in the health and care sector in some Member States are still poorly paid, often not offering formal contracts or other basic labour rights and have low attractiveness because of the high risk of physical and emotional stress, the threat of burnout, and a lack of career development opportunities; whereas the sector offers few training opportunities and, moreover, its employees are predominantly ageing people, women and migrant workers;
- S. whereas domestic workers often work in deplorable or hazardous conditions or lack appropriate training to perform specific tasks that might result in on-the-job injuries; whereas the same provisions on health and safety should be guaranteed at work for all domestic workers and carers regardless of employment type, i.e. both for formally employed workers and for workers directly employed by private households;
- T. whereas the place in which these people carry out their work does not make the employer exempt from complying with health and safety and risk prevention requirements, or from respecting the privacy of those who stay overnight on the premises;
- U. whereas au pairs are a group of domestic workers who are often not regarded as regular workers; whereas numerous reports indicate that this can lead to abuse by, for example, forcing au pairs to work excessive hours; whereas au pairs must receive protection equal to that of other domestic workers;
- V. whereas the majority of domestic workers and carers are migrant women, a large percentage of whom are in an irregular situation, and many are minors or casual workers or workers whose rights and qualifications are not recognised and who are often unaware of their rights, have restricted access to public services or encounter problems accessing these services, have limited knowledge of the host language and suffer from lack of social inclusion;
- W. whereas migrant workers such as domestic workers may be exposed to multiple discrimination and are specifically vulnerable to gender-based forms of violence and discrimination since they often work in poor and irregular conditions; whereas concrete efforts should be made to prevent mistreatment of, irregular payments to, unfair dismissal of and acts of violence or sexual abuse against such workers;
- X. whereas undocumented migrants who turn to domestic work are at particular risk of suffering discrimination and being exploited; whereas their undocumented status deters them from standing up for themselves and seeking help because they are afraid of being detected and deported; whereas this situation is exploited by unscrupulous employers;
- Y. whereas undocumented female migrant workers are subjected to worrying levels of discrimination, failing to report instances of abuse, unfair dismissal, non-payment of wages and violence, owing to a lack of awareness about their rights, obstacles such as a language barrier, or fear of being arrested or losing their job;
- Z. whereas women migrants often decide, or are brought, to seek employment as domestic workers or carers because such posts are considered as temporary with low skill requirements;

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<sup>(1)</sup> Ibidem.

<sup>(2)</sup> Ibidem.

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- AA. whereas the growing demand for domestic help and for the provision of care for children, the disabled and the elderly has led to the rising feminisation of migration into Europe;
- AB. whereas female migrants are often forced into illicit employment;
- AC. whereas third-party agencies are in some cases connected to trafficking in women and forced labour networks or to other criminal activities that involve illegally recruiting women and exploiting them in different ways; whereas Eurostat data show that 80 % of the victims of trafficking recorded are female, of whom 19 % are victims of labour exploitation, including for purposes of domestic work;
- AD. whereas attention must be paid to child labour, harassment and extensive denial of workers' rights in the domestic work sector;
- AE. whereas the integration of migrants into the labour market is an important step towards social and cultural inclusion;
- AF. whereas the burden of responsibility for housework is much greater for women than it is for men and is not evaluated in monetary terms or in terms of a recognition of its value; whereas there is a correlation between the rate of female employment and women's family responsibilities; whereas over 20 million Europeans (two-thirds of whom are women) care for adult dependent persons, which prevents them from having a full-time job and therefore increases the gender pay gap and leads to a higher risk of poverty in old age for women who are approaching retirement;
- AG. whereas, despite the known trend that nearly 20 % of the European population is over 65 and the estimation that this rate will reach 25 % by 2050, about 80 % of the time required to care for an elderly person or for a person with a disability — i.e. several days a week or every day — is still covered by informal and/or family carers, and despite the growing number of carers in the EU, informal care is mostly provided by women (usually spouses, or middle-aged daughters or daughters-in-law) aged between 45 and 75;
- AH. whereas the crisis has reduced public investment in the care sector, which has forced many people, mainly women, to cut their working hours or return to the home to take care of dependants, elderly people, ill people or children;
- AI. whereas the growing number of older people, the declining number of working age people and public budget constraints are having a significant impact on social services, and whereas this will also have an impact on people having to combine work and care responsibilities, often in challenging circumstances;
- AJ. whereas the financial and social crisis has severely affected its citizens and residents, aggravating job precariousness, poverty, unemployment and social exclusion, and leading to limited or no access to public and social services;
- AK. whereas in most Member States current policy models for long-term care are not suitable for meeting the needs of our ageing societies, and whereas most Member States have not addressed demographic change in their policy initiatives up to now;
- AL. whereas the habits, customs and forms of families have all considerably evolved, requiring more workers in the domestic sector and leading inevitably to new needs for care and support within modern households, especially for women working outside the home and single-parent families;
- AM. whereas many dependants also live in areas affected by the lack of public services, isolation or other circumstances which make it difficult for them to have access to professional carers or public or private care institutions, and whereas these dependants may be looked after only by non-professional carers who, very often but not always, are family members;



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- AN. whereas a number of Member States lack a quality care service that is available to all regardless of income, i.e. services need to be accessible and affordable for all users and their families;
- AO. whereas the increase in the length of waiting lists for support and care services is increasing the reliance on domestic workers and carers, often condemning those dependent on these services to poverty and social exclusion;
- AP. whereas providing adequate protection for people with disabilities, the elderly, ill people, dependants and minors is a fundamental EU principle, and domestic and care work is a sector that is essential to ensuring that it is maintained;
- AQ. whereas the right to a range of in-home, residential and other community support services, including personal assistance, is enshrined in Articles 19 and 26 of the UN Convention on the Rights of Persons with Disabilities;
- AR. whereas affordable female domestic workers and carers play an important role both economically and socially since they free up mainly other women, allowing them to pursue their careers and enjoy their social life, and enable their employers to have a better work-life balance, as well as making it possible for many people to be available for work;
- AS. whereas the sector has an economic significance and provides job opportunities for a high proportion of the workforce, particularly those who are low-skilled;
- AT. whereas domestic and care work is a sector that creates jobs; whereas these jobs must be of a high quality, as it is because of the work carried out by workers in this sector that many people are able to be economically and socially active outside of the home;
- AU. whereas a widespread practice, in some Member States, for employing domestic workers and carers is through bilateral agreements between the worker and the household owner or the dependent person, rather than through formal means such as state structures or firms and enterprises;
- AV. whereas domestic workers and carers have the right to a decent life, which takes into account their need to have a good work, family and life balance, especially for live-in domestic workers, and must enjoy the same social and employment rights as other workers;
- AW. whereas ILO Convention No 189 and Recommendation No 201 on Decent Work for Domestic Workers represent a historical set of international standards aimed at improving the working conditions of tens of millions of domestic workers worldwide; whereas most domestic workers are women and the new standards set out in ILO Convention No 189 are an important step in advancing gender equality in the world of work and in ensuring equal rights for women and protection under the law; whereas, however, out of the 22 states which have ratified the Convention to date, only six are Member States (Belgium, Finland, Germany, Ireland, Italy and Portugal);
- AX. whereas ILO Convention No 189 aims to provide legal recognition for domestic work, extend rights to all domestic workers and prevent violations and abuses;
- AY. whereas 48 states have already ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and 18 others have signed it, but no EU Member State has signed or ratified it to date;
- AZ. whereas domestic workers and carers are important contributors to social protection systems, but their role is often underrepresented, misunderstood, or absent or ignored in debates on reforms in this field;



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- BA. whereas the conditions under which domestic workers or carers are employed vary greatly from one Member State to another, from underpaid, undeclared, undocumented migrant workers with no contract, to domestic work and care being provided as a public social service or as a private social service provided by businesses, agencies, associations and cooperatives, or as direct employment by private entities;
- BB. whereas men are also employed in the domestic work sector, in particular as carers in the EU, and therefore require the same levels of protection and support to prevent any kind of gender-based discrimination and to ensure that there is equality with regard to labour market opportunities, pursuant to Articles 19 and 153 TFEU respectively;
- BC. whereas most household employers of domestic workers have no understanding of their obligations and rights;
- BD. whereas labour inspection often does not cover domestic work owing to a lack of monitoring of the sector in most of the Member States;
- BE. whereas access to justice mechanisms is often difficult for labour law violations, as well as for victims of abuse or exploitation; whereas fear of isolation at the workplace and difficulties in accessing legal support may be determinant obstacles for migrant domestic and care workers in an irregular situation;
- BF. whereas the current Directive on Safety and Health at Work (Directive 89/391/EEC) covers formally employed domestic workers and carers, with the exception of workers directly employed by private households;
1. Believes that there is a need for a common EU recognition of the profession and the value of domestic work and care as real work, since recognition of this professional sector is likely to reduce undeclared work and promote social integration, and therefore calls on the EU and the Member States to lay down common rules on domestic work and care;
2. Calls on the Commission to come forward with a set of policy instruments, on domestic work and care, establishing quality guidelines for both sectors; believes that such initiatives should focus on:
- (a) introducing a general framework for the professionalisation of domestic work and care, leading to the recognition and standardisation of the relevant professions and skills and career building, including rights accumulated in accordance with the Member States' specificities;
- (b) urgently proposing a Carers' Leave Directive and a framework for recognition of the status of non-professional carers, which offers them remuneration and minimum standards of social protection during the time they perform the care tasks, and support in terms of training and specific actions to help them improve their living and working conditions;
3. Welcomes the Commission's commitment to the 'New start for working parents and caregivers' initiative;
4. Calls on the Member States to require appropriate professional qualifications for some types of domestic work (care for the elderly, children and disabled persons) which call for specific skills;
5. Believes that the domestic work and care sector and its professionalisation can create jobs and growth and therefore that fair remuneration is necessary; considers that solutions could be part of a social innovation model;
6. Believes that the professionalisation of household service workers will increase the attractiveness of the sector and the quality of the service provided, and promote decent and recognised work;

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7. Stresses the importance of promoting the professional recognition of the skills and qualifications of domestic workers and carers in this sector in order to provide them with more prospects for professional development, as well as specific training for individuals working with elderly people and children, with a view to fostering the creation of quality jobs leading to quality employment and better working conditions, including the provision of formal contracts, access to training and better social recognition; recognises the importance of ensuring the validation and certification of acquired skills, qualifications and experience and promoting career development; considers the establishment of training and retraining courses to be of fundamental importance in order to achieve this;
8. Calls on the Commission to encourage the Member States to establish systems for professionalisation, training, continuous skills development and recognition of women domestic and care workers' qualifications, including literacy (if applicable), in order to enhance their personal, professional and career development prospects;
9. Asks the Member States, in the meantime, to regulate any labour relationship between householders — when acting as employers — and an employee/worker providing remunerated services within the employer's household;
10. Calls on the Member States to establish a dedicated legal framework allowing for legal and organised employment of domestic workers and carers and setting out the rights and responsibilities of those concerned, in order to provide legal certainty for both the workers in this sector and their potential employers; requests that the specific details of the working contract be taken into account accordingly, as well as the fact that many employers are private individuals who may be unfamiliar with legal protocols;
11. Calls on the Member States to take decisive action in the sectors of domestic work and care, which bring high added value to the economy, by recognising this work as an occupation in its own right and by ensuring that domestic workers and carers have genuine workers' rights and social protection through labour legislation or collective agreements;
12. Supports ILO Convention No 189 concerning decent work for domestic workers, supplemented by Recommendation No 201, as it globally addresses the needs for workers to be covered by labour law and asks for social rights, non-discrimination and equal treatment;
13. Encourages all Member States to urgently ratify ILO Convention No 189 and to ensure that it is applied stringently so as to improve working conditions, and to ensure compliance with the articles of this ILO convention and ILO Recommendation No 201 of 2011; recalls that governments, in accordance with the ILO's constitution, are obliged to submit the convention and recommendation to their national legislatures in order to promote measures for the implementation of these instruments, and that, in the case of the convention, the submission procedure also aims to promote ratification;
14. Considers that ratification by all Member States would be an important step forward in the promotion and protection of human rights and a strong political signal against all forms of abuse, harassment and violence committed against all workers, especially women domestic workers;
15. Calls on the Member States to include domestic workers and carers in all national labour, healthcare, social care, insurance and anti-discrimination laws, recognising their contribution to the economy and society; urges the Commission accordingly to consider revising any EU directives which exclude domestic workers and carers from rights that other categories of workers enjoy;
16. Recognises the reluctance of some Member States to legislate for the private sphere; considers, nevertheless, that non-action will come at a high cost for both society and the workers concerned; stresses that the predicted growth in demand for care workers, in particular in private households, makes such legislation a necessity in order to fully protect such workers; calls, therefore, on the Member States, together with the social partners, to take measures to provide an adequate and appropriate system of inspection, consistent with Article 17 of ILO Convention No 189, and adequate penalties for violation of occupational safety and health laws and regulations;

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17. Calls on the Commission and the Member States to ensure and enforce an appropriate level of health and safety at work, for example maternity protection, and to take action to prevent work-related accidents and risks of occupational injuries and diseases; emphasises the need for those already working in this sector to improve standards through practice-oriented training and retraining schemes; takes the view that such training should encompass managing the risks around posture and movement-related tasks and biological and chemical risks, as well as the use of assistive technology;

18. Considers it essential to combat precarious and undeclared work, given that this phenomenon severely affects domestic workers, including particularly migrant women workers, thus worsening their already vulnerable position; stresses the importance of eradicating and prosecuting such practices, including child labour; in this regard, supports tackling the precarious situation of domestic workers and carers within the framework of the European platform against undeclared work; recalls that undeclared work deprives them of social security cover and has a negative impact on their working conditions in terms of health and safety; expects, therefore, that the European platform against undeclared work will prevent and discourage undeclared work, as the undeclared economy threatens job security, affects the quality of care and working conditions for many undeclared carers, puts the sustainability of the social welfare system at risk and reduces tax income for states' coffers;

19. Calls on the Member States to invest in more and better ways of preventing, detecting and combating the considerable amount of undeclared employment in the domestic work and care sector, especially with regard to cases of human trafficking and labour abuse and those involving companies providing domestic and care services using undeclared and bogus self-employment, so as to protect workers and to promote the transition from undeclared work to declared work through better protection and better, more streamlined labour control and inspection mechanisms;

20. Urges the Member States to ensure the availability of legal avenues for migration to the EU and to introduce targeted legal migration programmes; stresses the need for the Member States to establish bilateral agreements with those states that statistics show to be the sending countries of domestic workers and carers, in order to regularise the sending and receiving flow, helping in this way to combat trafficking and forced labour networks, but deterring, nevertheless, the phenomenon of social dumping; calls on the Member States to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, adopted by the United Nations General Assembly on 18 December 1999;

21. Calls on the Commission and the Member States to promote regularisation schemes based on lessons learned from past experiences as a means to reduce the exposure of migrant workers in an irregular situation to exploitation and abuse; urges the Member States to support and protect undeclared domestic workers or carers when they decide to come out of the vicious circle of 'hidden' work;

22. Calls on the Commission and the Member States to promote the investigation of cases of trafficking for human exploitation, and more specifically for domestic work, to improve the mechanism of identification and protection of these victims and to involve NGOs, trade unions, public authorities and all citizens in the detection process of the trafficking and severe exploitation phenomena;

23. Asks the Commission and the Member States to expand the instruments and mechanisms established to address trafficking, such as referral mechanisms or temporary residence permits, and to review them with a view to broadening their scope of application to cases of severe labour exploitation that do not involve trafficking;

24. Calls on the Member States, in accordance with Article 17 of ILO Convention No 189, to establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers; calls, furthermore, on the Member States to develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations; asks that, in so far as this is compatible with national laws and regulations, such measures specify the conditions under which access to household premises may be granted, having due respect for privacy; asks the Member States, in line with national regulations, to consider mechanisms to effectively address abuses, such as in-house inspections in cases where there are grounds for suspicion of abuse;

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25. Expresses concern over the lack of inspections to oversee, monitor and supervise the hiring of women domestic and care workers carried out by companies or recruitment agencies, and reiterates the need to increase the number of public inspectors and inspections to ensure compliance with the law;

26. Urges the Member States to make the necessary efforts to step up inspections, and to find innovative inspection methods which respect privacy, especially regarding private homes where inspectors cannot enter without a court authorisation, and to adequately brief and train inspectors in order to eliminate mistreatment, exploitation, including financial exploitation, and acts of violence or sexual abuse against domestic workers;

27. Calls on the Member States to organise campaigns to improve visibility and enhance understanding of the benefits of regularised domestic work and care among the general public and private bodies, with a view to dignifying the profession and gaining recognition for the important work and contribution of women domestic and care workers to the functioning of society; at the same time, calls on the Member States to raise awareness of the existence of severe exploitation in private households by setting the goal of zero tolerance of exploitation of such workers;

28. Calls on the Member States to launch campaigns to raise awareness of the rights and duties of domestic and care workers and employers and the risks and impact of exploitation in the domestic work sector, and promoting recognition of domestic and care work; suggests to the Member States that they develop road map programmes;

29. Calls on the Member States to put in place and improve, in collaboration with social partners, information channels on the rights of domestic workers and carers and to ensure the highest information accessibility for all workers; recommends, to that end, to establish information points, following best practice in Member States, at regional and local level, helplines and websites providing assistance, information also in the form of campaigns on the rights of domestic workers and carers in each Member State in the national language and other appropriate languages; emphasises that civil society organisations such as organisations working on behalf of women and migrants should also be able to provide this information; points out that these tools must also be developed in a way that allows best practice, relevant advice and guidance to be given to possible employers, including families and agencies and that model employment contracts should be offered in order to ensure that employers carry out their responsibilities;

30. Calls for resolute action to be taken against undertakings in any sector whose business model relies on exploiting illegal workers so as to minimise operating costs, maximise profits and drive lawful undertakings out of the industry;

31. Stresses the important role that trade unions can play in organising and informing workers on their rights and obligations; notes that this is a way for domestic workers to be represented with one voice, to be able to collectively bargain their contracts and to defend their rights and interests;

32. Calls for good representation of social partners at European and at national levels, and in particular trade unions, to intensify sectorial collective bargaining in line with national practices in order to effectively advance and enforce decent working conditions in these sectors; calls also for good representation of professional organisations, organisations working with and on behalf of domestic workers and carers and other relevant civil society organisations and to ensure that they are fully aware of the challenges of safeguarding the labour rights of women employed as domestic workers or carers;

33. Regrets that women domestic and care workers continue to be poorly represented in trade union organisations in the various Member States and stresses the need to encourage these female workers to join trade unions;

34. Highlights also the importance of grouping employers into federations or other types of organisations at national level, as it considers that without such employer organisations efforts to legitimate domestic work and care, as well as to improve working conditions and the attractiveness of such jobs, will be in vain;

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35. Notes that private household employers have a primordial role to play in observing fair labour standards and rights; calls on the Member States to ensure that relevant information must be available to employers and employees;

36. Calls on the Commission to take the necessary steps in order to better monitor and document the vulnerable and underestimated profession of domestic workers and carers, and to propose actions to tackle the phenomenon;

37. Asks the Commission and the competent European agencies to conduct a study comparing different systems of regularised domestic work and to collect data with regard to the situation in the Member States; takes the view that this data should be used in an exchange of good practices among Member States, in order in particular to optimise the fight against the exploitation of domestic workers; also calls on the Commission to launch a study on the contribution of carers and domestic workers to Member States' social protection systems and economies;

38. Encourages the exchange of best practice among the Member States to enhance actions and impacts;

39. Believes that adopting and adjusting best practices from certain Member States could lead to regular forms of employment for domestic workers and carers;

40. Calls on the Commission and the Member States to gather, analyse and publish reliable statistical data broken down by age, sex and nationality so as to enable informed discussions while looking for best solutions on how to professionalise the sector of domestic work and requests that Eurofound and OSHA be tasked with devising methods for providing protection, lodging complaints and raising awareness;

41. Calls on the Commission to include discussions on the situation of domestic workers and carers sectors in the agenda of the Employment Committee (EMCO);

42. Calls on the Commission and the Member States when revising and proposing relevant legal acts or national legislation respectively to ensure that the interests of domestic workers and carers are taken into consideration while respecting national competences;

43. Recognises the huge social and economic contribution made by family members acting as carers and volunteers (informal care), and the increasing responsibilities placed upon them by reductions in service provision or the rising costs thereof;

44. Notes that there is an increase in the number of people living in long-term institutional care and further social exclusion of persons with disabilities in the EU, which is in direct violation of the EU's commitments under the UN Convention on the Rights of Persons with Disabilities and the European Disability Strategy 2010-2020;

45. Believes that encouragement should be given to the development of subsidised home care arrangements that allow disabled people to live independently and to choose the qualified professionals who will care for them in their own homes, in particular in cases of severe disability;

46. Highlights the need for the Member States to ensure broader access to easily available and affordable high-quality inclusive childcare, disability care and elderly care facilities, through suitable financing, thus minimising the reasons to undertake these duties on an informal or precarious basis and improving recognition of the value of the work undertaken by professional caregivers; highlights the need for the Member States to develop services that support family, formal and informal carers;

47. Calls on the Member States to promote recruitment in social care services and to work on increasing the attractiveness of the sector as a viable career option;

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48. Urges the Member States to invest in creating stable, high-quality jobs in the domestic work and care sector, including by means of EU funds, such as the European Social Fund (ESF) and the EU Programme for Employment and Social Innovation (EaSI);

49. Calls on the Commission and the Member States to encourage and promote innovative solutions and investment in social and healthcare services, which have great potential for job creation, are essential to addressing the needs of our ageing societies and demographic change in general, as well as necessary to avert the negative social consequences of the crisis;

50. Asks the Commission to exchange information and best practice from associations and cooperatives of domestic and care workers which are part of social economy models in the EU;

51. Calls on the Member States to promote the creation of workers' cooperatives in the care and household services sectors, with special attention to rural areas, given the positive effects that this will have on the creation of quality and sustainable jobs, especially for those workers who have difficulty integrating into the labour market;

52. Calls on the Member States to make sure that domestic workers of a young age do not abandon school in order to take up work;

53. Calls on the Commission to review Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; also calls on the Member States to implement this Directive consistently;

54. Asks the Member States to consider incentives to encourage the use of declared domestic workers and carers; encourages the Member States to put in place simple declaration systems so as to discourage and tackle the issue of undeclared employment, as recommended by the European Economic and Social Committee in its opinion on developing services to the family to increase employment rates and promote gender equality at work (SOC/508); recommends that the Commission promote the exchange of best practices between the Member States, following the example of successful models that have had a positive impact on the sector in social and labour terms, e.g. the 'service vouchers' introduced by Belgium and the 'universal service employment cheque (CESU)' in France;

55. Believes it useful to adapt legislation to create flexible contractual arrangements between domestic workers and carers and household employers, in order to help both parties in using/offering domestic services at their best convenience, whilst guaranteeing the protection of workers;

56. Advises Member States that clear regulation for legal employment of domestic workers and carers should be supported by incentives for domestic workers and their potential employers to choose the legal form of employment; also calls on the Member States to eliminate the legal barriers that are currently significantly reducing declared, direct employment of employees by families;

57. Reiterates Parliament's call for a structured sectoral dialogue in the care work sector <sup>(1)</sup>;

58. Calls on the Member States to place EU and non-EU au pairs on an equal footing by granting them combined residence/work permit that specify working hours, type of contract and terms of payment; calls on the Member States to ratify the Council of Europe Agreement on au pair placement; demands that Member States improve the accreditation system and control mechanisms for au pair placement agencies;

59. Recalls the need to have au pairs given formal recognition, in compliance with the European Agreement on Au Pair Placement and for an increase in inspections so that they do not become informal and cheap substitute for domestic and care workers;

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<sup>(1)</sup> European Parliament resolution of 4 July 2013 (OJ C 75, 26.2.2016, p. 130).

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60. Calls on the Commission and the Member States to ensure that domestic workers and carers in Europe are valued as human beings and are able to have a work-life balance, including being covered by the Working Time Directive (2003/88/EC), in order that employees have essential periods of rest and are not forced into working excessive hours;
  61. Asks the Member States to adopt measures reconciling work and family life, as this will have the benefit of supporting women in staying in paid employment and reduce their later pension gap;
  62. Calls on the Member States to ensure that domestic workers and carers receive pension contributions in line with national legislation;
  63. Calls on the Member States with a national minimum wage to ensure that all domestic carers and workers are paid at this rate as a minimum;
  64. Instructs its President to forward this resolution to the Council, the Commission and the ILO.
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P8\_TA(2016)0204

## **Gender equality and empowering women in the digital age**

**European Parliament resolution of 28 April 2016 on gender equality and empowering women in the digital age (2015/2007(INI))**

(2018/C 066/06)

*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 Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Beijing Declaration and Platform for Action, adopted at the 4<sup>th</sup> World Conference on Women in 1995, and in particular the area of concern 'Women and the Media',
- having regard to the outcome document of the 23<sup>rd</sup> special session of the UN General Assembly in 2000, in which Information and Communication Technologies (ICTs) are recognised as achievements presenting new opportunities for women's empowerment, but also potential risks,
- having regard to the Declaration of Principles and the Geneva Plan of Action adopted during the first phase of the World Summit on the Information Society (WSIS) that took place in Geneva in 2003,
- having regard to the Tunis Commitment and the Tunis Agenda for the Information Society, which details financial and international mechanisms for implementing the WSIS agendas that were adopted during the second phase of the WSIS in Tunis from 16 to 18 November 2005,
- having regard to the references to women's rights and gender equality in the Statement on the Implementation of WSIS Outcomes and the related WSIS+10 Vision for WSIS Beyond 2015,
- having regard to the results of the WSIS Forum held from 25 to 29 May 2015 in Geneva on 'Innovating Together: Enabling ICTs for Sustainable Development', in which a delegation from the Committee on Women's Rights and Gender Equality took part,
- having regard to the 2014 WSIS Action Lines, which were combined with the Sustainable Development Goals (SDGs) to enhance synergies between these global strategies, including the action to empower and promote the social, economic and political inclusion of all, irrespective of age, disability, genetic features, gender, sexual orientation, gender identity, race, social or ethnic origin, religion or belief, or economic or other status by 2030,
- having regard to the Commission Strategy for Equality between Women and Men 2010-2015 (SEC(2010)1079), which includes a series of actions related to women and the internet, in particular as regards ICT, and the mid-term review of the Strategy,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post-2015 <sup>(1)</sup>,
- having regard to its resolution of 9 September 2015 on empowering girls through education in the EU <sup>(2)</sup>,
- having regard to the Commission communication of 3 March 2010 entitled 'EU 2020: a European strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

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<sup>(1)</sup> Texts adopted, P8\_TA(2015)0218.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0312.

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- having regard to the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) conclusions of June 2014 on ‘Women and the economy: Economic independence from the perspective of part-time work and self-employment’ stating that ‘The Europe 2020 Strategy identifies a number of priority growth areas, including in the white economy and the science and technology sectors. In order to fully tap Europe’s growth potential in these areas, it is important to overcome gender stereotypes and combat educational and occupational segregation’,
- having regard to its resolution of 8 October 2015 on the application of 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 <sup>(1)</sup>,
- having regard to its resolution of 24 May 2012 with recommendations to the Commission on application of the principle of equal pay for male and female workers for equal work or work of equal value <sup>(2)</sup>,
- having regard to its resolution of 12 March 2013 on eliminating gender stereotypes in the EU <sup>(3)</sup>,
- having regard to its resolution of 12 September 2013 on the Digital Agenda for Growth, Mobility and Employment <sup>(4)</sup>, and in particular the Grand Coalition on Digital Skills and Jobs,
- having regard to Action 60 of the Digital Agenda, on encouraging women to take up ICT-related careers and increasing the proportion of women in the ICT sector,
- having regard to the Commission communication ‘A Digital Single Market Strategy for Europe’ (COM(2015)0192),
- having regard to Pillar II of the Commission’s Digital Single Market Strategy, which is aimed at creating the right conditions and a level playing field and environment for digital networks and innovative services to develop, and Pillar III, which supports an inclusive digital society in which citizens have the right skills to seize the opportunities brought about by the internet and boost their chances of getting a job,
- having regard to the study by European Parliament Policy Department C entitled ‘Study on Empowering women on the Internet’, published in 2015,
- having regard to Article 7 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 <sup>(5)</sup> on the promotion of equality between men and women and non-discrimination,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the Beijing Declaration and Platform for Action, and more specifically to its objectives with regard to ‘Women and the Media’ calling for increasing the participation and access of women to expression and decision-making in and through the media and new technologies of communication as well as promoting a balanced and non-stereotyped portrayal of women in the media,
- having regard to the Commission’s ‘European Code of Best Practices for Women and ICT’ of 2013,
- having regard to its in-depth analysis of 2012 entitled ‘Women in ICT’,

<sup>(1)</sup> Texts adopted, P8\_TA(2015)0351.

<sup>(2)</sup> OJ C 264 E, 13.9.2013, p. 75.

<sup>(3)</sup> OJ C 36, 29.1.2016, p. 18.

<sup>(4)</sup> OJ C 93, 9.3.2016, p. 120.

<sup>(5)</sup> OJ L 347, 20.12.2013, p. 320.

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- having regard to the report of the European Agency for Fundamental Rights (FRA) entitled ‘Violence against women — an EU-wide survey. Main results’, published in March 2014,
  - having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(1)</sup>,
  - having regard to the Commission’s EU Strategy towards the eradication of trafficking in human beings 2012-2016 and the mid-term report on the implementation thereof,
  - having regard to the EU Serious and Organised Crime Policy Cycle, which commenced in 2014, and to the priority area of trafficking in human beings,
  - 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 and the opinion of the Committee on Employment and Social Affairs (A8-0048/2016),
- A. whereas digitalisation has revolutionised and fundamentally changed the way people access and provide information, communicate, socialise, study and work, creating new opportunities to participate in public and political discussions, education and the labour market, opening up new prospects for a self-determined life and having enormous economic potential for the European Union and beyond; whereas digitalisation does not only impact markets but society as a whole;
- B. whereas the information society, driven by information and communication technologies (ICTs), brings with it huge opportunities for generating and distributing wealth and knowledge, as shown for example by the free and open-source software industry, which has changed the way software is produced, distributed, supported and used, allowing for richer digital inclusivity; whereas digitalisation further holds opportunities for a more flexible and diverse use of time and space moving towards more equitable models for society; whereas, at the same time, the digitalisation of the labour market can create new dimensions of exclusion, for example the risk of economic, social, cultural and gender segregation;
- C. whereas only 9 % of developers in Europe are women, only 19 % of bosses in the ICT and communications sectors are female (compared with 45 % in other service sectors) and women represent just 19 % of entrepreneurs (compared with 54 % in other service sectors) <sup>(2)</sup>;
- D. whereas these developments have strong potential for the empowerment of women, allowing access to information and knowledge beyond conventional means and providing a platform for expression, which can inspire others to action, opening up new opportunities to interact and campaign with a view to defending the rights and freedom of women, girls and LGBTI people but also for people with specific needs, such as those with disabilities; whereas active participation of women in the information society is not just a matter of justice and equality, it will also contribute to improving social and economic conditions in society and EU competitiveness;
- E. whereas there is a significant gender gap in access to professional and educational opportunities in relation to information and communication technologies and to computer skills; whereas digitalisation has a strong impact on the consumption and distribution of media, more noticeably for younger users, opening new channels and enabling a less hierarchal media landscape; whereas digitalisation may facilitate but also pose new challenges to the empowerment of women through the distribution of negative, degrading and stereotyped portrayals of women;

<sup>(1)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(2)</sup> <https://ec.europa.eu/digital-agenda/en/news/women-active-ict-sector>

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- F. whereas digital communication channels and social networks are particularly important for parents on parental leave and people working from home;
- G. whereas digitalisation has an enormous impact on the labour market by changing value chains and creating new job opportunities and more flexible working patterns; whereas opportunities for flexible and teleworking work arrangements brought about by digitalisation may serve as an important tool for ensuring a better work-life balance for both women and men; whereas these flexible working arrangements can play a positive role in contributing to the inclusion in the labour market of disadvantaged groups of women; whereas, however, there are possible negative consequences which can particularly affect women, such as the erosion of workers' rights and working time boundaries and of boundaries relating to professional and non-professional responsibilities, which increases low-paid and less secure types of employment;
- H. whereas improving digital skills and IT literacy presents a unique opportunity for increasing the inclusion in the labour market of women and girls, but also of people with special needs, such as people with disabilities; whereas increasing the number of women in the ICT sector, which is one of the highest paying sectors, could contribute to their financial empowerment and independence, resulting in the reduction of the total gender pay gap;
- I. whereas, in the digitalised labour market, responsibility is being increasingly shifted away from the company to the individual, changing the terms of social security membership of the self-employed and freelancers; whereas political decisions clearly shape the outcome of these changes;
- J. whereas, in cases of multiple individual contracts within various companies and institutions, the monitoring of the principle of equal pay for equal work at the same workplace, which is of utmost importance for a truly equal society, is more challenging;
- K. whereas the entry of more women into the ICT sector would boost a market in which labour shortages are foreseen and in which equal participation of women would lead to a gain of around EUR 9 billion EU GDP each year; whereas women remain heavily underrepresented in ICT degree programmes, where they constitute only around 20 % of graduates in the field, with only 3 % of all female graduates having a degree in ICT; whereas women face numerous difficulties in integrating into and staying in the ICT sector; whereas the male-dominated working environment, with only 30 % of the workforce being female, contributes to the trend of many women leaving the ICT sector within a few years of completing their university degrees;
- L. whereas the study entitled 'Women active in the ICT sector' estimates that there will be 900 000 unfilled positions in the ICT sector in Europe by 2020; whereas the ICT sector is growing rapidly, creating around 120 000 new jobs every year;
- M. whereas the ICT sector is characterised by particularly high vertical and horizontal segregation, as well as a gap between women's educational qualifications and their position in the ICT sector; whereas less than 20 % of ICT entrepreneurs are women; whereas the majority (54 %) of women in ICT jobs occupy lower paid and lower skill-level positions and only a small minority of them (8 %) occupy high-skill software engineering positions; whereas women are also underrepresented in decision-making within this sector, with only 19,2 % of employees in the ICT sector having female bosses, compared with 45,2 % of employees elsewhere;
- N. whereas women aged 55 and over are at a particular risk of unemployment and labour market inactivity, with the average EU employment rate for women aged 55-64 being only 42 %, compared with 58 % for men; whereas a low level of IT literacy and e-skills further amplifies this risk; whereas improving and investing in digital competences of women aged 55 and over would boost their employment opportunities and offer a level of protection against exclusion from the labour market;

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- O. whereas the impact of sexism and gender stereotyping is an obstacle to equality between women and men, and a burden for economic development and the competitiveness of the EU, further widening the already significant digital gender gap in the fields of ICT, media and related industries; whereas existing gender stereotypes make it difficult for women to fully develop their capacities as users, innovators and creators; whereas there is a need for clear political will, concrete actions and the participation of civil society to change that;
- P. whereas education and training are key to empowering women in the digital age, and thus to a society with future viability; whereas 60 % of school students in the EU never use digital equipment in their classrooms; whereas the already low share of female ICT graduates has dropped; whereas women are very underrepresented in STEM (science, technology, engineering, and mathematics) subjects, and around half of female graduates do not go on to work in STEM roles; whereas in initiatives such as the EU Code Week, ICT for Better Education, the Startup Europe Leaders Club and the Grand Coalition for Digital Jobs, which are aimed at further fostering e-education and e-skills, women remain largely underrepresented;
- Q. whereas the promotion of digital technologies and ICT has an important role to play in the EU's development cooperation policy, in line with the Sustainable Development Goals, particularly in empowering women and girls socially and economically, and lifting them out of poverty;
- R. whereas digitalisation favours the promotion of direct democracy via the web, thereby permitting women to be more involved in politics and improving their access to information;
- S. whereas the partnership of digitalisation and direct democracy provides women with more opportunities to get involved directly, outside of traditional political schemes, and participate fully and in a comprehensive manner;
- T. whereas ICT, like any technology, can be used and abused to threaten women, their rights and freedoms, and ultimately their empowerment, such as in the case of cyber-bullying, cyber-stalking, trafficking in human beings, hate speech, incitement to hatred, discrimination and violation of fundamental rights; whereas anonymity on the internet contributes to the proliferation of these forms of violence against women; whereas such new challenges and risks need to be identified and addressed appropriately by policymakers, as well as by enterprises, companies and civil society organisations, while providing room for information exchange on the internet;
- U. whereas new information and communication technologies are used to create channels and platforms which facilitate certain forms of sexual exploitation of women, including minors; whereas digital platforms are also used for the commercialisation of women's bodies; whereas there is a need for relevant law enforcement professionals to recognise the transformative effect that digitalisation has on these crimes; whereas there is also a need to raise awareness among relevant education professionals about these new forms of digital threats and to make EU and Member State funding available to promote education on safe and respectful use of the internet and the risks of online gender-based violence for both boys and girls and to involve men and boys in the fight against violence against women and girls;
- V. whereas digital modes of communication have contributed to the prevalence of hate speech and threats against women, with 18 % of women in Europe having suffered since adolescence some form of harassment from acquaintances on the internet, and nine million victims of online violence in Europe; whereas the number of threats, including death threats, towards women has increased; whereas social awareness about digital forms of violence, both among the general public and the relevant professionals, such as law enforcement agents and teachers, remains insufficient to ensure adequate prevention, monitoring and assistance for victims; whereas various forms of online violence are not yet fully reflected

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in criminal law, nor in some modes and procedures of prosecution in all Member States; whereas there is a lack of responsiveness by the justice system; whereas abusers and haters are very rarely reported, investigated, prosecuted and sentenced; whereas there is a need for recognition at EU level of the potentially transborder nature of the abuse and violence on the internet;

- W. whereas gender budgeting and gender mainstreaming can be used as tools to further gender equality; whereas gender-based perspectives should be taken into account at all stages of the Commission's work on digitalisation in Europe to ensure that women are not just included but are at the forefront of digital developments;
- X. whereas low participation of women and girls in ICT-related education, and later in employment, is a result of a complex interplay of gender stereotyping that starts in the early stages of life and education and continues into professional careers; whereas factors limiting women and girls from participating in ICT education and employment include: lifelong stereotyping, segregation into 'typically female and male' activities, hobbies and toys, starting from the earliest stages of education, a relative lack of female role models in the ICT sector and the limited visibility of women in this sector, especially in leadership positions;

### ***General recommendations***

1. Urges the Commission and the Council to fully exploit the potential that the information society, ICT and the internet have to promote women's empowerment, women's rights and freedoms and gender equality, irrespective of age, disability, genetic features, gender, sexual orientation, gender identity, race, social or ethnic origin, religion or belief or economic status;
2. Stresses that internet access constitutes a new essential service, necessary for the whole world, men, women, boys and girls, with the internet now a key tool for the daily lives of individuals in family, work, study and learning contexts, for management within companies, public authorities, institutions and organisations, and for the workings of social networks and the promotion of equal opportunities;
3. Calls on the Commission to exploit and better target the Digital Agenda and the Digital Single Market Strategy with a view to addressing the severe gender gap within the ICT sector and fostering the full integration of women into the sector, particularly in relation to technical and telecommunication professions, to foster education and training of women and girls in ICT and other STEM subjects, to increase the visibility of women in the digital arena, to enhance gender equality and participation of women through better access to funding, to systematically implement gender impact assessments and gender budgeting in its work on the Digital Agenda and the Digital Single Market Strategy so that the fundamental European principle of equality between women and men can be duly incorporated and to support civil society and women's organisations in making an inclusive internet a reality;
4. Calls on the EU institutions and the Member States to incorporate the gender perspective into all digital initiatives and to recognise that digital power is driving a new, stronger wave of awareness about gender issues and gender equality; highlights to the Commission the effectiveness of the internet for means such as campaigns, forums and giving visibility to female role models, which all help to accelerate gender equality; asks the Commission therefore to consider placing women at the forefront of its Digital Agenda so that the new digital age can be a driving force towards furthering gender equality;
5. Urges the Commission to include in the upcoming Strategy for equality between women and men 2016-2020 specific actions to support the integration and participation of women in the information society and to strongly promote women's networks online as they are the manifestation of a self-organised, bottom-up approach to female empowerment and should receive all the support necessary for them to become long-term;



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6. Notes the Commission communication on 'A Digital Single Market Strategy for Europe', but regrets its narrow focus, as it underestimates the considerable potential that digitalisation can have with regard to an inclusive, equal and participatory society and fails to give sufficient recognition to the opportunities that targeted support and funding infrastructure can provide for women's empowerment;

7. Calls for a stronger emphasis on free and open-source software in the ICT sector and the digital market; views free and open-source software to be a vital tool for promoting gender equality and democratisation in the digital market and ICT sector; highlights the need for gender awareness in the open-source sector as well;

8. Calls on the EU and the Member States to develop, support and implement the actions promoted by the UN and its bodies, in particular in the framework of the Beijing Declaration and Platform for Action and of the World Summits on the Information Society (WSIS), in order to strive for women's empowerment in the digital age at European and global level; calls on the Member States to communicate and share best practices with one another with a view to promoting the equal involvement of women in digital developments across Europe;

9. Calls on the Member States, with a view to achieving gender equality in the information society and ICTs, to establish multiannual action plans aimed at: increasing women's access to the information society, improving and increasing women's use of ICT, giving women a more significant role in ICT sectors, fostering women's ICT knowledge through education and training, promoting employment and entrepreneurial spirit among women through regular use of the internet and digital services, developing online content that promotes gender equality, fostering the continuous exchange, dissemination and communication of equality values, promoting access to and use of ICTs as tools against gender discrimination in areas such as gender violence, promoting international cooperation, establishing a work-life balance, and the design, implementation, dissemination and evaluation of equality policies and plans;

### **Participation**

10. Calls on the Commission and the Member States to make better use of the considerable potential that digitalisation has at all levels of political participation and the inclusion of women in the decision-making processes, for example by means of electronic voting; highlights the major opportunities that digitalisation and e-government initiatives hold with respect to access to information, decision-making processes, transparency, and greater accountability; stresses furthermore that ICTs can greatly increase women's ability to take part in surveys and discussion forums, as well as to submit complaints and report others anonymously;

11. Calls on the Commission and the Member States to promote digitalisation in politics in order to promote direct democracy, allowing for a more active involvement of all citizens, thereby overcoming out-dated schemes and obstacles that cause difficulties for women and underrepresented groups in attempting to establish themselves in electoral and institutional environments; further calls on the Commission and the Member States to consider and further develop online voting methods for electoral consultations, thus eliminating barriers, which often affect women in particular;

12. Calls on the Commission to make full use of the 'Europe for Citizens' programme to specifically target civil society and women's organisations working in areas relating to digitalisation and ICT, in order to improve conditions for civic and democratic participation of women and to pay special attention to the gender-specific objectives in the upcoming implementation evaluations;

13. Highlights the importance that new media can play in strengthening women's participation in democratic processes; calls on the Commission and the Member States to promote women's full participation in the media, including in management, and in regulatory and monitory bodies, in order to strive for a more gender-equal media realm fighting gender stereotyping and misrepresentation of women; urges the Commission furthermore to foster the creation of networks among civil society organisations and professional media organisations in order to empower women to take an active part and recognise the specific needs of women in media;



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14. Stresses the key role of international civil society in internet governance, through such forums as the Global Internet Forum; calls on the Commission and the Member States to engage with and support digital civil society organisations at grassroots and international level, and to advance the participation and representation of women and girls in all of these forums and networks;

15. Considers that access to free broadband for all, at least in public spaces, would improve possibilities for women to use digital opportunities and increase their chances to access the labour market, which would also contribute to increased social inclusion and positive developments with regard to environmental and economic matters; calls on the Commission to recognise the importance of extending its Digital Agenda to rural areas so that no citizens are excluded and isolated, in particular women, and digital opportunities are available to all;

### ***Labour market***

16. Calls on the Commission, the Member States and social partners to promote gender equality in ICT companies and other relevant industries, representative bodies and training institutions, including in positions of responsibility, to closely monitor and follow up the progress made, and to share best practices in this area;

17. Calls on the Commission and the Member States to address the severe underrepresentation of women in the ICT sector, in particular among people in higher positions and on boards; urges the Commission and the Member States to recognise that the draft directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures provides a real opportunity to change the culture inside companies, which would have an impact on all levels of the hierarchy, and therefore urges the unblocking of the Directive in the Council; urgently reminds the Commission of its responsibility to take any action that could help break the deadlock in the Council as regards EU legislation addressing transparency and greater balance in recruitment for decision-making positions;

18. Calls on the Member States to address the gender gap in the ICT sector by stressing the business case for diversity and by creating more and stronger incentives for both companies and women, such as role models and career paths, in order to increase the visibility of women;

19. Urges the Commission and the Member States to safeguard fundamental workers' rights and the social protection of employees and to combat precarious working conditions; urges the Commission to propose, and the Member States to further develop, new protection mechanisms adapted to the working and career patterns shaped by digitalisation, paying particular attention to the situation of women; highlights the importance of collective bargaining at all levels, especially in areas which are strongly affected by digitalisation, in order to ensure the principle of equal pay for equal work and to safeguard working space quality and working space security in times of digitalisation; points out that necessary general framework conditions must be found in order to safeguard the protection of employees' personal data;

20. Encourages the Commission and the Member States to recognise the full potential of the flexibility offered by digitalisation in the area of work-life balance, highlighting at the same time that the digitalisation of the labour market requires adaptation of both labour market policies and the underlying social security systems; calls on the Commission and the Member States, with regard to the Commission's roadmap 'New start to address the challenges of work-life balance faced by working families', to identify the opportunities and challenges of digitalisation, with regard to working conditions and the need for adaptation of the workplace, skill development, and lifelong learning opportunities, especially for workers with care responsibilities; calls on the Member States and the Commission also to invest in a targeted manner in digital working practices in order to improve the work-life balance for all;

21. Calls on the Commission and the Member States to support lifelong learning as well as training and schemes which help prepare for a better adaptation or potential change of career path in accordance with the growing demand for e-skills in many different sectors, paying particular attention to women aged 55 and over, in order to safeguard them from exclusion from the labour market;

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22. Calls, in the context of all measures taken in this area, for the bureaucratic burden on firms to be kept to a minimum; points out that excessive red tape can jeopardise acceptance and lead to job losses and job relocations; welcomes the workable, consensus-based compromises reached by the two sides of industry in the Member States with a strong tradition of codetermination; regards codetermination as a best-practice model for European economies;

23. Notes that the gender pay gap remains one of the major issues in relation to the gender gap in the ICT sector, and calls, therefore, on the Member States to finally start actively implementing the Commission Recommendation on strengthening the principle of equal pay between men and women through transparency and continued positive action, preferably by means of legislation, and to introduce wage transparency measures and gender-neutral job evaluations; calls on the Commission to address equal pay in its 2016 work programme initiative 'New Start for working parents', as the pay gap increases even further when people become parents;

24. Points out that the gender pay gap results in an even higher pension gap; stresses that the principle of equal pay for equal work in the same workplace to ensure just and fair wages must be guaranteed, as pointed out by Commission President Juncker;

25. Encourages the Member States to have tax and benefit systems that are free of disincentives for second earners to work or work more, because women tend to be second earners, with ICT jobs featuring heavily in this field;

26. Points out that the gender pay and career development gap remains for women working in the ICT sector; stresses that the principle of equal pay for equal work in the same workplace to ensure just and fair wages is being challenged, even though it constitutes one of the fundamental pillars of social justice in the labour market and should therefore be protected above all else; reiterates that inequalities should not be allowed to take root in the digital economy as regards equal pay and career development; stresses that increased participation of women in the labour market and related investments in social inclusion policies will help to reduce the gender pay gap; highlights the importance of collective bargaining also in the digital market economy in order to safeguard quality and security of jobs in times of digitalisation;

27. Welcomes the many opportunities and the greater flexibility that the digital age offers employees and self-employed people, including opportunities for a better work-life balance, in particular with regard to the situation on the labour market of parents of young children and people with disabilities; calls on the Commission and the Member States to address the situation of flexible work and job security that is prominent in the ICT sector, but stresses at the same time the new challenges connected to this development, and calls on the Member States to ensure that adequate social security provisions are in place; advocates a 'right to log off' for workers outside the agreed working hours;

28. Draws attention to the fact that the digitalisation-driven trend towards more flexible working practices may also give rise to unstable forms of employment; emphasises that work-related mental health problems, such as burnout, caused by constant accessibility present a serious risk; advocates, therefore, full compliance with the prescribed rest times for workers, and stresses the need to respect working time arrangements under flexible-hour employment contracts, in order to maintain the boundaries of working time, as defined by the labour laws of the individual Member States;

### ***Education and training***

29. Underlines the importance of ensuring gender mainstreaming in the education sector by promoting digital literacy and the participation of women and girls in ICT education and training through the inclusion of coding, new media and technologies in education curricula at all levels, as well as extra-curricular, informal and non-formal education, and in all types of education and training, including for teaching staff, in order to reduce and remove digital skills gaps, and to encourage girls and young women to embark on careers in the sciences and ICTs; highlights, in this connection, the importance of open educational resources (OERs), which ensure better access to education for all, and of the exchanging of best practices for incorporating gender mainstreaming into the ICT field;

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30. Encourages the Member States to introduce age-appropriate ICT education in the early stages of school, with a particular focus on inspiring girls to develop interest and talent in the digital field, and urges the Commission and the Member States to promote STEM education to girls from a young age, given that girls move away from science, technology subjects, engineering and maths earlier during their educational path due to gender stereotypes surrounding these subjects, a lack of role models, and a segregation of activities and toys, resulting in an underrepresentation of women in these subjects at university, which extends into the work place; underlines therefore that both gender stereotypes and digital training should be addressed, starting within the primary education system and continuing to move through all stages of education until adult learning and training for people who have been excluded from the labour market;

31. Urges the Commission and the Member States to facilitate education and lifelong learning aimed specifically at older women for the duration of their working life and beyond, in particular for those with caring responsibilities and women who have taken a break from their career or are re-entering the workplace, so as to ensure that they are not left behind in the increasingly rapid shift towards digitalisation;

32. Notes that education in digital technologies, ICT and coding at an early age is especially important in empowering girls, encouraging them into the field and overcoming gender stereotypes; emphasises that increasing the representation of women in STEM subjects in higher education is key to increasing their representation in the digital sector;

33. Calls on the Member States to address the gender gap in the ICT sector by creating more incentives and support structures for women, such as role models, mentoring programmes and career paths, in order to increase the visibility of women; calls therefore on the Member States to adapt educational systems, where necessary, with a view to promoting teaching and interest in the STEM subjects in general and for female students in particular;

34. Emphasises the value of ICTs, and more specifically online training courses, for girls and women, but also people with special needs, such as those with disabilities, and the inhabitants of rural areas and remote areas, as well as the possibilities for teleworking, in order to improve education among these groups and increase their chances of financial independence;

35. Notes the important role and enormous potential that arts and design education, formal, informal and non-formal, the creative industries, and the cultural sector have in empowering women and girls and propelling them into the digital sector; emphasises therefore the importance of connecting STEM and the economic sectors constituted by education and the arts, transforming STEM into STEAM;

36. Calls on the Commission to promote digital technologies as tools for reducing barriers to entry in the labour market in the framework of lifelong learning and to set EU benchmarks for public and private investment in skills as a percentage of GDP;

37. Encourages the Member States and the Commission to promote, in particular by means of information and awareness-raising campaigns, the participation of women in business sectors that are stereotypically considered 'male', as in the case of digitalisation; stresses the need to organise awareness-raising, training and gender-mainstreaming campaigns for all the actors involved in digitalisation policy;

38. Welcomes the European 'Code of Best Practices for Women and ICT' and calls for its wide and active implementation; welcomes the establishment of the Europe-wide 'Grand coalition for digital jobs', and encourages the companies involved to put a special focus on recruitment and equal career opportunities for women;

39. Calls on the Commission and the Member States to implement programmes targeted at parents in order to familiarise them with the ICTs used by their children, thereby improving adults' awareness of the potential encounters and relationships that can occur online, and reducing the generational gap that exists with regard to the ICT sector;

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40. Stresses the importance of improving digital skills and literacy in order to facilitate the entry into ICT companies of women who, for various reasons, do not possess these specific skills; points out that failure in this respect would result in further disadvantage regarding access for women to this sector; recalls that the European Social Fund may participate in funding such training courses;

41. Highlights the importance of integrating coding, new media and technologies into educational curricula at all levels, and points out the potential of digital skills to reduce access barriers to entry in the labour market; points to the importance of constant dialogue with social partners in order to overcome the gender gap in this field;

42. Urges the Commission, within the scope of the Digital Single Market Strategy, and more specifically with regard to the reference to building an inclusive e-society, to increase the visibility of women by setting up a pilot project on a European online university specifically focused on ICT and technical engineering and introducing a tailored scholarship programme for women in the area of ICT and new media;

43. Calls on the Commission and the Member States, as well as businesses, to promote gender equality in ICT by collecting gender-disaggregated data on the use of ICT, developing targets, indicators and benchmarks to track the progress of women's access to ICT and promote best practice examples among ICT companies;

44. Calls on the Commission and the Member States to increase their support for the empowerment of women in digital sectors and ICT in development cooperation and EU external relations, through promoting digital education and enabling women's entrepreneurship through various tools, including micro-finance schemes and support networks;

#### ***Investment and funding entrepreneurship***

45. Calls on the Member States and the Commission to make funds available, to improve access to existing funds and, if necessary, to make funds available for female entrepreneurs to create ICT-related businesses and digital start-ups, as well as women mentorship and peer-to-peer exchange networks, fostering innovation and investment within the EU; encourages the Member States to offer appropriate financial support and training to women intending to build a career in the field of digitalisation, in order to encourage female entrepreneurship in this sector;

46. Holds that, especially with regard to the objective of the Digital Single Market Strategy of creating the right conditions for an innovative and competitive ICT environment and improvements for financing opportunities for SMEs and start-ups, women's access to funding and financial services need special consideration; notes the importance of women's access to micro-finance in women's entrepreneurship;

47. Calls on the Commission in relation to the Digital Agenda to thoroughly monitor and evaluate the application of gender mainstreaming and gender budgeting within the framework of EU funds in accordance with Article 7 of the Common Provisions Regulation (Regulation (EU) No 1303/2013 of 17 December 2013) on European funds, and calls on the Commission and the Member States to ensure the involvement of women's organisations in the monitoring committees of funding programmes in order to guarantee that targeted actions strengthening the role of women in ICT are implemented; recalls the Commission's commitment to gender budgeting;

48. Calls on the Commission to take into account the gender dimension when analysing and reporting on the partnership involvement in relation to the Digital Agenda;

49. Calls on the Commission, in cooperation with the European Investment Bank, to set up support programmes in relation to investing in ICT through the European Structural and Investment Funds, including favourable credit conditions and loans for firms, civil society organisations and start-ups in the ICT sector, in which at least 40 % of the workforce are female;

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50. Calls on the Commission to support and promote a digital entrepreneurial culture for women, to promote and financially support a European networking and mentoring platform for women and to further strengthen the role of women in existing programmes; encourages the Member States, and also companies, to create diversity policies that go beyond focusing on the recruitment of women in order to promote sustainable economic development and leadership;

51. Highlights the role of social enterprise and of alternative business models such as mutuals and cooperatives in empowering women in digital entrepreneurship and in increasing the representation of women in digital sectors; calls on the Commission and the Member States to promote social enterprise initiatives aimed at empowering women and girls in ICT;

52. Calls on the Commission, the Member States and all stakeholders to make more use of the Grand Coalition for Digital Jobs in order to support measures aimed at improving digital skills among women and girls, promoting female employment in the ICT sector, and increasing dissemination of the various education and vocational training options available;

### ***Fight against violence against women in a digitalised world***

53. Calls for identification of the challenges posed by the use of ICT and the internet to commit crimes, issue threats or perpetrate acts of harassment or violence against women based on misogyny, homophobia or transphobia or any other form of discrimination; urges policymakers to address these issues properly, taking into account special groups of women with multiple vulnerabilities, and to ensure that a framework is in place guaranteeing that law enforcement agencies are able to deal with digital crimes effectively, taking into account the challenges related to online anonymity and the potential transborder nature of such crimes and abuse; calls on the Member States to allocate the resources necessary for law enforcement, i.e. implementation of existing laws against cyber-violence, cyber-bullying, cyber-harassment, cyber-stalking and hate speech;

54. Calls on the Commission to demand greater efforts from the Member States to prosecute any homophobic or transphobic crimes that take place online, as well as to apply properly the EU legislation in force in this regard and relating to the rights of victims;

55. Calls on the Commission to address sexism and gender stereotypes in education and the media, as part of the recast Equal Treatment Directive;

56. Calls on the Commission to develop a code of conduct for its own communications and the communication of the EU agencies in order to foster the empowerment of women, and to combat stereotypes and sexism and the underrepresentation and misrepresentation of women;

57. Calls on the Commission and the Member States to consider the changed realities of women and girls, on account of digitalisation, in the implementation of future EU data protection legislation; emphasises that data controllers may only use sensitive data for limited purposes and may under no circumstances further share such data;

58. Calls on the Commission and the Member States to make the necessary resources available in order to ensure that rules concerning the safeguarding of sensitive data contained in online communications are observed;

59. Calls on the Commission to increase financial support for Safer Internet Digital Services Infrastructure, financed by the Connecting Europe Facility, and for the Member States to increase funding for support lines for victims of cyber-bullying; underlines that girls are twice as likely as boys to be victims;

60. Calls on the Commission and the Member States to adopt measures protecting girls from advertising in the digital environment that could incite them to behaviour harmful to their physical and mental health; calls on the Commission to renew and expand the Safer Internet programme, paying particular attention to the gender issue as one of the measures necessary to improve the safety of girls online;

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61. Calls on the Commission to launch and support e-literacy and training programmes, as well as awareness campaigns, thereby raising awareness of the potential risks of the digital world and how to counter them among the relevant parties concerned, such as students at all levels of education, teachers, and education and law enforcement professionals; calls on the Commission to promote campaigns against sexism and gender stereotypes in social and digital media and to use the potential of digital media to eliminate stereotypes;

62. Welcomes the proposal made by the Commission to include in its post-2016 Strategy on Trafficking in Human Beings provisions on prevention, victim support, safe-return and reintegration, as well as the role of the internet; underlines that the phenomena of cyber-harassment and cyber-stalking should also be addressed;

63. Calls for the EU and the Member States to make available sufficient resources and funding for the European Institute for Gender Equality (EIGE) to be able to conduct research and data-gathering on how digital services can be better employed and harnessed for the benefit of women and gender equality;

64. Calls for the EU institutions, agencies and bodies, as well as the Member States and their law enforcement agencies, to cooperate and concretely coordinate their actions to counter the use of ICT to commit crimes related to trafficking in human beings, cyber-harassment and cyber-stalking, given that they are often transborder in nature and that EU-level coordination is vital for prosecuting these crimes; calls on the Member States to review and potentially revise their criminal law to ensure that new forms of digital violence are clearly defined and recognised, and to ensure that appropriate modes of prosecution are in place; calls on the Member States to adopt reporting portals so that citizens will have their own secure and confidential place online where they can report harassment from internet users; calls for the EU Cybersecurity Strategy and the Europol Cybercrime Centre to cover these issues; calls on the Commission to promote training and capacity-building for victim support in digital matters among police and judicial authorities, as well as psychological support during court cases related to the issue;

65. Calls on the Commission to prepare as soon as possible the necessary steps for ratification by the EU of the Council of Europe Convention on preventing and combating violence against women and domestic violence, without prejudice to the EU responsibility to consider all necessary actions to end and prevent violence against women in all Member States, and calls on the Member States to ratify the Istanbul Convention, which is instrumental to the eradication of violence against women, including digital forms of violence, since it introduces harmonised legal definitions and modes of prosecution of crimes that are facilitated by new communication technologies, such as trafficking in human beings and stalking;

66. Calls on the Commission to present, as soon as possible, a European Gender Violence Strategy that includes a legislative instrument and tackles new forms of violence against women and girls, such as cyber-bullying, the use of degrading images online, the distribution on social media of private photos and videos without the consent of the people involved, etc.;

67. Calls on the Commission and the Member States to tighten the monitoring of internet grooming by terrorist groups which recruit young women and force them into marriage or prostitution in third countries;

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

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## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

P8\_TA(2016)0141

**Request for the waiver of immunity of Bolesław G. Piecha****European Parliament decision of 28 April 2016 on the request for waiver of the immunity of Bolesław G. Piecha  
(2015/2339(IMM))**

(2018/C 066/07)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Bolesław G. Piecha, forwarded on 29 October 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 (*Główny Inspektor Transportu Drogowego*) (reference No CAN-PST-SCW.7421.653220.2014.13.A.0475), and announced in plenary on 23 November 2015,
- having regard to the fact that Bolesław G. Piecha has 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 <sup>(1)</sup>,
- having regard to Articles 105(2) and 108 of the Constitution of the Republic of Poland and Articles 7b(1) and 7c(1) 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 (A8-0152/2016),

<sup>(1)</sup> 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 Bolesław G. Piecha, a Member of the European Parliament elected to represent a constituency in Poland, concerning 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 involves 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 Bolesław G. Piecha is or is not to be waived;
  - E. whereas the alleged offence took place before Bolesław G. Piecha became a Member of the European Parliament; whereas the alleged offence took place while Bolesław G. Piecha was a member of the Polish Senate; whereas, therefore, it has no direct or obvious bearing on Bolesław G. Piecha's exercise of his duties at the European Parliament;
  - F. whereas Bolesław G. Piecha sent a statement to the Polish General Inspectorate of Road Transport, in response to the report of the offence by the Inspector General of that Inspectorate, in which he agreed to pay the fine for the offence under Article 92a of the Code of Petty Offences; whereas in this case it is therefore difficult to establish 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 Bolesław G. Piecha;
  - 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 Bolesław G. Piecha.
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## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

P8\_TA(2016)0138

**EU-Georgia Common Aviation Area Agreement (accession of Croatia) \*\*\***

**European Parliament legislative resolution of 28 April 2016 on the draft Council decision on conclusion, on behalf of the European Union and its Member States, of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia (12227/2014 — C8-0035/2015 — 2014/0134(NLE))**

**(Consent)**

(2018/C 066/08)

*The European Parliament,*

- having regard to the draft Council decision (12227/2014),
  - having regard to the draft Protocol (12226/2014),
  - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0035/2015),
  - 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 Transport and Tourism (A8-0128/2016),
1. Gives its consent to conclusion of the protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Georgia.
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Thursday 28 April 2016

P8\_TA(2016)0139

### **EU-Israel Euro-Mediterranean Aviation Agreement (accession of Croatia) \*\*\***

**European Parliament legislative resolution of 28 April 2016 on the draft Council decision on conclusion, on behalf of the Union and its Member States, of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part and the government of the State of Israel, of the other part, to take account of the accession to the European Union of the Republic of Croatia (12265/2014 — C8-0102/2015 — 2014/0187(NLE))**

**(Consent)**

(2018/C 066/09)

*The European Parliament,*

- having regard to the draft Council decision (12265/2014),
  - having regard to the draft Protocol (12264/2014),
  - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0102/2015),
  - 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 Transport and Tourism (A8-0129/2016),
1. Gives its consent to conclusion of the protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the State of Israel.
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Thursday 28 April 2016

P8\_TA(2016)0140

**Convention on mutual assistance and cooperation between customs administrations (accession of Croatia) \***

**European Parliament legislative resolution of 28 April 2016 on the recommendation for a Council decision concerning the accession of the Republic of Croatia to the Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations (COM(2015)0556 — C8-0376/2015 — 2015/0261(NLE))**

**(Consultation)**

(2018/C 066/10)

*The European Parliament,*

- having regard to the Commission recommendation to the Council (COM(2015)0556),
  - having regard to Article 3(4) and (5) of the Act of Accession of the Republic of Croatia, pursuant to which the Council consulted Parliament (C8-0376/2015),
  - 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 (A8-0054/2016),
1. Approves the Commission recommendation;
  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.
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Thursday 28 April 2016

P8\_TA(2016)0143

## EU Agency for Railways \*\*\*II

**European Parliament legislative resolution of 28 April 2016 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (10578/1/2015 — C8-0415/2015 — 2013/0014(COD))**

**(Ordinary legislative procedure: second reading)**

(2018/C 066/11)

*The European Parliament,*

- having regard to the Council position at first reading (10578/1/2015 — C8-0415/2015),
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament, the Romanian Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2013 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 October 2013 <sup>(2)</sup>,
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2013)0027),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0073/2016),
1. Approves the Council position at first reading;
  2. Takes note of the Commission statements annexed to this resolution;
  3. Notes that the act is adopted in accordance with the Council position;
  4. Suggests that the act be cited as ‘the Zile-Matīss Regulation on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004’ <sup>(4)</sup>;
  5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 327, 12.11.2013, p. 122.

<sup>(2)</sup> OJ C 356, 5.12.2013, p. 92.

<sup>(3)</sup> Texts adopted of 26.2.2014, P7\_TA(2014)0151.

<sup>(4)</sup> Roberts Zile and Anrijs Matīss led the negotiations on the act on behalf of Parliament and the Council respectively.

Thursday 28 April 2016

## ANNEX TO THE LEGISLATIVE RESOLUTION

## Statement by the Commission on the ERA management board and the selection and dismissal procedure of the executive director

The Commission regrets the fact that compared to the original proposal presented by the Commission, the agreed text on the new ERA Regulation deviates from the key provisions agreed under the Common Approach on EU decentralised agencies, by the European Parliament, the Council and the Commission in 2012. This concerns the number of representatives of the Commission within the Management Board and the selection and dismissal procedure of the executive director. The Commission emphasises in particular that the appointment of an observer among the members of the Management board to follow the selection procedure applied by the Commission for the appointment of the executive director should not result in a duplication of roles in the selection and appointment procedures (Article 51(1)).

## Statement by the Commission on necessary budget resources

The 4th Railway Package gives ERA new competences, in particular the power to issue vehicle authorisations and safety certificates directly to the sector. It cannot be excluded that in the transition period fees and charges are not yet available to ERA while the staff needs to be recruited and trained. In order to avoid disruption to the railway market, the Commission will endeavour to reserve the necessary budget in order to cover the costs of relevant staff.

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Thursday 28 April 2016

P8\_TA(2016)0144

## Interoperability of the rail system within the European Union \*\*\*II

**European Parliament legislative resolution of 28 April 2016 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast) (10579/1/2015 — C8-0416/2015 — 2013/0015(COD))**

**(Ordinary legislative procedure: second reading)**

(2018/C 066/12)

*The European Parliament,*

- having regard to the Council position at first reading (10579/1/2015 — C8-0416/2015),
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2013 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 7 October 2013 <sup>(2)</sup>,
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2013)0030),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0071/2016),
1. Approves the Council position at first reading;
  2. Takes note of the Commission statement annexed to this resolution;
  3. Notes that the act is adopted in accordance with the Council position;
  4. Suggests that the act be cited as ‘the Bilbao Barandica-Matīss directive on the interoperability of the rail system within the European Union (recast)’ <sup>(4)</sup>;
  5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with the Commission statement thereon, in the *Official Journal of the European Union*;
  7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 327, 12.11.2013, p. 122.

<sup>(2)</sup> OJ C 356, 5.12.2013, p. 92.

<sup>(3)</sup> Texts adopted of 26.2.2014, P7\_TA(2014)0149.

<sup>(4)</sup> Izaskun Bilbao Barandica and Anrijs Matīss led the negotiations on the act on behalf of Parliament and the Council respectively.



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Thursday 28 April 2016

## ANNEX TO THE LEGISLATIVE RESOLUTION

## Statement by the Commission on explanatory documents

The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.

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Thursday 28 April 2016

P8\_TA(2016)0145

## Railway safety \*\*\*II

**European Parliament legislative resolution of 28 April 2016 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on railway safety (recast) (10580/1/2015 — C8-0417/2015 — 2013/0016(COD))**

**(Ordinary legislative procedure: second reading)**

(2018/C 066/13)

*The European Parliament,*

- having regard to the Council position at first reading (10580/1/2015 — C8-0417/2015),
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament, the Romanian Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2013 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 October 2013 <sup>(2)</sup>,
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2013)0031),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0056/2016),
1. Approves the Council position at first reading;
  2. Takes note of the Commission statement annexed to this resolution;
  3. Notes that the act is adopted in accordance with the Council position;
  4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with the Commission statement thereon, in the *Official Journal of the European Union*;
  6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 327, 12.11.2013, p. 122.

<sup>(2)</sup> OJ C 356, 5.12.2013, p. 92.

<sup>(3)</sup> Texts adopted of 26.2.2014, P7\_TA(2014)0150.

Thursday 28 April 2016

## ANNEX TO THE LEGISLATIVE RESOLUTION

**Statement by the Commission on explanatory documents**

The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.

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Thursday 28 April 2016

P8\_TA(2016)0146

### **Indices used as benchmarks in financial instruments and financial contracts \*\*\*I**

**European Parliament legislative resolution of 28 April 2016 on the proposal for a regulation of the European Parliament and of the Council on indices used as benchmarks in financial instruments and financial contracts (COM(2013)0641 — C7-0301/2013 — 2013/0314(COD))**

**(Ordinary legislative procedure: first reading)**

(2018/C 066/14)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0641),
  - 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 (C7-0301/2013),
  - 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 Central Bank of 7 January 2014 <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 21 January 2014 <sup>(2)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 9 December 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 Economic and Monetary Affairs and the opinion of the Committee on Industry, Research and Energy (A8-0131/2015),
1. Adopts its position at first reading hereinafter set out <sup>(3)</sup>;
  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.

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### **P8\_TC1-COD(2013)0314**

**Position of the European Parliament adopted at first reading on 28 April 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1011.)*

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<sup>(1)</sup> OJ C 113, 15.4.2014, p. 1.

<sup>(2)</sup> OJ C 177, 11.6.2014, p. 42.

<sup>(3)</sup> This position replaces the amendments adopted on 19 May 2015 (Texts adopted, P8\_TA(2015)0195).









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