Official Journal of the European Union

C 86

English edition

Information and Notices

Volume 61

6 March 2018

Contents

EN

Wednesday 8 June 2016

Thursday 9 June 2016

III *Preparatory acts*

EUROPEAN PARLIAMENT

Tuesday 7 June 2016

Key to symbols used

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

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

Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2016-2017 SESSION

Sittings of 6 to 9 June 2016

The Minutes of this session have been published in OJ C 225, 13.7.2017.

TEXTS ADOPTED

Tuesday 7 June 2016

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2016)0246

2015 Report on policy coherence for development

European Parliament resolution of 7 June 2016 on the EU 2015 Report on Policy Coherence for Development (2015/2317(INI))

(2018/C 086/01)

The European Parliament,

— having regard to Article 208 of the Treaty on the Functioning of the European Union, which reaffirms that the Union must take account of the objective of development cooperation in the policies that it implements which are likely to affect developing countries,

— having regard to Article 21 of the Treaty on European Union, which states that the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law,

— having regard to paragraphs 9 and 35 of the joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission of December 2005 entitled 'The European Consensus on Development' ([1]),

— having regard to the successive conclusions of the Council, the biennial reports by the Commission and the resolutions of Parliament on policy coherence for development (PCD), particularly Parliament's resolution of 13 March 2014 on the EU 2013 Report on Policy Coherence for Development ([2]),

— having regard to the Commission's fifth biennial report on PCD, namely its Working Document on Policy Coherence for Development, published in August 2015 (SWD(2015)0159),

— having regard to the 2030 Agenda for Sustainable Development, adopted at the UN Sustainable Development Summit in New York in 2015 ([3]), which includes a target to 'enhance policy coherence for sustainable development' (target 17.14),

— having regard to the Fourth High Level Forum on Aid Effectiveness outcome document of December 2011 on partnership for Effective Development Co-operation,

([1]) OJ C 46, 24.2.2006, p. 1.
([2]) Texts adopted, P7_TA(2014)0251.
([3]) http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Development and the opinion of the Committee on International Trade (A8-0165/2016),

A. whereas the Council conclusions on the fifth EC biennial report on PCD, adopted in October 2015, emphasised that PCD will be an important part of the EU's contribution to achieving the broader aim of policy coherence for sustainable development (PCSD);

B. whereas the adoption of the 2030 Sustainable Development Agenda presents a new challenge for the achievement of PCD, as it establishes a single, universal set of development goals applicable to all;

C. whereas the EU must take the lead in promoting PCD;

D. whereas 1,5 billion people are still living in poverty with deprivation in health, education and living standards; whereas most of them are women;

E. whereas the fiscal space of developing countries is de facto constrained by the requirements of global investors and financial markets; whereas developing countries have been offering various tax incentives and exemptions to attract or retain investors, leading to harmful tax competition and a 'race to the bottom';

F. whereas the EU has a direct and historical responsibility in its dealings with partner countries;

G. whereas the current European framework for development lacks effective mechanisms to prevent and remedy incoherencies arising from the policies pursued by the Union;

PCD in the framework of the 2030 Agenda

1. Reiterates that PCD is a key element for delivering and achieving the new sustainable development agenda; calls for proactive action based on a common understanding of PCD; points out that the human rights-based approach should lead to a deepened understanding of PCD, since without addressing the obstacles to the realisation of rights there can be no progress towards sustainable development and the eradication of poverty; considers that PCD should contribute to the establishment of the rule of law, to impartial institutions and to tackling the challenge of good governance in developing countries;

2. Regrets that, although PCD was endorsed in the UN Millennium Declaration ([1]), the Lisbon Treaty and the Busan Forum on Aid Effectiveness ([2]), little progress has been made as to its concrete implementation;

3. Calls for an EU-wide debate on PCD in the framework of the 2030 Sustainable Development Agenda and its new 17 universal and indivisible SDGs, so as to understand better how the concept might fit with the more universal concept of PCSD;

4. Recalls that the sustainable development goals apply to both developed and developing countries and that the SDGs should be comprehensively integrated into the EU's decision-making process at both internal and external levels; stresses the need to develop governance processes to promote PCD at the global level, and calls for the inclusion of PCD as a core issue in the upcoming EU policy debates on the new Global Strategy and the MFF;

PCD mechanisms

5. Calls for PCD to be discussed at a European Council meeting in order to foster an interinstitutional debate involving the Commission, the EEAS, the Council, and Parliament, as well as debate at the national level;

([1]) http://www.un.org/millennium/declaration/ares552e.htm
([2]) http://www.oecd.org/development/effectiveness/49650173.pdf

Tuesday 7 June 2016

6. Proposes that in preparation for that summit, the Commission and the EEAS should address concrete recommendations to the EU heads of state and government on effective mechanisms to operationalise PCD and integrate EU strategies to better implement SDGs, and on how to define more clearly the responsibilities of each EU institution in achieving PCD commitments; believes that such a process should be as transparent and as inclusive as possible, involving local and regional governments, civil society organisations and think-tanks;

7. Welcomes the creation of a group of Commissioners involved in external relations; calls for regular reporting on the work of this group by the VP/HR to the Committee on Development;

8. Considers that the mechanisms that have been used by some EU delegations to provide feedback to the Commission's 2015 PCD Report should be extended to all EU delegations, and that this should become a yearly exercise; calls on the EU delegations to ensure that PCD is on the agenda of the respective bilateral meetings and joint assembly meetings, as well as of the yearly meeting of EU Heads of Delegations in Brussels;

9. Welcomes the Better Regulation Package adopted by the Commission on 19 May 2015; further welcomes the fact that PCD is specifically mentioned as a legal requirement in Tool 30 of the Better Regulation Guidelines (COM(2015)0215);

10. Regrets the fact that although impact assessments represent a significant tool for achieving PCD, assessments of development impacts remain few in number and do not properly address the potential impact on developing countries; hopes that the Better Regulation Package and its guidelines will improve this situation by taking development and human rights into account in all impact assessments and by enhancing transparency; calls on the Commission systematically to consult human rights organisations at an early stage of the policymaking process and to put in place stronger safeguards and mechanisms in order to better balance stakeholders' representativeness; welcomes the public consultation on the roadmap, which is aimed at determining the outcome and impact of PCD on developing countries and which opens up opportunities for external stakeholders, including developing countries and civil society, to give their views and actively participate; further welcomes the field phase of the roadmap and the case studies, which could contribute effectively to an accurate evaluation of the impact of PCD; considers it necessary to undertake more systematic ex-post assessments during EU policy implementation;

11. Believes that more emphasis must be put on institutional coordination, whether between EU institutions or with Member States; calls on the governments of the Member States to embed PCD in a legally binding act and to define a Policy Coherence for Sustainable Development (PCSD) action plan to operationalise it; considers that national parliaments should be more fully involved in the PCD agenda, in the context of their capacity to hold their governments accountable and scrutinise progress in this field;

12. Stresses the important role that Parliament must play in the process of promoting PCD by giving it priority in its agendas, increasing the number of meetings between committees and between parliaments relating to PCD, promoting exchanges of views on PCD with partner countries, and fostering dialogue with civil society;

13. Notes that some Member States have established an effective interministerial coordination mechanism with a specific mandate on PCSD; calls for Member States to follow and exchange the good practices already adopted by other Member States;

14. Notes that joint programming is a successful tool for the coherent planning of EU development cooperation activities; welcomes the fact that it includes Member States' bilateral activities in partner countries, but laments past failures to link EU action to Member States' activities, which have led to opportunities for exploiting synergies being missed;

15. Recognises that implementing PCD correctly will require an appropriate level of resources and staff; urges that PCD focal points in national ministries and EU delegations be granted the necessary resources to put in place national and European strategies on PCD;

16. Underlines the essential role played by national parliaments in the implementation of PCSD by ensuring that political commitments, monitoring and the full involvement of civil society organisations (CSOs) receive periodic scrutiny, and by scrutinising impact assessment reports by governments;

17. Recalls its proposal for an independent system within the Union for receiving complaints by persons or communities affected by the Union's policies; recognises the important role of Parliament's Committee on Development and its standing Rapporteur on PCD in relaying the concerns expressed by members of the public or by communities affected by EU policies;

18. Stresses the need for the EU to invest more resources in evidence-based analysis of PCD; calls on the Commission to identify incoherencies without delay and produce an analysis of their cost, as well as to develop adequate monitoring and progress-tracking mechanisms on PCD; also calls on the Commission to include in its analysis proposals on how to avoid and deal with incoherencies between different policies; further stresses the need to improve PCD referencing in programming documents;

19. Points out the need to strengthen PCD in the context of the revision of the European Consensus for Development and of the discussions on the future post-Cotonou agreement;

Priority areas

Migration

20. Acknowledges that the EU is facing its biggest refugee crisis since World War II; stresses that strengthening the link between migration and development policies is essential to addressing the root causes of this phenomenon; believes that the EU should use all the tools at its disposal to tackle the crisis, including security and diplomatic instruments; underlines that the response to the refugee crisis should not focus only on security concerns and that development objectives must be better integrated so as to make EU migration policies compatible with those that seek to reduce poverty; emphasises that PCD represents an important part of the new EU policy on migration; welcomes the adoption of the European Agenda on Migration (COM(2015)0240), which develops a comprehensive response to the crisis; believes that its implementation should be accompanied by concrete actions to boost economic, political and social development and good governance in the countries of origin; highlights the importance of remittances as a source of financing for development; stresses the importance of Member States' agreements with third countries in facilitating safe movement and the mobility of international workers; considers that development aid programmes and budgets should not be used for migration control purposes; stresses that any common migration policy needs to focus on legal routes to Europe and on the reception of migrants;

21. Emphasises that the EU needs greater harmonisation of migration and asylum policies, both within the Union itself and with its international partners; suggests that a truly efficient and holistic migration and asylum policy has to fully integrate EU internal and external policies, in particular within EU working structures; underlines the importance of developing a single common asylum and immigration policy; calls for an inclusive approach to tackle the root causes of migration that is closely linked to development in order to achieve a sustainable settlement of the current migration crisis; recalls that women and girls who are refugees or migrants are particularly vulnerable to sexual violence and exploitation and that a gender perspective must be integrated into EU migration policy;

22. Calls on the EU and its Member States, in order to enhance coherence between migration and development policies, not to report refugee costs as ODA, as doing so has a huge opportunity cost at the expense of development programmes which effectively tackle the root causes of migration;

Trade and finance

23. Underlines that the EU and its Member States taken together remain the most important Aid for Trade donor in the world (EUR 11,7 billion in 2013 — SWD(2015)0128); suggests that EU Aid for Trade must also aim to empower poor producers, cooperatives, micro- and small enterprises, facilitate the diversification of domestic markets, enhance women's equality, and further regional integration and the reduction of income inequality; welcomes the Commission's aim to put more focus on the development-related provisions of trade agreements; recalls the commitment by Member States to make

concrete efforts towards the target of 0,7 % of GNP as ODA to developing countries, as well as the OECD/DAC recommendation of reaching an average grant element in total ODA of 86 %; underlines that trade agreements should contribute to the promotion of sustainable development, human rights and the fight against corruption around the world;

24. Recalls that trade liberalisation is not per se positive for poverty eradication, since it can have negative effects on sustainable development;

25. Calls on the Commission to submit an annual report to Parliament and the Council on the implementation of EU Aid for Trade in developing countries, giving details of the amounts and sources of the funding allocated, both under Chapter 4 of the EU budget and under the EDF; takes the view that such a report would provide a sound basis for EU reports on PCD, to be published every two years;

26. Recalls that SDG target 17.15 acknowledges the need to respect each country's policy space for poverty eradication and sustainable development; reiterates the right of developing countries to regulate investment so as to ensure obligations and duties for all investors, including foreign investors, with the aim of protecting human rights and labour and environmental standards;

27. Welcomes the progress made since the establishment of the Bangladesh Sustainability Compact, and calls on the Commission to expand binding frameworks to cover other sectors; urges the Commission, in this regard, to extend corporate social responsibility and due diligence initiatives that complement the existing EU timber regulation or concern the proposed EU regulation on conflict minerals to other sectors, thereby ensuring that the EU and its traders and operators live up to the obligation to respect both human rights and the highest social and environmental standards;

28. Recalls that EU investment policy, especially when involving public money, must contribute to the realisation of the SDGs; recalls the need to enhance the transparency and accountability of development finance institutions (DFIs) in order to effectively track and monitor flows, debt sustainability and added value in respect of their sustainable development projects;

29. Recalls the unique role of ODA in achieving effective development results; calls for the development focus and nature of ODA, including a transparent and accountable reporting system, to be protected; recalls that untying aid is a necessary condition for opening up opportunities for developing-country socio-economic actors, such as local firms or technical assistance experts, and advocates boosting the use of developing- country procurement systems for aid programmes in support of activities managed by the public sector with a view to enhancing the local private sector;

30. Recalls, however, that aid alone is not sufficient; believes that innovative and diversified sources of financing such as a financial transaction tax, a carbon tax, an air ticket levy, rents from natural resources, etc., must be considered and should be aligned with development effectiveness principles; believes that coherence should be strengthened between public, private, international and domestic financing; recognises the essential role of the private sector in this regard; emphasises that it is important to create the right conditions for private enterprise in developing countries, and to promote the establishment of political and legal frameworks facilitating bank account use and the creation of digital infrastructures;

31. Believes that EU trade policy must take into account the realities and development situation of developing countries in order to achieve PCD objectives, as well as the right of developing countries to establish their own development strategies; stresses that trade and investment agreements concluded by the EU and its Member States must not undermine, either directly or indirectly, development objectives or the promotion and protection of human rights in partner countries; recalls that fair and properly regulated trade in accordance with WTO rules can have potentialities for development; welcomes the inclusion of comprehensive trade and sustainable development chapters in all trade and investment agreements;

32. Calls on the EU to set up an appropriate framework to address how corporations integrate human rights and social and environmental standards; calls for the EU and its Member States to continue to engage actively in the work of the UN's Human Rights Council in order to hold corporations accountable for human rights abuses;

33. Supports an efficient, fair and transparent tax system in line with good governance principles; welcomes the package of tax transparency measures presented by the Commission on 18 March 2015 and the Anti-Tax Avoidance Package presented on 28 January 2016, including the Commission communication on an external strategy to promote tax good governance internationally; highlights the importance of conducting an impact assessment and spillover analysis of new EU tax legislation in order to avoid negative impacts on developing countries; recalls that domestic resource mobilisation through taxation is the most important source of revenue for the public financing of sustainable development; urges the EU to support developing countries in building their capacities in the areas of tax administration, financial governance and managing public finances, and in curbing illicit financial flows; calls on the EU to ensure that corporations pay taxes in the countries where value is extracted or created by them; stresses, accordingly, the EU's responsibility to promote and operationalise globally the principle of PCD in tax matters; urges the EU, to this effect, to enable developing countries to participate on an equal basis in the global reform of existing international tax rules;

34. Considers that international cooperation is vital for tackling illicit financial flows and tax evasion, and calls on the EU to encourage further international cooperation on tax matters; calls on the EU to ensure fair treatment of developing countries when negotiating tax treaties in line with the UN Model Double Taxation Convention, taking into account their particular situation and ensuring a fair distribution of taxation rights; welcomes the commitments made at the Addis Ababa Financing for Development conference that took place in July 2015, such as the review of multilateral development finance and the Addis Tax Initiative that aims to help developing countries build up their domestic resourcing systems; calls on the EU to make full use of the OECD Model Tax Convention, which includes an optional provision for assistance in tax collection;

35. Calls for an evaluation of the impact of price subsidies on exports, tariffs and trade barriers for developing countries;

36. Recalls that efforts to secure access to raw materials from developing countries must not undermine local development and poverty eradication, but should, rather, support developing countries in translating their mineral wealth into real development;

Food security

37. Stresses that achieving global food security will require PCD at all levels, particularly if the more ambitious targets of Agenda 2030, namely to fully eradicate hunger and end all forms of malnutrition, are to be met; believes that the EU should promote the establishment of robust regulatory frameworks with clear criteria to protect the rights and food security of the vulnerable;

38. Calls on the EU to evaluate systematically the impact of, among other factors, EU agricultural, trade and energy policies — such as biofuel policy — on food security in the developing world and on the livelihoods of the most vulnerable people; urges the Commission to continue to concentrate on cooperatives, micro, small and medium-scale farming and agricultural workers, and to promote sustainable and agro-ecological practices in line with the conclusions of Agricultural Science and Technology for Development (IAASTD), the recommendations of the UN Special Rapporteur on the right to food, and the SDGs; recalls the need to ensure that the deployment of CAP measures does not jeopardise the food production capacity and long-term food security of developing countries; stresses that substantive issues of policy coherence and impact need to be addressed in the ongoing monitoring of the EU's Food Security Policy Framework (COM(2010)0127); emphasises that the EU must support the establishment of processing industries in the agricultural sector and the improvement of food storage techniques; recalls the importance of considering the impact of fisheries agreements on the food security of developing countries; calls on the EU and its Member States to contribute to the

prevention of land grabs by supporting developing countries in their implementation at national level of the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests;

Health

39. Stresses the need for developing countries to assign priority in their budget funding to establishing sound health systems, constructing sustainable health infrastructure and providing basic services and quality care; calls on the EU to support the establishment of universal health cover, which will guarantee the mutualisation of health risks in developing countries;

Climate change

40. Calls for determined action from the EU, its Member States and all international partners in implementing the recent COP21/Paris climate agreement; stresses that the EU and other developed countries must continue to support climate action to reduce emissions and build resilience to climate change impacts in developing countries, and in particular in least developed countries (LDCs); recalls the crucial importance of the provision of adequate climate finance in this context; supports the process of EU energy transition and the shift towards renewable energy in this regard; stresses that failure to limit global warming to well below 2° C may undermine development gains; calls on the EU to assume a proactive role in addressing the global climate challenge by establishing strategic priorities at all levels and across all sectors, and to design and implement new binding climate, energy efficiency and renewable energy targets in line with the Paris agreement;

41. Recognises that private finance in the context of climate finance cannot replace public finance; emphasises the need for transparent reporting and accountability and to ensure the implementation of relevant social and environmental safeguards regarding private climate finance;

Gender

42. Welcomes the EU Gender Action Plan 2016-2020, and encourages the monitoring and implementation of its objectives in all EU external action, including in EU-funded projects at country level; further calls on the EU effectively to mainstream gender equality and women's empowerment in all its policies, including budgets, and to ensure that its external policies contribute to combating all forms of discrimination, including against LGBT persons;

Security

43. Recognises that there can be no sustainable development or poverty eradication without security; recognises, moreover, that the security-development nexus is an important element in ensuring the effectiveness of EU external action;

44. Highlights the importance of guaranteeing policy coherence and coordination between the EU's external action, security, defence, trade, humanitarian aid and development cooperation policies; draws attention to the challenge of good governance in developing countries; insists that PCD should contribute to the establishment of the rule of law and impartial institutions, as well as to the strengthening of actions leading to disarmament and ensuring public health care and food security, and related policies that ensure security and development;

45. Calls on the EU to strengthen its capacities for crisis prevention and early response in order to reinforce the synergies between the Common Security and Defence Policy (CSDP) and development instruments, finding a balance between short-term responses to crises and longer-term development strategies; suggests that creating a new instrument dedicated to the development-security nexus might limit incoherencies and increase the efficiency of PCD; stresses that this instrument should not be financed through existing development instruments, but through new budgetary appropriations; calls for the inclusion of the priorities and policies of the regions and countries concerned in the elaboration of EU strategies for security and development; welcomes the use of the Political Framework for Crisis Approach (PFCA) as an important tool to allow a common early understanding of crises; calls for reinforced collaboration between the Commission, the EEAS and the

Member States in order to deliver a comprehensive analysis that enables an informed choice between CSDP and non-CSDP actions when dealing with a crisis;

46. Believes that the Strategy for Security and Development in the Sahel ([1]), the African Rapid Reaction Force and the Sahel Regional Action Plan 2015-2020 ([2]) are good examples of a successful implementation of the EU's comprehensive approach, effectively mixing security, development and governance responses;

47. Calls on the Commission and the Member States to continue improving links between humanitarian aid, development cooperation and resilience to disasters so as to enable a more flexible and effective response to growing needs;

o

o o

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

([1]) http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf
([2]) www.consilium.europa.eu/en/meetings/fac/2015/04/st07823-en15_pdf

Tuesday 7 June 2016

P8_TA(2016)0247

The New Alliance for Food Security and Nutrition

European Parliament resolution of 7 June 2016 on the New Alliance for Food Security and Nutrition (2015/2277(INI))

(2018/C 086/02)

The European Parliament,

— having regard to the United Nations Summit on Sustainable Development and the outcome document adopted by the General Assembly on 25 September 2015, entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', and in particular to Goal 2 of the Sustainable Development Goals (SDGs) set out therein, namely to end hunger, achieve food security and improved nutrition and promote sustainable agriculture ([1]),

— having regard to the Paris Agreement of the parties to the United Nations Convention on Climate Change, adopted on 12 December 2015 ([2]),

— having regard to the Comprehensive Africa Agriculture Development Programme (CAADP) agreed by the African Union (AU) in 2002 ([3]),

— having regard to the summit of AU Heads of State held in Maputo (Mozambique) in 2003, at which the AU governments agreed to invest more than 10 % of their total national budget allocations in the agricultural sector ([4]),

— having regard to the assembly of AU Heads of State and Government of July 2012, which designated 2014 the 'Year of Agriculture and Food Security in Africa' ([5]), marking the tenth anniversary of the adoption of the CAADP,

— having regard to the declaration on 'Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods', adopted on 27 June 2014 by the summit of AU Heads of State held in Malabo (Equatorial Guinea), whereby the AU governments recommitted allocating at least 10 % of public spending to agriculture ([6]),

— having regard to the L'Aquila Food Security Initiative of the G8 of 2009 ([7]),

— having regard to the Framework and Guidelines on Land Policy in Africa (F&G), adopted by the Joint Conference of Ministers of Agriculture, Land and Livestock which took place in April 2009 in Addis Ababa (Ethiopia) ([8]), as well as to the declaration on 'Land Issues and Challenges in Africa' ([9]) adopted by the AU Heads of State at the summit held in Sirte (Libya) in July 2009, urging effective implementation of the F&G,

— having regard to the Guiding Principles on Large Scale Land Based Investments in Africa, adopted by the AU Joint Conference of Ministers of Agriculture, Rural Development, Fisheries and Aquaculture, meeting in Addis Ababa on 1 and 2 May 2014 ([10]),

([1]) UN General Assembly resolution A/RES/70/1.
([2]) UN FCCC/CP/2015/L.9/Rev.1.
([3]) http://www.nepad.org/system/files/caadp.pdf
([4]) Assembly/AU/Decl.7(II).
([5]) Assembly/AU/Decl.449(XIX).
([6]) Assembly/AU/Decl.1(XXIII).
([7]) http://www.ifad.org/events/g8/statement.pdf
([8]) http://www.uneca.org/publications/framework-and-guidelines-landpolicy-africa
([9]) Assembly/AU/Decl.1(XIII) Rev.1.
([10]) http://www.uneca.org/publications/guiding-principles-large-scale-land-based-investments-africa

— having regard to the declaration of May 2013 by African civil society organisations, 'Modernising African agriculture — Who benefits? ([1]),

— having regard to the Djimini Declaration of 13 March 2014 by West African smallholder organisations ([2]),

— having regard to the FAO's "Voluntary Guidelines to support the progressive realisation of the right to adequate food in the context of national food security" of 2004 ([3]),

— having regard to the report of 2009 by the International Assessment of Agricultural Science and Technology for Development (IAASTD), "Agriculture at a crossroads" ([4]),

— having regard to the International Covenant on Civil and Political Rights of 1966 ([5]),

— having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 ([6]),

— having regard to the African Charter on Human and Peoples' Rights of 1987 ([7]),

— having regard to the UN Declaration on the Rights of Indigenous Peoples of 2007 ([8]),

— having regard to the UN Basic Principles and Guidelines on development-based evictions and displacements of 2007 ([9]),

— having regard to the Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 2011 ([10]), as well as to the OECD's Guidelines on Multinational Enterprises, updated in 2011 ([11]),

— having regard to the 2011 Busan Partnership for Effective Development ([12]),

— having regard to the 2012 Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) ([13]),

— having regard to the International Convention for the Protection of New Varieties of Plants (UPOV Convention) of 1991 ([14]),

— having regard to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) of 2001 ([15]),

— having regard to the Convention on Biological Diversity of 1992 and the associated Cartagena Protocol on Biosafety of 2000 and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization of 2010 ([16]),

— having regard to the African model law on Biosafety ([17]),

---

([1]) http://acbio.org.za/modernising-african-agriculture-who-benefits-civil-society-statement-on-the-g8-agra-and-the-african-unions-caadp/
([2]) https://www.grain.org/bulletin_board/entries/4914-djimini-declaration
([3]) http://www.fao.org/docrep/009/y7937e/y7937e00.htm
([4]) http://www.unep.org/dewa/Assessments/Ecosystems/IAASTD/tabid/105853/Defa
([5]) https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en
([6]) http://www.un.org/womenwatch/daw/cedaw/
([7]) http://www.achpr.org/instruments/achpr/
([8]) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
([9]) http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx
([10]) https://www.unglobalcompact.org/library/2
([11]) http://www.oecd.org/corporate/mne/oecdguidelinesformultinationalenterprises.htm
([12]) http://www.oecd.org/development/effectiveness/busanpartnership.htm
([13]) http://www.fao.org/nr/tenure/voluntary-guidelines/en/
([14]) http://www.upov.int/upovlex/en/conventions/1991/content.html
([15]) http://www.planttreaty.org/
([16]) https://www.cbd.int/
([17]) http://hrst.au.int/en/biosafety/modellaw

Tuesday 7 June 2016

— having regard to the resolution on land legislation for food sovereignty, adopted by the Parliamentary Assembly of La Francophonie on 12 July 2012 ([1]),

— having regard to the resolution on the social and environmental impact of pastoralism in ACP countries, adopted by the ACP-EU Joint Parliamentary Assembly in Addis Ababa on 27 November 2013 ([2]),

— having regard to the Commission communication 'An EU policy framework to assist developing countries in addressing food security challenges' ([3]), adopted on 31 March 2010, and to the Council conclusions on the policy framework adopted on 10 May 2010 ([4]),

— having regard to the Council conclusions of 28 May 2013 on food and nutrition security ([5]),

— having regard to the Commission's Action Plan on Nutrition of July 2014 ([6]),

— having regard to its resolution of 27 September 2011 on an EU policy framework to assist developing countries in addressing food security challenges ([7]),

— having regard to its resolution of 11 December 2013 on the EU approach to resilience and disaster risk reduction in developing countries: learning from food security crises ([8]),

— having regard to its resolution of 13 March 2014 on the role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries ([9]),

— having regard to its resolution of 12 March 2015 on 'Tanzania, notably the issue of land grabbing' ([10]),

— having regard to the Declaration of the Global Convergence of Land and Water Struggles, issued at the World Social Forum in Tunis in March 2015 ([11]);

— having regard to its resolution of 30 April 2015 entitled 'Milano Expo 2015: Feeding the Planet, Energy for Life' ([12]),

— having regard to the African Civil Society Demands for the Inclusion of Food Sovereignty and the Right to Food in the Germany G7 Presidency Agenda in June 2015 ([13]),

— having regard to the Milan Charter ([14]), which was presented at Expo 2015 under the theme 'Feeding the Planet, Energy for Life' and signed by more than one million heads of state, governments and private individuals, and which calls on all associations, businesses, national and international institutions and private individuals to take responsibility for ensuring that future generations may enjoy their right to food and includes binding commitments to guarantee that right throughout the world,

---

([1]) http://apf.francophonie.org/IMG/pdf/2012_07_session_58_Resolution_Regulation_du_foncier.pdf
([2]) OJ C 64, 4.3.2014, p. 31.
([3]) COM(2010)0127.
([4]) http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114357.pdf
([5]) http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137318.pdf
([6]) SWD(2014)0234.
([7]) OJ C 56 E, 26.2.2013, p. 75.
([8]) Texts adopted, P7_TA(2013)0578.
([9]) Texts adopted, P7_TA(2014)0250.
([10]) Texts adopted, P8_TA(2015)0073.
([11]) http://viacampesina.org/en/index.php/main-issues-mainmenu-27/agrarian-reform-mainmenu-36/1775-declaration-of-the-global-convergence-of-land-and-water-struggles
([12]) Texts adopted, P8_TA(2015)0184.
([13]) http://afsafrica.org/wp-content/uploads/2015/05/AFSA-Demands-to-the-Germany-G7-Presidency-Agenda.pdf
([14]) http://carta.milano.it/wp-content/uploads/2015/04/English_version_Milan_Charter.pdf

— having regard to the fact that the UN Committee on World Food Security is the adequate forum for agreement on policy guidance on this issue internationally and that it is in this forum that all concerned parties have a voice,

— having regard to the Milan Urban Food Policy Pact of 15 October 2015 ([1]) put forward by Milan City Council and signed by 113 cities around the world, which was submitted to the UN Secretary-General, Ban Ki-Moon, and illustrates the key role played by cities in policymaking on food,

— having regard to its resolution of 21 January 2016 on the situation in Ethiopia ([2]),

— having regard to the public hearing on the New Alliance for Food and Nutrition Security (NAFSN) organised by its Committee on Development on 1 December 2015 ([3]),

— having regard to the study 'New Alliance for Food and Nutrition Security in Africa' by Professor Olivier de Schutter, commissioned by its Committee on Development and published by its Directorate-General for External Policies in November 2015 ([4]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Development and the opinion of the Committee on Agriculture and Rural Development (A8-0169/2016),

A. whereas the New Alliance for Food Security and Nutrition in Africa (NAFSN) aims to improve food security and nutrition by helping 50 million people in sub-Saharan Africa out of poverty by 2020; whereas the participating countries have negotiated Country Cooperation Frameworks (CCFs) setting out commitments to facilitate private investment in the agriculture sector in Africa;

B. whereas investment in small-scale farming has been neglected over the last thirty years in Africa, while low-income countries' dependence on food imports grew significantly, rendering them vulnerable to price variations on international markets;

C. whereas large public-private partnerships (PPPs) risk creating dominant positions for large agricultural companies in African agriculture that crowd out local businesses;

D. whereas private investment under NAFSN has reached over 8,2 million smallholders and created more than 21 000 jobs, more than half of which are for women;

E. whereas the food crisis of 2008 generated universal recognition of the need to support smallholder food production for domestic markets;

F. whereas the launch of structural adjustment programmes in the early 1980s contributed to the development of an export-led agriculture in which priority was given to increasing the production of cash crops for global markets; whereas such choice favoured large-scale, highly capitalised and mechanised forms of production, while small-scale farming was comparatively neglected;

G. whereas international markets will be more volatile in the future; whereas countries should not take the risk of being excessively dependent on imports, but should, rather, invest primarily in domestic food production to build resilience;

H. whereas family farmers and smallholders must be at the heart of NASFN;

I. whereas food security in developing countries largely depends on the sustainable use of natural resources;

([1]) http://www.foodpolicymilano.org/wp-content/uploads/2015/10/Milan-Urban-Food-Policy-Pact-EN.pdf
([2]) Texts adopted, P8_TA(2016)0023.
([3]) http://www.europarl.europa.eu/committees/en/deve/events.html?id=20151201CHE00041
([4]) http://www.europarl.europa.eu/RegData/etudes/STUD/2015/535010/EXPO_STU(2015)535010_EN.pdf

J. whereas so-called 'growth poles' aim to attract international investors by making land available to big private companies, and whereas this must not be done at the expense of family farmers;

K. whereas the agreements on NASFN do not contain any concrete indicator on hunger and malnutrition;

L. whereas family farmers and smallholders have demonstrated their ability to provide diversified products and to increase food production sustainably by means of agro-ecological practices;

M. whereas monocultures increase dependency on chemical fertilisers and pesticides, lead to massive land degradation and contribute to climate change;

N. whereas agriculture accounts for at least 14 % of total annual greenhouse gas emissions, mostly owing to the use of nitrogen fertilisers;

O. whereas different forms of land tenure exist (customary, public and private), but NAFSN almost exclusively refers to land titling to address tenure rights;

P. whereas, by 2050 70 % of the world's population will live in cities and a combined global and local approach to nutrition will be more necessary than ever before;

Q. whereas land titling is not the only guarantee against land expropriation and resettlement;

R. whereas gender is a very important dimension of investment in agriculture in Africa; whereas rural women have long been discriminated against as regards access to a range of productive resources, including land, credit, inputs and services;

S. whereas until recently the support provided to agriculture has concentrated on male-managed export crops, leaving women largely in charge of handling the task of producing food for the sustenance of the family;

T. whereas the FAO estimates that about 75 % of plant genetic diversity has been lost worldwide; whereas wide-scale genetic erosion increases our vulnerability to climate change and to the appearance of new pests and diseases;

U. whereas control, ownership and affordability of seeds are essential to the food security resilience of poor farmers;

V. whereas farmers' right to multiply, use, exchange and sell their own seeds should be protected;

W. whereas improvements in nutrition gaps in Africa are central to the sustainable development agenda; whereas poor nutrition derives from a host of interacting processes relating to healthcare, education, sanitation and hygiene, access to resources, women's empowerment and more;

X. whereas the commitments made under the CCF on regulatory reforms in the seed sector aim to strengthen plant breeders' rights at the expense of the current farmers' seed systems which the poorest farmers still largely rely on;

Agricultural investment in Africa and fulfilment of the SDGs

1. Notes that several CCFs focus on the development of special economic areas with the goal of maximising investments through initiatives ranging from road or energy infrastructure to tax, customs or land tenure regimes; also stresses the need to improve and ensure focus on access to water, scaling up nutrition education and sharing best practice strategies;

2. Observes that agricultural investment policies mostly focus on large-scale land acquisitions and on export-oriented agriculture that is usually unrelated to local economies; notes that the development of extensive irrigation in the targeted geographical investment areas of NAFSN may reduce water availability for other users, such as small-scale farmers or pastoralists; stresses that under those circumstances the ability of mega-PPPs to contribute to poverty reduction and food security must be critically assessed and improved; emphasises that agricultural investment policies should be linked to and should support the development of the local economy, including smallholders and family farming; recalls that the FAO Tenure Guidelines recommend secure access to land in order to allow families to produce food for household consumption and to increase household income; stresses the need to base large-scale land-based investment in Africa on these guidelines, ensuring smallholders' and local communities' access to land, promoting local SME investment. and ensuring that PPPs contribute to food security and to reducing poverty and inequality;

3. Points out that the decision-making process in the cooperation framework has not involved all stakeholders, but has, rather, excluded, inter alia, rural communities, farm workers, small farmers, fishermen and indigenous peoples, and has disregarded their right to participate;

4. Deplores the lack of consultation of African CSOs in the launch of the NAFSN; stresses that participation of food-insecure groups in the policies that affect them should become the cornerstone of all food security policies;

5. Points out that NAFSN has made a commitment to promoting inclusive, agriculture-based growth that supports small-scale farming and helps reduce poverty, hunger and under-nutrition; stresses, to this end, that NAFSN must restrict, as far as possible, the use of chemical fertilisers and pesticides, given their health and environmental consequences for local communities, such as biodiversity loss and soil erosion;

6. Criticises the assumption that corporate investment in agriculture automatically improves food security and nutrition and reduces poverty;

7. Notes the G20 report of 2011 which stressed that tax-driven investment may prove transitory; recalls that numerous investor motivation surveys have shown a neutral or negative impact of special tax incentives on decisions to invest ([1]);

8. Notes that tax incentives, including exemption from company tax in Special Economic Areas, are depriving African states of tax revenues that could have been a source of vital public investment in agriculture, especially in food security and nutrition programmes ([2]);

9. Calls on governments and donors to suspend or review all policies, projects and consultancy arrangements that directly encourage and facilitate land grabbing by supporting highly harmful projects and investments or indirectly increase pressure on land and natural resources and can result in serious human rights violations; calls for support to be given instead to policies which protect and assign priority to small-scale food producers, particularly women, and promote the sustainable use of land;

10. Warns against replicating in Africa the Asian 'Green Revolution' model of the 1960s and ignoring its negative social and environmental impacts; recalls that the SDGs include the goal of promoting sustainable agriculture, to be achieved by 2030;

11. Notes with concern that in Malawi NAFSN promotes the expansion of tobacco production instead of supporting alternative livelihoods in accordance with obligations under the World Health Organisation Framework Convention on Tobacco Control (FCTC) of 2005 and commitments made in the 2030 Agenda for Sustainable Development;

([1]) Mwachinga, E. (Global Tax Simplification Team, World Bank Group), 'Results of investor motivation survey conducted in the EAC', presentation given in Lusaka on 12 February 2013.

([2]) 'Supporting the development of more effective tax systems' — a report to the G20 working group by the IMF, the OECD and the World Bank, 2011.

12. Urges the EU Member States to strive to transform NAFSN into a genuine tool for sustainable development and into an instrument of support for family farming and local economies in sub-Saharan Africa, recalling that family farmers and smallholders produce about 80 % of the world's food and provide over 60 % of employment in the region;

13. Notes with concern that the CCFs refer only selectively to international standards that define responsible investment in agriculture, and that they refer neither to the FAO 2004 Voluntary Guidelines supporting the progressive realisation of the right to adequate food in the context of national food security nor to any duties on the part of private investors to respect human rights;

14. Calls on the EU and its Member States, as being, taken together, the biggest development aid donor in the world, to:

— ensure that EU-based investors respect, and encourage other partners in the alliance to respect, the rights of local communities and the needs of small farms, in following a human-rights based approach within the cooperation frameworks, including the maintenance of environmental, social, land, labour and human rights safeguards and the highest standards of transparency over their investment plans;

— ensure that EU-based investors implement a social responsibility policy when drawing up employment contracts and do not exploit their economic advantage over workers from local communities;

— support and champion local African enterprises and stakeholders as primary actors and as beneficiaries of the NAFSN initiatives;

— implement the recent WTO decision to eliminate agricultural export subsidies, which are distorting local markets and destroying livelihoods in developing countries;

— eliminate tariff barriers that act as a disincentive to African countries adding value to raw produce locally;

15. Calls on participating countries to:

— ensure that financial, tax or administrative reforms do not exempt investors from making a fair contribution to the tax base of participating countries or give an unfair advantage to investors over smallholders;

— ensure that their respective governments retain the right to protect their agricultural and food markets through appropriate tariff and tax regimes, which are particularly necessary to tackle financial speculation and tax dodging;

— adopt policies that promote responsible trade and commit to eliminating tariff barriers that dissuade regional trade;

Governance, ownership and accountability

16. Draws attention to the commitment made by the parties to NAFSN to incorporate the FAO's 'Voluntary Guidelines to support the progressive realisation of the right to adequate food in the context of national food security', and calls on the parties to NAFSN to commit to implementing international standards that define responsible investment in agriculture and to abide by the Guiding Principles on Business and Human Rights and the OECD's Guidelines on Multinational Enterprises;

17. Stresses that NAFSN must step up good governance as regards natural resources, in particular by guaranteeing that people have access to their own resources and by protecting their rights in the context of contracts on deals relating to natural resources;

18. Calls for the EU to work with the UN towards the adoption by all countries, on a binding basis, of the Milan Charter and the commitments it contains;

19. Emphasises how important water regulation and combating climate change are for sustainable agriculture; calls on all NAFSN partners to focus on improving access to water and to techniques involving irrigation and stepping up environmental protection and soil conservation;

20. Calls for the EU to work with the UN towards the adoption and dissemination of the Milan Urban Food Policy Pact;

21. Calls on the participating countries to commit to implementing international standards that regulate investment via a human-rights based approach, incorporating the AU's Framework and Guidelines on Land Policy in Africa and its Guiding Principles on Large Scale Based Investments in Africa;

22. Calls for all letters of intent within the CCFs to be published in full; stresses the need for strong institutional and legal frameworks to ensure a fair sharing of risks and benefits; emphasises that active participation on the part of civil society within NAFSN is crucial in order to step up transparency and ensure that its objectives are met; points out that dialogue and consultation with all civil society groups must be encouraged;

23. Regrets that the only indicator common to the ten cooperation frameworks within the NAFSN is the World Bank's 'Doing Business' index;

24. Stresses that private companies involved in multilateral development initiatives should be accountable for their actions; calls on the parties to NAFSN, to this end, to submit annual reports on the action taken under NAFSN and to make those reports public and accessible to local people and communities, and to set up an independent accountability mechanism, including an appeal mechanism for local people and communities; stresses equally that New Alliance investment affecting land rights must be subject to an independent prior impact study on land rights and must be in line with the FAO's Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests;

25. Notes that multinationals operating under NAFSN favour large-scale contract farming, which risks marginalising small-scale producers; calls on the ten African states participating in NAFSN to ensure that contract farming benefits both buyers and local suppliers; to this end, deems it crucial to strengthen, for example, farmers' organisations so as to improve the bargaining position of farmers;

26. Highlights that the private sector is already driving 90 % of jobs in partner countries and that the potential for private-sector participation is undeniable, as private companies are ideally suited to providing a sustainable base for mobilising domestic resources, which forms the basis of any aid programme; underlines the importance of a transparent regulatory framework that clearly establishes the rights and obligations of all actors, including those of poor farmers and vulnerable groups, since without such a framework those rights cannot be successfully protected;

27. Calls for the CCFs to be revised so as to effectively tackle the risks of contract farming and out-grower schemes for small-scale producers, by ensuring fair contract provisions, including pricing arrangements, respect for women's rights, support for sustainable agriculture and appropriate dispute settlement mechanisms;

Access to land and security of tenure

28. Warns that a pure focus on land titling often leads to insecurity for small-scale food producers and indigenous people, especially women, who lack legal recognition of their land rights and are vulnerable to unfair land deals, expropriation without consent or lack of fair compensation;

Tuesday 7 June 2016

29. Underlines the need to have small-scale food producers in leading positions, allowing their own independent organisations to support them in controlling their land, natural resources and programmes;

30. Notes with concern that investors and local elites involved in land deals often describe the areas being targeted as 'empty', 'idle' or 'under-utilised', yet very little land in Africa is truly idle, given, for example, the prevalence of pastoralist activities;

31. Highlights that 1,2 billion people still live either without permanent access to land or else occupying property for which they have no formal claim, with no legal titles, no surveys delineating their lands and no legal or financial means of turning property into capital;

32. Welcomes the inclusion of the 2012 VGGT in all CCFs; calls for the effective implementation and systematic assessment of compliance with the VGGT and with the SDG framework within the review process for the CCFs;

33. Stresses that NAFSAN should focus on combating land grabbing, which constitutes a human rights violation as it deprives local communities of land on which they depend to produce food and feed their families; points out that in a number of developing countries land grabbing has deprived people of their work and their means of subsistence and forced them to leave their homes;

34. Calls on participating countries to:

— ensure participatory and inclusive arrangements that prioritise the rights, needs and interests of those in whom rights to land are legitimately vested, particularly smallholders and small family farmers; ensure, in particular, that free, prior and informed consent (FPIC) is obtained from any/all communities living on land whose ownership, and/or control over which, is transferred;

— enact binding national measures against land-grabbing, corruption based on land transfer and the use of land for speculative investment;

— monitor land titling and certification schemes to ensure that they are transparent and do not concentrate land ownership or dispossess communities of the resources they rely upon;

— ensure that financial assistance is not used to support initiatives that enable companies to displace local communities;

— to recognise all legitimate rights to land and to ensure legal certainty over land rights, including informal, indigenous and customary tenure rights; as recommended by the VGGT, to promote new laws and/or effectively enforce existing laws that place effective safeguards on large-scale land transactions, such as ceilings on permissible land transactions, and to regulate on what basis transfers exceeding a certain scale should be approved by national parliaments;

— to ensure that the principle of FPIC is observed for all communities affected by land grabbing and that consultations are held to ensure the equal participation of all local community groups, in particular those that are most vulnerable and marginalised;

35. Recalls equally that user rights derived from customary tenure should be recognised and protected by a legal system in line with the provisions and rulings of the African Commission on Human and People's Rights;

36. Calls for NAFSN to be subject to an ex ante impact study regarding land rights and to be conditional on FPIC on the part of the local people affected;

37. Supports a robust and innovative monitoring mechanism within the CFS; calls on the EU to build a strong position, in consultation with civil society organisations, in order to contribute to the global monitoring event during the 43rd CFS session to be held in October 2016, in order to ensure a comprehensive and thorough assessment of the use and application of the Tenure Guidelines;

38. Calls on the governments of the countries concerned to ensure that firms carefully analyse the impact of their activities on human rights (due diligence) by conducting and publishing independent prior assessments of their impact on human, social and environmental rights and improving and ensuring access to domestic human rights complaints processes that are independent, transparent, reliable and appealable;

39. Calls on the parties to NAFSN to put in place independent grievance mechanisms for those communities affected by land dispossession as a result of large-scale investment projects;

40. Recalls that combating malnutrition requires a close linking of the agriculture, food and public health sectors;

Food security, nutrition and sustainable family farming

41. Recalls the need to make all efforts to achieve improved nutrition and food security and to combat hunger, as embedded in the SDG 2; insists on better support for empowering farmers' cooperatives, which are key for agriculture development and food security;

42. Notes that stability is higher, and emigration lower, where there is food security based on healthy living soils and productive agro-ecosystems that are resilient to climate change;

43. Emphasises that high-quality, balanced nutrition is essential, and affirms that nutrition should be at the heart of (re) building food systems;

44. Calls, therefore, for means of replacing over-reliance on imported food with resilient domestic food production, prioritising local crops that meet nutritional requirements; notes that this is becoming more important as climates and markets become increasingly volatile;

45. Recalls that energy intake alone cannot be used to indicate nutritional status;

46. Stresses the need for strategies to minimise food waste throughout the food chain;

47. Stresses the need to protect agricultural biodiversity; calls on EU Member States to invest in agro-ecological farming practices in developing countries, in line with the conclusions of IAASTD, the recommendations of the UN special rapporteur on the right to food, and the SDGs;

48. Supports the development of policies conducive to sustainable family farming and encouraging governments to establish an enabling environment (conducive policies, adequate legislation, participatory planning for a policy dialogue, investments) for the development of family farming;

49. Calls on African governments to:

— invest in local food systems in order to boost rural economies and ensure decent jobs, equitable social safety nets and labour rights, to improve arrangements for democratic scrutiny of access to resources, including farmers' seeds, and to ensure the effective engagement of small-scale producers in policy processes and implementation; stresses in particular that NAFSN must encourage the establishment of domestic processing industries in the agriculture sector and the improvement of food storage techniques, and must strengthen the link between agriculture and trade so as to build local, national and regional markets that benefit family farmers and provide quality food for consumers at accessible prices;

— avoid making food production systems over-dependent on fossil fuels, with a view to limiting price volatility and mitigating the effects of climate change;

— develop short food supply chains locally and regionally, and appropriate storage and communications infrastructure to this end, as short supply chains are most effective in combating hunger and rural poverty;

— enable African farmers to access affordable, low-input technological solutions to African-specific agronomic challenges;

— encourage a wide variety of nutritious, local and, as far as possible, seasonal food crops, preferably locally adapted or indigenous varieties and species, including fruit, vegetables and nuts, in order to improve nutrition through continuing access to a varied, wholesome and affordable diet, adequate in terms of quality, quantity and diversity rather than calorie intake alone, and consistent with cultural values;

— commit to the full implementation of the International Code of Marketing of Breast-Milk Substitutes and the resolutions adopted by the World Health Assembly (WHA) on infant and young child nutrition;

— establish, promote and support producer organisations such as cooperatives that strengthen small farmers' bargaining positions, bringing about the necessary conditions to ensure that markets remunerate small farmers better, and enabling the sharing of knowledge and best practice between small farmers;

50. Stresses that NAFSN must lead to the establishment of a regionally adapted agricultural structure in the primary and processing stages;

51. Calls on African governments to foster intergenerational solidarity and to recognise the key role it plays in combating poverty;

52. Stresses the importance of promoting programmes of nutrition education in schools and local communities;

53. Stresses that the right to water goes hand in hand with the right to food, and that the UN resolution of 2010 has not yet resulted in decisive action to establish the right to water as a human right; calls on the EU to consider the proposal of the Italian Committee for a World Water Contract (CICMA) for an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

54. Recognises the vital role of access to clean drinking water and the impact farming can have on it;

55. Recognises the role of access to water for farming needs, and the risks of over-relying on precious water for irrigation, and, in light of this, notes the need to reduce wasteful irrigation practices and stresses the role water-conserving agronomic techniques can play in preventing evapotranspiration, in retaining water in a healthy living soil and in keeping drinking sources unpolluted;

56. Notes that sustainable soil management can increase world food production by up to 58 % ([1]);

57. Notes the synergies between soil-based and tree-based approaches and the importance of adapting agro-ecosystems to climate change; notes especially the large demand for firewood; notes in particular the multiple uses of nitrogen-fixing trees;

58. Recognises the specific needs of tropical and semi-arid agriculture, especially with regard to crops needing shading from the sun and soil protection, and considers extractive monocultures to be outdated, also noting that they are increasingly being phased out in NASFN donor countries;

59. Cautions against over-reliance on producing non-food agricultural commodities rather than food, in particular biofuel feed stocks, in initiatives financed by NAFSN, in which the production of such commodities can have a detrimental impact on food security and on the food sovereignty of participating countries;

([1]) FAO, Global Soil Partnership.

60. Notes that agronomic techniques — boosting natural processes such as topsoil formation, water and pest regulation or closed loop nutrient cycling — can assure long-term productivity and fertility at a low cost to farmers and administrations;

61. Notes that agrochemicals can be both over-used and used inappropriately in developing countries, such as those participating in NAFSN;

62. Notes that this is compounded by illiteracy and lack of appropriate training, and can result in significantly elevated levels of pesticide residues in fresh fruit and vegetables, as well as in poisoning and other impacts on human health for farmers and their families;

Regulatory reform in the seed sector

63. Recalls that farmers' right to produce, exchange and sell seeds freely underpins 90 % of agricultural livelihoods in Africa, and that seed diversity is vital in building resilience of farming to climate change; stresses that corporate requests to strengthen plant breeders' rights in line with the 1991 UPOV Convention must not result in such informal arrangements being prohibited;

64. Notes the dangers of deregulation of the seed sector in participating countries, which may lead to smallholders becoming over-dependent on seeds and plant protection products manufactured by foreign companies;

65. Recalls that the TRIPS provisions which call for some form of protection for plant varieties do not force developing countries to adopt the UPOV regime; stresses that those provisions do, however, enable countries to develop *sui generis* systems which are better adapted to the characteristics of each country's agricultural production and to traditional farmer-based seed systems, while LDCs that are parties to the WTO are exempted from compliance with the TRIPS provisions concerned; emphasises that *sui generis* systems must be supportive of and must not counter the objectives and obligations existing under the CBD, the Nagoya Protocol and ITPGRFA;

66. Deplores the corporate call to harmonise seed laws on the basis of the principles of distinctness, uniformity and stability (DUS), in the African context via regional institutions, which will hamper the development and growth of farmer-based seed systems at national and regional levels, since such systems usually do not breed or save seeds that fulfil the DUS criteria;

67. Urges the G7 member states to support farmer-managed seed systems via community seed banks;

68. Recalls that while commercial seed varieties may improve yields in the short term, traditional farmers' varieties, landraces and associated knowledge are best suited for adaptation to specific agro-ecological environments and climate change; stresses that, in addition, their higher performance depends on the use of inputs (fertilisers, pesticides, hybrid seeds) which risk trapping farmers in a vicious circle of debt;

69. Notes with concern that the introduction and spread of certified seeds in Africa increases smallholder dependence, makes indebtedness more probable, and erodes seed diversity;

70. Advocates supporting local policies aimed at ensuring consistent and sustainable access to a diverse and nutritious diet, following the principles of ownership and subsidiarity;

71. Urges the Commission to ensure that the commitments made to farmers' rights by the EU under ITPGRFA are reflected in all technical assistance and financial support for seed policy development; calls for the EU to support intellectual property rights regimes that enhance the development of locally adapted seed varieties and farmer-saved seeds;

72. Urges the G8 member states not to support GMO crops in Africa;

73. Recalls that the African Model Law on Biosafety sets a high benchmark for biosafety; believes that all assistance from foreign donors in developing biosafety at national and regional levels should be framed accordingly;

74. Urges African countries not to implement national or regional biosafety regimes with lower standards than those set out in the Cartagena Protocol on Biosafety;

75. Calls on participating countries to give farmers the option of avoiding input dependency, and to support farmers' seed systems in order to maintain and improve agro-biodiversity through maintaining local publically-owned seed banks and exchanges and continuous development of local seed varieties, specifically providing flexibility on seed catalogues so as not to exclude farmers' varieties and to guarantee the continuation of traditional produce;

76. Calls on the participating countries to safeguard and promote access to, and exchange of, seeds and agricultural inputs for smallholders, marginalised groups and rural communities, and to respect international agreements on non-patentability of life and biological processes, especially where native strains and species are concerned;

77. Stresses the risk of increased marginalisation of women in decision-making resulting from the development of certain commercial crops; notes that agricultural training often targets men and tend to sideline women, who therefore find themselves excluded from the management of land and crops that they have traditionally looked after;

Gender

78. Regrets that the CCFs largely fail to define precise commitments on gender budgeting or to monitor progress through disaggregated data; stresses the need to move from abstract and general commitments to concrete and precise ones in the remit of national action plans to empower women as rights-holders;

79. Urges governments to eliminate all discrimination against women in terms of access to land and microcredit schemes and services, and to effectively involve women in the design and implementation of agricultural research and development policies;

Funding agricultural investment in Africa

80. Stresses the need to ensure the transparency of all funding granted to private -sector companies, and that such funding must be made public;

81. Calls on donors to align Official Development Assistance (ODA) with the development effectiveness principles, to focus on results with a view to poverty eradication, and to promote inclusive partnerships, transparency and accountability;

82. Calls on donors to channel their support for developing agriculture primarily through national development funds which grant subsidies and loans to smallholders and family farming;

83. Urges donors to support education, training and technical counselling for farmers;

84. Calls on donors to promote the forming of farmers' organisations of a professional and economic nature, and to support the establishment of farmers' cooperatives which enable the delivery of affordable means of production and help farmers process and market their products in a way that safeguards the profitability of their production;

85. Believes that the funding provided by G8 member states to NAFSN contravenes the objective of supporting domestic local companies which cannot compete with multinationals that already benefit from a dominant market position and are often granted business, tariff and tax privileges;

86. Recalls that the purpose of development aid is to reduce, and ultimately to eradicate, poverty; believes that ODA should focus on direct support to small-scale farming;

87. Stresses the need to revitalise public investment in African agriculture, while providing support for private investment, and to prioritise investment in agro-ecology, so as to sustainably increase food security and reduce poverty and hunger while conserving biodiversity and respecting indigenous knowledge and innovation;

88. Stresses that G7 member states should guarantee African countries the right to protect their agricultural sectors through tariff and tax regimes that favour family and smallholder farming;

89. Calls on the EU to address all the deficiencies of NAFSN outlined above, to act to enhance its transparency and governance, and to ensure that actions taken under it are consistent with development policy goals;

o

o o

90. Instructs its President to forward this resolution to the Council, the Commission and the parties to NAFSN.

Tuesday 7 June 2016

P8_TA(2016)0248

International Accounting Standards (IAS) evaluation

European Parliament resolution of 7 June 2016 on International Accounting Standards (IAS) evaluation and the activities of the International Financial Reporting Standards (IFRS) Foundation, the European Financial Reporting Advisory Group (EFRAG) and the Public Interest Oversight Board (PIOB) (2016/2006(INI))

(2018/C 086/03)

The European Parliament,

— having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ([1]),

— having regard to the report of the High-Level Group on Financial Supervision in the EU, chaired by Jacques de Larosière, of 25 February 2009,

— having regard to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ([2]),

— having regard to Directive 2012/30/EU of the European Parliament and of the Council of 25 October 2012 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent ([3]),

— having regard to Regulation (EU) No 258/2014 of the European Parliament and of the Council of 3 April 2014 establishing a Union Programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 and repealing Decision No 716/2009/EC ([4]),

— having regard to the Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 258/2014 establishing a Union Programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 (COM(2016)0202),

— having regard to the October 2013 report by Philippe Maystadt entitled 'Should IFRS standards be more European?',

— having regard to the Commission report of 2 July 2014 to the European Parliament and the Council on the progress achieved in the implementation of the reform of EFRAG following the recommendation provided in the Maystadt report (COM(2014)0396),

— having regard to the Commission report of 18 June 2015 to the European Parliament and the Council on evaluation of Regulation (EC) No 1606/2002 of 19 July 2002 on the application of international accounting standards (COM(2015)0301),

— having regard to the Commission report of 17 September 2015 to the European Parliament and the Council on the activities of the IFRS Foundation, EFRAG and PIOB in 2014 (COM(2015)0461),

([1]) OJ L 243, 11.9.2002, p. 1.
([2]) OJ L 182, 29.6.2013, p. 19.
([3]) OJ L 315, 14.11.2012, p. 74.
([4]) OJ L 105, 8.4.2014, p. 1.

— having regard to the Communication from the Commission of 30 September 2015 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an Action Plan on Building a Capital Markets Union (COM(2015)0468),

— having regard to the study on the International Accounting Standards Board (IASB) ('The European Union's Role in International Economic Fora — paper 7: The IASB') and the four studies on IFRS 9 ('IFRS Endorsement Criteria in Relation to IFRS 9', 'The Significance of IFRS 9 for Financial Stability and Supervisory Rules', 'Impairments of Greek Government Bonds under IAS 39 and IFRS 9: A Case Study' and 'Expected-Loss-Based Accounting for the Impairment of Financial Instruments: the FASB and IASB IFRS 9 Approaches'),

— having regard to Commission Regulation (EC) No 1569/2007 of 21 December 2007 establishing a mechanism for the determination of equivalence of accounting standards applied by third country issuers of securities pursuant to Directives 2003/71/EC and 2004/109/EC of the European Parliament and of the Council ([1]),

— having regard to the G20 Leaders' Statement of 2 April 2009,

— having regard to the IASB's Discussion Paper of July 2013 entitled 'A Review of the Conceptual Framework for Financial Reporting' (DP/2013/1) and the IASB's Request for Views of July 2015 entitled 'Trustees' Review of Structure and Effectiveness: Issues for the Review',

— having regard to the Commission's Comment of 1 December 2015 on the IASB Trustees' Review of Structure and Effectiveness,

— having regard to International Financial Reporting Standard (IFRS) 9 on Financial Instruments issued on 24 July 2014 by the IASB, to EFRAG's endorsement advice on IFRS 9, to EFRAG's assessment of IFRS 9 against the true and fair view principle, to the meeting documents of the Accounting Regulatory Committee (ARC) on IFRS 9 and to the comment letters from the European Central Bank (ECB) and European Banking Authority (EBA) on the endorsement of IFRS 9,

— having regard to the letter of 14 January 2014 sent on behalf of the coordinators of its Committee on Economic and Monetary Affairs, commenting on the IASB discussion paper entitled 'A Review of the Conceptual Framework for Financial Reporting',

— having regard to the European Securities and Markets Authority (ESMA) Report on Enforcement and Regulatory Activities of Accounting Enforcers in 2014, of 31 March 2015 (ESMA/2015/659),

— having regard to the ESMA guidelines on enforcement of financial information, of 10 July 2014 (ESMA/2014/807),

— having regard to the ESMA table on compliance with the ESMA guidelines on enforcement of financial information, of 19 January 2016 (ESMA/2015/203 REV),

— having regard to its resolution of 24 April 2008 on International Financial Reporting Standards (IFRS) and the Governance of the International Accounting Standard Board (IASB) ([2]),

([1]) OJ L 340, 22.12.2007, p. 66.
([2]) OJ C 259 E, 29.10.2009, p. 94.

Tuesday 7 June 2016

— having regard to its resolution of 12 April 2016 on the EU role in the framework of international financial, monetary and regulatory institutions and bodies ([1]),

— having regard to Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts ([2]), amended by Directive 2014/56/EU of the European Parliament and of the Council of 16 April 2014 ([3]) applicable from mid-June 2016,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Budgetary Control (A8-0172/2016),

A. whereas the International Financial Reporting Standards (IFRS) and the international standards on auditing (ISA) are one essential component needed for the efficient functioning of the internal market and of the capital markets; whereas the IFRS and ISA can be understood as a public good, should not therefore endanger financial stability or hinder the economic development of the Union and should serve the common good and not only the interests of investors, lenders and creditors;

B. whereas falsification of company accounts poses a threat to economic and financial stability in addition to undermining public confidence in the social market economy model;

C. whereas the purpose of the IFRS is to strengthen accountability by reducing the information gap between investors and companies, to protect investment, to bring transparency through enhancing the international comparability and quality of financial information, to enable investors and other market participants to make informed economic decisions, and therefore to influence the behaviour of actors in financial markets and impact the stability of these markets; whereas, however, this 'decision usefulness' model of accounting is not entirely consistent with the 'capital adequacy' function of accounting as described in ECJ case-law and the Accounting Directive suggesting that the conceptual basis of accounting under the IFRS framework does not encompass the purpose of accounts in EU law, for which a true and fair view of the specific figures is the standard, as set out in written answer E-016071/2015 from Commissioner Jonathan Hill dated 25 February 2016; whereas the true and fair view requirement calls for a holistic assessment in which figures and qualitative explanations are important;

D. whereas the Accounting Directive states that accounts are 'of special importance for the protection of shareholders, members and third parties' and that 'such undertakings offer no safeguards to third parties beyond the amounts of their net assets'; whereas the Accounting Directive also states that its aim is 'to protect the interests subsisting in companies with share capital' by ensuring that dividends are not paid out of share capital; whereas this general purpose of accounts can only be fulfilled if the figures set out in the accounts give a true and fair view of a company's assets and liabilities, financial position and profit or loss; whereas a true and fair view, the determination of dividend payments and the assessment of the solvency of a company also require qualitative information and a wider evaluation of risks;

E. whereas the IASB functions under the umbrella of the IFRS Foundation — a private not-for-profit corporation registered in London, UK and Delaware, US — and is the standard setter whose processes must be transparent, independent and subject to direct public accountability; whereas the EU contributes around 14 % of the IFRS Foundation's budget and is therefore its largest financial contributor;

F. whereas the global movement of capital requires a global system of accounting standards; whereas the IFRS are applied in 116 jurisdictions under different modalities (full adoption, partial, option or convergence), but not in the US for domestic issuers;

([1]) Texts adopted, P8_TA(2016)0108.
([2]) OJ L 157, 9.6.2006, p. 87.
([3]) OJ L 158, 27.5.2014, p. 196.

G. whereas the September 2002 Norwalk Agreement between the IASB and the US Financial Accounting Standards Board (FASB) proposed that there should be convergence between the IFRS issued by the IASB and the US-GAAP issued by the FASB;

H. whereas in the EU the endorsement process is based on the endorsement criteria as stipulated in the IAS Regulation; whereas an IFRS should not be contrary to the true and fair view principle as included in the Accounting Directive, which requires that financial statements must give a 'true and fair' view of a company's assets and liabilities, financial position and profit or loss; whereas dividends and bonuses should not be paid out of unrealised profits which ultimately means out of capital as the Capital Maintenance Directive requires; whereas the IFRS should be conducive to the public good in Europe and should meet basic criteria related to the quality of information required for financial statements;

I. whereas the Commission, the Council and the European Parliament are involved in the endorsement process based on advice from the European Financial Reporting Advisory Group (EFRAG), a private technical adviser of the Commission, and on the work of the Accounting Regulatory Committee (ARC) composed of representatives from the Member States; whereas the Maystadt report discussed the possibility of setting up an agency to replace EFRAG as a longer-term solution;

J. whereas, within the EU, different stakeholders — particularly long-term investors — have raised the issue of the consistency of the IFRS with the legal requirements of the Accounting Directive, in particular the principles of prudence and stewardship; whereas the involvement of Parliament in the standard-setting process is not sufficient and is not commensurate with the EU budget's financial contribution to the IFRS Foundation; whereas emphasis has also been put on strengthening Europe's voice in order to ensure that such principles are fully acknowledged and embedded throughout the standard-setting process;

K. whereas the recent financial crises brought the role played by IFRS in financial stability and growth onto the G20 and EU agendas, in particular the rules regarding the recognition of losses incurred in the banking system; whereas the G20 and the De Larosière report highlighted key issues with respect to accounting standards ahead of the crisis, including off-balance sheet accounting, the procyclicality related to the mark-to-market principle and profit and loss recognition, the underestimation of risk accumulation during cyclical upturns and the lack of a common and transparent methodology for the valuation of illiquid and impaired assets;

L. whereas the IASB delivered the IFRS 9 financial instruments as a key response to some aspects of the crisis and to its impact on the banking sector; whereas EFRAG's advice on IFRS 9 was positive, with a number of observations concerning the use of 'fair value' in the event of market difficulties, the lack of conceptual basis regarding the 12-month loss provisioning approach and the unsatisfactory provisions pertaining to long-term investment; whereas, owing to the different effective dates of IFRS 9 and the forthcoming insurance standard, the advice expressed a reservation on the applicability of the standard to the insurance sector; whereas this issue is acknowledged by the IASB itself; whereas there are concerns that the proposed accounting treatment of equity may negatively affect long-term investment; whereas the ECB and EBA comment letters on IFRS 9 were positive but also mentioned a number of specific shortcomings;

M. whereas the off-balance sheet accounting issue was addressed in the subsequent amendments to 'IFRS 7 Financial Instruments: Disclosures' and the issuance of three new standards — 'IFRS 10 Consolidated financial statements', 'IFRS 11 Joint arrangements' and 'IFRS 12 Disclosure of interests in other entities';

N. whereas in May 2015 the IASB published an Exposure Draft of the 'Conceptual Framework' which describes concepts assisting the IASB in developing the IFRS, enabling preparers of financial statements to develop and select accounting policies and helping all parties to understand and interpret the IFRS;

O. whereas the governance structure of the IFRS Foundation is under review, in accordance with its constitution; whereas this is therefore the right time to review the organisational set-up and the changes required for the governing and monitoring bodies of the IFRS Foundation and the IASB, with a view to integrating them better into the system of international financial institutions and ensuring broad representation (such as consumer representation agencies and finance ministries) of interests and public accountability that will guarantee high-quality accounting standards;

P. whereas the ISA are developed by the International Auditing and Assurance Standards Board (IAASB), an independent body hosted by the International Federation of Accountants (IFAC); whereas the Public Interest Oversight Board (PIOB) is an international independent organisation that oversees the process leading to the adoption of the ISA and the IFAC's other public interest activities;

Q. whereas the Union programme to support specific activities in the field of financial reporting and auditing for the period 2014-2020 covers the funding of the IFRS Foundation and the PIOB for 2014-2020, but the funding of EFRAG only for 2014-2016;

Evaluation of 10 years of the application of IFRS in the EU

1. Notes the Commission's IAS evaluation report on the application of the IFRS in the EU and its assessment that the objectives of the IAS Regulation have been met; regrets that the Commission has not yet proposed the legal changes that are required to solve the shortcomings identified in its evaluation; calls on the standard setter to ensure that the IFRS are coherent within the existing body of accounting standards and to promote convergence at international level; calls for a more coordinated approach in developing new standards, including coordinated timelines for application, in particular with regard to the implementation of IFRS 9 Financial Instruments and the new IFRS 4 Insurance Contracts; urges the Commission to put forward diligently legal proposals to this end and to ensure that any delay does not result in misalignment or disruption of competition within the insurance industry; calls on the Commission to examine in detail whether the recommendations of the de Larosière report have been fully implemented, in particular Recommendation No 4, which states that a wider reflection on the mark-to-market principle is needed;

2. Calls on the Commission to comply as a matter of urgency with the Maystadt recommendation regarding expansion of the 'public good' criterion, i.e. that accounting standards should neither jeopardise financial stability in the EU nor hinder the EU's economic development, and to ensure that this criterion will be fully respected during the endorsement process; urges the Commission, together with EFRAG, to issue clear guidelines on the meaning of the 'public good' and the 'true and fair view' principle on the basis of ECJ case-law and the Accounting Directive in order to arrive at a common understanding of these endorsement criteria; calls on the Commission to put forward a proposal to incorporate Maystadt's definition of the 'public good' criterion into the IAS Regulation; calls on the Commission, together with EFRAG, to examine systematically whether the 'public good' criterion as defined by Maystadt requires changes to existing accounting standards and, on this basis, to cooperate with the IASB and national and third-country standard setters to obtain wider support for modifications or, in the absence of such wider support, to provide in EU law for specific standards to meet such criteria where needed;

3. Notes that the 'true and fair view' test of Article 4(3) of Directive 2013/34/EU applies to the figures set out in the accounts as the standard for the purpose of accounts prepared according to European law, as described in Recitals 3 and 29 of the directive; highlights that this purpose relates to the capital adequacy function of accounts, i.e. that investors, both creditors and shareholders, use the figures in the annual accounts as the basis for determining whether a company is 'net asset' solvent and for determining dividend payments;

4. Emphasises that a core component of achieving the true and fair view of the figures set out in the accounts is prudent valuation, which means no understating of losses or overstating of profits, as described in Article 6(1)(c)(i) and (ii) of the Accounting Directive; points out that this interpretation of the Accounting Directive has been confirmed by numerous ECJ rulings;

5. Notes that Recital 9 of the IAS Regulation allows a degree of flexibility when making a decision to endorse an IFRS by not requiring 'a strict conformity with each and every provision of those Directives'; suggests, however, that this does not extend to allowing IFRS to deviate so far from the general purpose of the 2013 Accounting Directive (2013/34/EU), which

replaced the Fourth Company Law Directive (78/660/EEC) and Seventh Company Law Directive (83/349/EEC) referred to in the first indent of Article 3(2) of the IAS Regulation, as to result in financial statements that overstate profits or understate losses; considers, in this connection, that the endorsement of IAS 39 was possibly contrary to this general purpose of the Fourth and Seventh Company Law Directives, superseded by the 2013 Accounting Directive, given its incurred loss model, and in particular to Article 31(1)(c)(bb) of the Fourth Company Law Directive, which stated that 'all foreseeable liabilities and potential losses arising in the course of the financial year concerned or of a previous one [should be measured and recognised], even if such liabilities or losses become apparent only between the date of the balance sheet and the date on which it is drawn up';

6. Welcomes the intention of the IASB to reintroduce the principle of 'prudence' and re-inforce 'stewardship' in the new Conceptual Framework; regrets that the IASB's interpretation of 'prudence' only means 'prudent treatment of discretion'; notes that the IASB's understanding of the principle of prudence and stewardship is not the same as what is stated in the relevant ECJ case-law and the Accounting Directive; believes that the principle of prudence should be accompanied by the principle of reliability; calls on the Commission and EFRAG to agree on the meaning of the principle of prudence and stewardship as defined in ECJ case-law and the Accounting Directive and, on this basis, to cooperate with the IASB and national and third-country standard setters in order to obtain wider support for these principles; calls on the IASB to examine systematically whether a revised Conceptual Framework requires changes to existing accounting standards and to make modifications where needed;

7. Notes the reform regarding the recognition of losses in the IFRS framework, which should allow for a more prudent build-up of loss provisions on the basis of the forward-looking concept of loss expectation instead of incurred losses; takes the view that the EU endorsement process should carefully and prudently frame the way in which the expected loss concept is to be specified so as to avoid model overreliance and allow clear supervisory guidance on asset impairment;

8. Takes the view that the off-balance sheet accounting issue has not yet been properly and effectively addressed as the decision as to whether or not an asset is to be reported on balance sheets is still subject to a mechanistic rule which can be circumvented; calls on the IASB to correct these shortcomings;

9. Welcomes the IFRS Foundation and IOSCO protocols on enhanced cooperation in view of the key issues, identified by the G20, concerning regulation of securities markets; considers this cooperation to be necessary in order to meet the need for high-quality global accounting standards and to encourage application of consistent standards across varying national settings;

10. Is convinced that the exchange of information between the IASB and IOSCO on growing IFRS use should be viewed not only as a stocktaking exercise, but also as an opportunity to identify instances of best practice; welcomes, in this regard, the annual 'enforcer discussion session' introduced by IOSCO in order to inform the IASB about key implementation and enforcement issues;

11. Notes that the effects of an accounting standard must be fully understood; insists that it should be a priority for the IASB and EFRAG to strengthen their impact analyses, notably in the field of macroeconomics, and to assess the different needs of the wide variety of stakeholders, including long-term investors and companies, as well as the general public; calls on the Commission to remind EFRAG to strengthen its capacity to assess the impact of new accounting standards on financial stability, with an explicit focus on European needs that should be introduced into the IASB's standardisation earlier on in the process; notes, in particular, the absence of a quantitative impact assessment for IFRS 9, for which no data will be available before 2017; calls on the Commission to make sure that IFRS 9 serves the EU long-term investment strategy, especially by restricting provisions which could introduce excessive short-term volatility in financial statements; notes that the European Supervisory Authorities (ESAs) — ESMA, EBA and EIOPA — which have the expertise and capacity to assist in this task rejected full membership of the EFRAG Board because of EFRAG being a private body; considers that the ECB and ESAs, as observers of the EFRAG Board following the reformed governance arrangements, would contribute positively to taking greater account of effects on financial stability; calls on the Commission, in the context of the revision of the IAS Regulation, to explore ways of being provided with a systematic formal feedback from the ESAs;

Tuesday 7 June 2016

12. Is convinced that only simple rules can be effectively applied by users and controlled by supervisors; recalls that, in its statement of 2 April 2009, the G20 called for less complexity in accounting standards for financial instruments and for clarity and consistency in the application of valuation standards internationally, working with supervisors; is concerned about the persisting complexity of the IFRS; calls for this complexity to be reduced wherever appropriate and possible when developing new accounting standards; believes that a less complex accounting standards system will contribute to more uniform implementation so that company financial data are comparable between Member States;

13. Calls for mandatory country-by-country reporting under IFRS; reiterates Parliament's view that public country-by-country reporting can play a decisive role in combating tax avoidance and fraud;

14. Asks the IASB, the Commission and EFRAG to involve Parliament and the Council at an early stage when developing financial reporting standards in general and in the endorsement process in particular; takes the view that the scrutiny process for the adoption of IFRS in the EU should be formalised and structured by analogy with the scrutiny process applicable to 'level 2' measures in the field of financial services; recommends that the European authorities invite civil society stakeholders to support their activities, including at the EFRAG level; calls on the Commission to create a space for stakeholders to discuss fundamental principles of accounting in Europe; calls on the Commission to grant Parliament the possibility to receive a short list of EFRAG board president candidates so as to organise informal hearings ahead of a vote on the proposed candidate;

15. Notes in this context that Parliament should play the role of an active promoter of IFRS, provided that the requests contained in this resolution are properly taken into account, as evidence exists that the benefits outweigh the costs;

16. Is convinced that a globalised economy needs internationally accepted accounting standards; recalls, however, that convergence is not an objective in itself but only desirable if it results in better accounting standards reflecting an orientation towards the public good, prudence and reliability; believes therefore, that a robust dialogue should continue between the IASB and national accounting standards setters, despite the slow progress of the convergence process;

17. Notes that the majority of enterprises are SMEs; notes the Commission's intention to explore with the IASB the possibility of developing common high-quality and simplified accounting standards for SMEs which could be used, on a voluntary basis, at EU level by SMEs listed on Multilateral Trading Facilities (MTFs), and more specifically SME growth markets; notes, in this connection, the possibilities of the already existing financial reporting standards for SMEs; believes that, as a condition for work to continue in this field, IFRS have to be less complex and must not promote pro-cyclicality, and that SME interests should be sufficiently represented on the IASB; believes that the relevant stakeholders should be represented on the IASB; calls on the Commission to undertake a proper impact assessment of the effects of IFRS on SMEs before taking any further steps; calls for such a development to be carefully monitored and that Parliament should be fully informed, with due account being taken of the 'better regulation' process;

18. Stresses that national standard setters are now closely integrated in EFRAG; identifies, therefore, the advisory role of EFRAG when it comes to accounting issues relating to small listed companies and SMEs more generally;

19. Welcomes the fact that the Commission is encouraging Member States to follow the ESMA guidelines on the enforcement of financial information; deplores that several Member States do not comply and do not intend to comply with the ESMA guidelines on the enforcement of financial information; calls on these Member States to work towards compliance; calls on the Commission to assess whether ESMA's powers make it possible to ensure consistent and coherent enforcement across the EU and, if not, to explore other ways to ensure proper application of enforcement;

20. Acknowledges that the balance between the mandatory scope of application of the IAS Regulation and the option for the Member States to extend the use of the IFRS at national level ensures proper subsidiarity and proportionality;

21. Welcomes the Commission's intention to examine the case for coordinating the EU rules relating to dividend distribution; recalls, in this connection, Article 17(1) of the Capital Maintenance Directive, which refers directly to a company's annual accounts as the basis for decisions relating to dividend distributions and places certain restrictions on the distribution of dividends; notes that the Commission's evaluation of the IAS Regulation has shown some evidence that differences in enforcement of IFRS persist between Member States; stresses that capital maintenance and dividend distribution rules have been cited in the report on the evaluation of the IAS Regulation as a source of legal challenges which can arise in certain jurisdictions where Member States permit or require the use of IFRS for individual annual financial statements on which distributable profits are based; points out that each Member State considers how to address such issues in its national legislation within the framework of the EU capital maintenance requirements; calls on the Commission, in this connection, to ensure compliance with the Capital Maintenance Directive and the Accounting Directive;

22. Calls on EFRAG and the Commission to examine as soon as possible whether accounting standards allow tax fraud and tax avoidance and to make all the necessary changes to correct and prevent potential abuse;

23. Notes ongoing efforts to enhance transparency and comparability of public accounts by developing European Public Sector Accounting Standards (EPSAS);

Activities of the IFRS Foundation, EFRAG and the PIOB

24. Supports the Commission recommendations that the Monitoring Board of the IFRS Foundation should shift the focus of its attention from the issue of internal organisation to discussing matters of public interest that could be referred to the IFRS Foundation; believes, however that further progress should be made as regards the governance of the IFRS Foundation and the IASB, in particular in terms of transparency, prevention of conflicts of interest and diversity of hired experts; points out that IASB's legitimacy is at stake if the Monitoring Board continues to disagree over its responsibility while depending on consensus decisions; supports, in particular, the Commission's proposal to consider the reporting needs of investors with different investment time horizons and to provide specific solutions, in particular for long-term investors, when developing their standards; supports better integration of the IASB into the system of international financial institutions and steps to ensure broad representation (such as consumer representation agencies and finance ministries) of interests and public accountability that will guarantee high-quality accounting standards;

25. Notes the dominance of private actors on the IASB; points out that medium-sized businesses are not represented at all; points out that the IFRS Foundation continues to rely on voluntary contributions, often from the private sector, which may give rise to a risk of conflicts of interests; calls on the Commission to urge the IFRS Foundation to aim for a more diversified and balanced financing structure, including on the basis of fees and public sources;

26. Welcomes the activities of the IFRS Foundation/IASB in carbon and climate reporting; takes the view, in particular, that key long-term structural issues such as the valuation of stranded carbon assets in undertakings' balance sheets should be explicitly added to the IFRS working programme with a view to developing related standards; calls on the IFRS bodies to put the challenge of carbon reporting and carbon risks on their agenda;

27. Calls on the Commission and EFRAG to look into the shift in pension asset allocation from equities to bonds as a result of the introduction of the mark-to-market accounting under IFRS;

28. Supports the Commission in urging the IFRS Foundation to ensure that use of the IFRS and the existence of a permanent financial contribution are conditions for membership of the governing and monitoring bodies of the IFRS Foundation and of the IASB; calls on the Commission to explore ways to reform the IFRS Foundation and the IASB in order to remove veto rights from members which do not fulfil the aforementioned criteria;

29. Calls on the IFRS Trustees, the IFRS Monitoring Board and the IASB to promote an appropriate gender balance within the respective forums;

30. Recalls its request made in the Goulard report for measures to enhance democratic legitimacy, transparency, accountability and integrity which, inter alia, concern public access to documents, open dialogue with diverse stakeholders, the establishment of mandatory transparency registers and rules on transparency of lobby meetings as well as internal rules, in particular prevention of conflict of interests;

31. Emphasises that the EFRAG reform must improve the European contribution to the development of the new IFRS and could participate in the reform of governance of the IFRS Foundation;

32. Deplores the fact that EFRAG has been operating for some time without a board president, given the key role he/she plays in reaching consensus and in ensuring a clear, strong European voice on accounting matters at international level; stresses the importance of appointing a new president as soon as possible; urges the Commission, therefore, to speed up the recruitment process, taking due account of the role of Parliament and its Committee on Economic and Monetary Affairs;

33. Welcomes the EFRAG reform which took effect on 31 October 2014 and acknowledges that significant efforts have been made in this regard; notes the improved transparency; deplores the fact that, with regard to the funding of EFRAG and, in particular, the possibility of establishing a system of compulsory levies paid by listed companies, the Commission has focused its efforts on implementing parts of the reform that are achievable in the short term; asks the Commission to take formal steps — as recommended in the Maystadt report — to encourage Member States that do not already have a National Funding Mechanism to establish one; notes the Commission proposal for the extension of the Union Programme for EFRAG for the period 2017-2020; calls on the Commission to conduct an annual comprehensive assessment of its agreed reform, as provided for in Article 9(3) and 9(6) of Regulation (EU) No 258/2014; calls on the Commission to assess the opportunity and possibility of transforming EFRAG into a public agency in the long term;

34. Deplores the fact that the requirement, suggested by Maystadt, that the functions of EFRAG CEO and EFRAG TEG Chairman should be combined has been turned into a possibility; notes that the composition of the new board deviates from Maystadt's proposal as the European Supervisory Authorities and the European Central Bank declined to accept full membership of the board; calls on EFRAG to extend the number of users, currently only one, on the board and to ensure that all relevant stakeholders are represented in EFRAG;

35. Welcomes the fact that in 2014 PIOB diversified its funding; notes that the total funding provided by IFAC was 58 % which, while still accounting for a significant proportion of PIOB funding, is well below the two-thirds threshold and that there was therefore no need for the Commission to limit its annual contribution, as stipulated in Article 9(5) of Regulation (EU) No 258/2014; calls on PIOB to step up its efforts to ensure integrity in the auditing profession;

o

o o

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

Tuesday 7 June 2016

P8_TA(2016)0249

Peace Support Operations — EU engagement with the UN and the African Union

European Parliament resolution of 7 June 2016 on Peace Support Operations — EU engagement with the UN and the African Union (2015/2275(INI))

(2018/C 086/04)

The European Parliament,

— having regard to Title V of the Treaty on European Union, and in particular to Articles 21, 41, 42, and 43 thereof,

— having regard to Article 220 of the Treaty on the Functioning of the European Union,

— having regard to the Charter of the United Nations, and in particular to Chapters VI, VII and VIII thereof,

— having regard to the report of the UN Secretary-General of 1 April 2015, 'Partnering for peace: moving towards partnership peacekeeping' ([1]),

— having regard to the Joint Communication by the European Commission and the High Representative for Foreign Affairs and Security Policy of 28 April 2015 on 'Capacity building in support of security and development — Enabling partners to prevent and manage crises' ([2]),

— having regard to the report of 16 June 2015 of the UN High-level Independent Panel on Peace Operations ([3]),

— having regard to the declaration made at the 28 September 2015 Leader's Summit on Peace-Keeping convened by President Barack Obama of the United States,

— having regard to the documents of 14 June 2012 'Plan of Action to enhance EU CSDP support to UN peacekeeping' ([4]) and of 27 March 2015 'Strengthening the UN-EU Strategic Partnership on Peacekeeping and Crisis Management: Priorities 2015-2018' ([5]),

— having regard to the Joint Africa-EU Strategy (JAES) agreed at the 2nd EU-Africa Summit held in Lisbon on 8-9 December 2007 ([6]) and the JAES Roadmap 2014-2017 agreed at the 4th EU-Africa Summit held in Brussels on 2-3 April 2014 ([7]),

— having regard to the European Court of Auditors' Special Report No 3 of 2011 on 'The Efficiency and Effectiveness of EU Contributions channelled through United Nations organisations in Conflict-affected Countries',

— having regard to its resolution of 24 November 2015 on 'The role of the EU within the UN — how to better achieve EU foreign policy goals' ([8]),

— having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 9 December 2015 on 'The evaluation of the African Peace Facility after ten years: effectiveness and prospects for the future',

([1]) S/2015/229.
([2]) JOIN(2015)0017.
([3]) A/70/95–S/2015/446.
([4]) Council document 11216/12.
([5]) EEAS(2015)458, Council document 7632/15.
([6]) Council document 7204/08.
([7]) Council document 8370/14.
([8]) Texts adopted, P8_TA(2015)0403.

Tuesday 7 June 2016

— having regard to the 2030 Agenda for Sustainable Development,

— having regard to the 'Oslo' Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief of November 2007,

— having regard to Article 4h and 4j of the Constitutive Act of the African Union,

— having regard to its resolution of 25 November 2010 on the 10th anniversary of UN Security Council resolution 1325 (2000) on Women, Peace and Security ([1]),

— having regard to the Council conclusions of 15 October 2012 on the roots of democracy and sustainable development: Europe's engagement with civil society in external relations,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and to the opinion of the Committee on Development (A8-0158/2016),

A. whereas Peace Support Operations (PSOs) are a form of crisis response, normally in support of an internationally recognised organisation such as the UN or the African Union (AU), with a UN mandate, and designed to prevent armed conflict, restore, maintain or build peace, enforce peace agreements and tackle the complex emergencies and challenges posed by failing or weak states; whereas the stability of the African and European neighbourhood would greatly benefit all our countries;

B. whereas the aim of PSOs is to help create stable, secure and more prosperous environments for the longer term; whereas good governance, justice, greater respect for the rule of law, protection of civilians, respect for human rights and security are the essential preconditions for this, and successful reconciliation, reconstruction and economic development programmes will help deliver self-sustaining peace and prosperity;

C. whereas the security landscape in Africa in particular has changed dramatically in the last decade, with the emergence of terrorist and insurgent groups in Somalia, Nigeria, and the Sahel-Sahara region, and with peace enforcement and counter-terrorism operations becoming the rule rather than the exception in many areas; whereas fragile states and ungoverned spaces are increasing in number, leaving so many people affected by poverty, lawlessness, corruption and violence; whereas the porous borders within the continent help fuel violence, reduce security and provide opportunities for criminal activity;

D. whereas peace has been recognised as crucial for development in the new 2030 Agenda for Sustainable Development, and Sustainable Development Goal (SDG) 16 on peace and justice has been introduced;

E. whereas appropriately experienced and equipped organisations and nations, ideally with a clear and realistic UN mandate, should provide those resources necessary for a successful PSO, in order to help create secure environments for civil organisations to do their work;

F. whereas the UN remains the main guarantor of international peace and security, and has the most comprehensive framework for multilateral cooperation in crisis management; whereas there are currently 16 UN peacekeeping operations with over 120 000 personnel deployed, more than ever before; whereas over 87 % of UN peacekeepers are deployed on eight missions in Africa; whereas the UN is constrained in the scope of its operations;

([1]) OJ C 99 E, 3.4.2012, p. 56.

G. whereas the AU operates under different constraints from the UN and can take sides, intervene without invitation, and intervene where no peace accord has been signed, while still respecting the UN Charter; whereas given the number of inter-state and intra-state conflicts in Africa this is an important difference;

H. whereas NATO has provided support to the AU, including to AMIS in Darfur and AMISOM in Somalia, with planning and strategic air-and-sea lift assets, and capacity-building for the African Standby Force (ASF);

I. whereas the crises in Africa call for a coherent global response which goes beyond the purely security aspects; whereas peace and security are necessary preconditions for development, and all local and international actors have highlighted the need for close coordination between security and development policy; whereas a long-term perspective is needed; whereas Security Sector Reform and disarmament, demobilisation and reintegration of ex-combatants can be of importance in reaching stability and development goals; whereas the UN Liaison Office for Peace and Security and the Permanent Mission of the African Union in Brussels play key roles in developing relationships between their organisations and the EU, NATO and national embassies;

J. whereas the primary mechanism for European cooperation with the AU is the African Peace Facility, originally established in 2004 and providing some EUR 1,9 billion through the Member State-funded EDF; whereas when the APF was established in 2003 its financing via EDF funds was meant to be provisional, but 12 years later the EDF remains the main source of funding for the APF; whereas in 2007 the scope of the Facility was broadened to encompass a wider range of conflict-prevention and post-conflict stabilisation activities; whereas the 2014-2016 action programme takes account of external evaluation and consultations with Member States and introduces new elements to improve its effectiveness; whereas Article 43 TEU refers to the so-called 'Petersberg Plus' tasks, which cover military advice and assistance tasks, conflict prevention and peace-keeping tasks, and tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation; whereas in 2014 more than 90 % of the budget was earmarked for PSOs, of which 65 % was for AMISOM staff; whereas strengthening the institutional capacity of the African Union and the African regional economic communities is vital to the success of PSOs and the post-conflict reconciliation and rehabilitation processes;

K. whereas the EU's role needs to be seen in the context of the contributions made to PSOs by numerous countries and organisations; whereas, for example, the US is the world's largest financial contributor to UN peacekeeping operations and provides direct support to the AU through its African Peacekeeping Rapid Response Partnership, as well as approximately USD 5 billion in support of UN operations in the Central African Republic, Mali, Côte d'Ivoire, South Sudan and Somalia; whereas these various sources of funding are coordinated by the African Union Partners Group on Peace and Security; whereas China has become an active participant in UN peacekeeping operations and the Forum on China-Africa Cooperation includes the AU Commission; whereas, after Ethiopia, it is India, Pakistan and Bangladesh that are the largest providers of personnel for UN peacekeeping;

L. whereas the European countries and the EU itself are major contributors to the UN system, notably in providing financial support for UN programmes and projects; whereas France, Germany and the UK are the largest European contributors to the budget for UN PKOs; whereas the EU Member States are collectively the largest contributor to the UN's peacekeeping budget, with about 37 %, and are currently contributing troops to nine peacekeeping missions; whereas, in addition, in 2014 and 2015 EU financial commitments to the AU totalled EUR 717,9 million and AU contributions amounted to just EUR 25 million; whereas European countries contribute only about 5 % of UN Peacekeeping personnel, with 5 000 troops out of a total of some 92 000; whereas, however, France, for example, trains 25 000 African soldiers each year and separately deploys over 4 000 personnel in African PKOs;

Tuesday 7 June 2016

M. whereas anti-personnel landmines have been a major obstacle to post-conflict rehabilitation and development, not least in Africa, and the EU has spent some EUR 1,5 billion over the past 20 years on processes to support demining and assist mine victims, becoming the largest donor in this field;

N. whereas, in addition to the role of individual European countries, the EU has a distinctive contribution to make in PSOs with multidimensional actions; whereas the EU is providing technical and financial support to the AU and the sub-regional organisations, in particular through the African Peace Facility, the Instrument contributing to Stability and Peace and the European Development Fund; whereas the EU is conducting counselling and training actions in the framework of its CSDP missions, contributing to the reinforcement of African capacities in crisis management;

O. whereas the five civilian EU missions and the four military EU operations ongoing in Africa frequently operate alongside or in sequence with UN, AU or national actions;

P. whereas the EU is committed to helping strengthen the African Peace and Security Architecture, in particular by supporting the operationalisation of the African Standby Force (ASF);

Q. whereas the European Council has requested that the EU and its Member States enhance their support to partner countries and organisations, through the provision of training, advice, equipment and resources, so that they can increasingly prevent or manage crises by themselves; whereas there is a clear need for mutually reinforcing interventions in the areas of security and development in order to achieve this goal;

R. whereas the EU should support the actions of others who may be better able to fulfil particular roles, avoiding overlap and helping strengthen the work of those already present on the ground, in particular Member States;

S. whereas Article 41(2) TEU prohibits expenditure from EU budgets on operations having military or defence implications, while not explicitly excluding EU financing of military tasks such as peacekeeping operations with development objectives; whereas the common costs are charged to the Member States under the Athena mechanism; whereas, while the primary objective of EU development policy is the reduction, and in the long term the eradication, of poverty, Articles 209 and 212 TFEU do not explicitly exclude the financing of capacity-building in the security sector; whereas the EDF and the APF, as instruments outside the EU budget, are relevant in addressing the security-development nexus; whereas the EDF requires that programming is designed to meet the criteria of Official Development Assistance (ODA), which mostly exclude security-related expenses; whereas the EU is working on the possibility of additional dedicated instruments in the context of its initiative on Capacity Building in Support of Security and Development (CBSD);

T. whereas the needs of the countries concerned and European security must be the guiding principles for EU involvement;

1. Stresses the need for coordinated external actions that make use of diplomatic, security and development tools to restore confidence and tackle the challenges of wars, internal conflicts, insecurity, fragility and transition;

2. Observes that the deployment of multiple UN-authorised missions in the same theatre of operations, with different actors and regional organisations, is increasingly the reality of modern peace operations; underlines that managing these complex partnerships, while not duplicating work or missions, is essential to successful operations; in this regard, calls for the evaluation and rationalisation of the existing structures;

3. Stresses the importance of early communication and enhanced procedures for crisis consultation with the UN and the AU, as well as other organisations such as NATO and the OSCE; highlights the need to improve information sharing, including on the planning, conduct and analysis of missions; welcomes the finalisation and signing of the EU-UN administrative arrangement on exchanging classified information; recognises the importance of the Africa-EU Partnership and of EU-AU political dialogue on peace and security; suggests an agreement between the AU, the EU and other key actors and the UN on a set of shared aims for African security and development;

4. Urges the EU, given the scale of the challenges and the complex involvement of other organisations and nations, to seek an appropriate division of labour and to focus on where it can best add value; notes that a number of Member States are already involved in operations in Africa and that the EU could generate real value-added by supporting these operations more;

5. Notes that, in an increasingly complex security environment, UN and AU missions are in need of a comprehensive approach under which, in addition to deploying military, diplomatic and development instruments, other essential factors are a thorough knowledge of the security environment, exchanges of intelligence and information and modern technologies, knowledge of how to undertake counterterrorism and fight crime in conflict and post-conflict areas, the deployment of critical enablers, the provision of humanitarian aid, and restoration of political dialogue, all of which European countries can help to provide; notes the work already being done by specific Member States, as well as by other multinational organisations in this field;

6. Stresses the importance of the other instruments of the EU in the security field and, in particular, of the CSDP missions and operations; recalls that the EU is intervening in Africa to contribute to the stabilisation of countries facing crises, in particular through training missions; underlines the role of the CSDP missions, both civilian and military, in supporting reforms of the security sector and contributing to the international crisis management strategy;

7. Notes that the perceived legitimacy of a PSO is key to its success; believes that the AU should therefore contribute with support and military forces wherever possible; notes that this is also important with regard to the long-term self-policing aims of the AU;

8. Welcomes the fact that the new African Peace Facility action programme addresses shortcomings, and places stronger emphasis on exit strategies, greater burden-sharing with African countries, more targeted support and improved decision-making procedures;

9. Welcomes the UN-EU Strategic Partnership on Peacekeeping and Crisis Management and its priorities for 2015-2018 as agreed in March 2015; notes the past and ongoing CSDP missions aimed at peace-keeping, conflict prevention and strengthening international security, and takes account of the key role of other organisations, including pan-African and regional organisations, and of countries in these areas; calls on the EU to make further efforts to facilitate Member State contributions; recalls that the EU has engaged in crisis-management activities in Africa, aimed at peacekeeping, conflict prevention and strengthening international security in line with the UN Charter; notes that only 11 of the 28 EU Member States made pledges at the 28 September 2015 Leaders' Summit on Peacekeeping, while China pledged a standby force of 8 000 and Colombia 5 000 troops; calls on the EU Member States to significantly increase their military and police contributions to UN peacekeeping missions;

10. Underlines the need for a rapid African response to crisis, and identifies the key role in this of the African Standby Force (ASF); underlines the major contribution of the EU, through the African Peace Facility and the funding of the AU, allowing the AU to strengthen its capacity to provide a collective response to crises on the continent; encourages regional organisations, such as the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC), to increase their efforts in the area of rapid African responses to crises and to complement the efforts of the AU;

11. Emphasises, nevertheless, the importance of investing more in conflict prevention, taking account of factors such as political and religious radicalisation, election-related violence, population displacements and climate change;

Tuesday 7 June 2016

12. Recognises the critical contribution of the African Peace Facility in developing the triangular partnership between the UN, the EU and the AU; believes that this Facility provides both an entry point and a potential lever for creating a stronger partnership between the EU and the AU and has proved indispensable in allowing the AU, and through it the eight Regional Economic Communities (RECs), to plan and manage their operations; considers it vital that the EU institutions and Member States remain closely engaged if the Facility is to be fully utilised and that the AU demonstrate higher levels of efficiency and transparency in using the funds; takes the view that the APF should focus on structural support rather than just bankrolling African forces' pay; acknowledges that there are other funding mechanisms in use, but believes that given the Facility's sole focus on Africa, as well as its clear goals, it is especially important with regard to PSOs in Africa; considers that Civil Society Organisations (CSOs) working on peace-building in Africa should be given the opportunity to contribute their views, as part of a more strategic engagement with CSOs on peace and security; remains concerned at the continuing problems of financing and political will on the part of African countries; notes the Council conclusions of 24 September 2012 which state that 'funding, alternative to the funding from the EDF, will have to be considered';

13. Observes that stepping up European military cooperation would increase the efficiency and effectiveness of Europe's contribution to UN peace missions;

14. Welcomes, given the great importance of building African capabilities, the successful conduct of the Amani Africa II exercise in October 2015, involving more than 6 000 military, police and civilian participants, and looks forward to the operationalisation of the 25 000-strong African Standby Force (ASF) as soon as possible in 2016;

15. Calls on the EU and its Member States, as well as on other members of the international community, to assist with training, including discipline, equipment, logistical support, financial assistance and development of rules of engagement (RoE), to encourage and assist African states in full and continuing commitment to the ASF; urges more active advocacy of the ASF in African capitals by Member State embassies and EU delegations; believes that the ODA needs to be redesigned under the OECD framework through peacebuilding lenses; considers that the EDF regulation should be reviewed in order to allow programming design that includes peace, security and justice expenditures that have development-related motivation;

16. Notes the importance of Common Security and Defence Policy (CSDP) missions for Africa's security, in particular training and support missions for African forces, and especially EUTM Mali, EUCAP Sahel Mali and EUCAP Sahel Niger, EUTM Somalia, and EUCAP Nestor; notes the additional support provided by those missions for the efforts of other, UN-run missions; calls on the EU to step up the capabilities of those training missions, in particular by allowing African soldiers who have been trained to be monitored on and after their return from theatres of operations;

17. Insists that neither the EU nor the Member States, in supporting PSOs, should act in isolation but that they should, rather, take full account of the contributions of other international actors, improve coordination with them and rapidity of response, and focus their efforts on certain priority countries using the most appropriate and experienced Member and African States as lead nations; underlines the importance of the regional economic communities in the architecture of African security; notes the role EU delegations could play as facilitators of coordination among international actors;

18. Supports a holistic EU approach, which is the main instrument for mobilising the full potential of EU action in the context of peacekeeping operations and the stabilisation process, as well as for mobilising various ways to support the development of AU countries;

19. Stresses that border management assistance should be a priority for EU engagement in Africa; notes that porous borders are one of the main factors behind the increase in terrorism in Africa;

20. Welcomes the Joint Communication on capacity-building and joins the Council in calling for its urgent implementation; points to the EU's potential, particularly through its comprehensive approach covering civilian and military means, to help strengthen security in fragile and conflict-affected countries and to address the needs of our

partners, in particular for military recipients, while reiterating that security is a precondition for development and democracy; regrets that neither the European Commission nor the Council shared with the European Parliament their assessment of the legal options in support of capacity building; calls on both institutions to inform the European Parliament on this in due time; calls on the European Commission to suggest a legal base in line with the original European objectives of 2013 outlined in the initiative on 'Enable and Enhance';

21. Points out that the Council Legal Service's contribution of 7 December 2015, entitled 'Capacity building in support of security and development — legal questions', gives thought to ways and means of financing matériel for African countries' militaries; calls on the Council to continue this discussion;

22. Welcomes the positive responses received by France after activation of Article 42(7); very much welcomes the re-engagement of European armed forces in Africa;

23. Recognises that the problem is often not the lack of funding but, rather, how funds are spent and what other resources are utilised; notes that the Court of Auditors' recommendations concerning EU funds have not been fully implemented; calls for regular reviews of how funding from national governments through the EU and the UN is spent; believes it is vital to utilise funds effectively, given their finite nature and the scale of the problems being faced; believes accountability is an essential part of this process, as well as helping to tackle endemic corruption in Africa; insists on a more thorough and transparent evaluation of PSOs supported by the EU; backs initiatives such as the Békou trust fund operating in the Central African Republic, which seeks to pool European development-related resources, expertise and capacities in order to overcome the fragmentation and ineffectiveness of international action in the context of reconstruction of a country; calls for more systematic joint programming among the various EU instruments;

24. Notes the 15 May 2015 UN Evaluation Report on Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations; considers that the AU, the UN, the EU and Member States should exercise strong vigilance concerning such criminal matters and urges the most rigorous disciplinary and judicial procedures and the utmost effort to prevent such crimes; recommends, furthermore, appropriate training and education of PKO staff and believes the appointment of female staff and gender advisors would help overcome cultural misconceptions and reduce the occurrence of sexual violence;

25. Calls for a concerted effort towards capacity-building by the EU and the UN; believes the current funding programme is unsustainable, and that conditions should be attached to the African Peace Facility in order to encourage the AU to increase its own contributions to PSOs;

26. Instructs its President to forward this resolution to the President of the European Council, the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, the Council, the Commission, the parliaments of the Member States, the Secretary-General of the UN, the Chairperson of the AU Commission, the President of the Pan-African Parliament, the Secretary-General of NATO and the President of the NATO Parliamentary Assembly.

Tuesday 7 June 2016

P8_TA(2016)0250

Unfair trading practices in the food supply chain

European Parliament resolution of 7 June 2016 on unfair trading practices in the food supply chain (2015/2065(INI))

(2018/C 086/05)

The European Parliament,

— having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 15 July 2014 entitled 'Tackling unfair trading practices in the business-to-business food supply chain' (COM(2014)0472),

— having regard to the report from the Commission to the European Parliament and the Council on unfair business-to-business trading practices in the food supply chain (COM(2016)0032),

— having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 28 October 2009 entitled 'A better functioning food supply chain in Europe' (COM(2009)0591),

— having regard to the Commission's Green Paper of 31 January 2013 on 'Unfair trading practices in the business-to-business food and non-food supply chain in Europe' (COM(2013)0037),

— having regard to its Declaration of 19 February 2008 on 'Investigating and remedying abuse of power by large supermarkets operating in the European Union' ([1]),

— having regard to its resolution of 7 September 2010 on fair revenues for farmers: a better functioning food supply chain in Europe ([2]),

— having regard to its resolution of 19 January 2012 on imbalances in the food supply chain ([3]),

— having regard to the European Economic and Social Committee's opinion of 12 November 2013 on the Commission's Green Paper on 'Unfair trading practices in the business-to-business food and non-food supply chain in Europe',

— having regard to the opinion of the European Economic and Social Committee on the large retail sector — trends and impacts on farmers and consumers ([4]),

— having regard to its resolution of 19 January 2016 on the annual report on EU Competition Policy ([5]), particularly paragraph 104 thereof,

— having regard to the Commission Decision of 30 July 2010 establishing the High Level Forum for a Better Functioning Food Supply Chain ([6]),

— having regard to its resolution of 5 July 2011 on a more efficient and fairer retail market ([7]),

([1]) OJ C 184 E, 6.8.2009, p. 23.
([2]) OJ C 308 E, 20.10.2011, p. 22.
([3]) OJ C 227 E, 6.8.2013, p. 11.
([4]) OJ C 255, 14.10.2005, p. 44.
([5]) Texts adopted, P8_TA(2016)0004.
([6]) OJ C 210, 3.8.2010, p. 4.
([7]) OJ C 33 E, 5.2.2013, p. 9.

— having regard to the study 'Monitoring the implementation of principles of good practice in vertical relationships in the food supply chain', produced by Areté srl for the Commission (January 2016),

— having regard to its resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors ([1]),

— having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising ([2]),

— having regard to Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions ([3]),

— having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ([4]),

— having regard to the UK Groceries Code Adjudicator Investigation into Tesco plc of 26 January 2016,

— having regard to Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts ([5]),

— having regard to Regulation (EU) No 261/2012 of the European Parliament and of the Council of 14 March 2012 amending Council Regulation (EC) No 1234/2007 as regards contractual relations in the milk and milk products sector ([6]),

— having regard to the Supply Chain Initiative progress report of July 2015,

— having regard to the 2012 report from Consumers International entitled 'The relationship between supermarkets and suppliers: what are the implications for consumers?',

— having regard to the universal framework for Sustainability Assessment of Food and Agriculture systems (SAFA) developed by the FAO,

— having regard to the extremely critical situation faced by farmers and agricultural cooperatives, especially in the dairy, pig meat, beef, fruit and vegetables, and cereals sectors,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Agriculture and Rural Development (A8-0173/2016),

A. whereas unfair trading practices (UTPs) are a serious problem, occurring in many sectors of the economy; whereas the Commission's report of 29 January 2016 on unfair business-to-business trading practices in the food supply chain (COM(2016)0032) confirms that those practices can occur at every stage of the food supply chain; whereas the problem is particularly evident in the food supply chain, having adverse effects on the weakest link in the chain; whereas the problem is attested to by all entities in the food supply chain and by many national competition authorities; whereas the Commission, Parliament and the European Economic and Social Committee have repeatedly drawn attention to the problem of UTPs;

B. whereas 'unfairness' in the food supply chain is difficult to translate into infringement of current competition law, as its existing tools are only effective on some forms of anti-competitive behaviour;

([1]) Texts adopted, P7_TA(2013)0580.
([2]) OJ L 376, 27.12.2006, p. 21.
([3]) OJ L 48, 23.2.2011, p. 1.
([4]) OJ L 149, 11.6.2005, p. 22.
([5]) OJ L 95, 21.4.1993, p. 29.
([6]) OJ L 94, 30.3.2012, p. 38.

Tuesday 7 June 2016

C. having regard to the size and strategic importance of the food supply chain for the European Union; whereas the sector employs over 47 million people in the EU and accounts for around 7 % of gross value added at EU level, and whereas the total value of the EU market for products connected with the retail food trade is estimated at EUR 1,05 billion; whereas the retail services sector accounts for 4,3 % of the EU's GDP and 17 % of the EU's SMEs ([1]); whereas 99,1 % of undertakings in the food and drink sector are SMEs and microenterprises;

D. whereas the single market has brought major benefits to operators in the food supply chain, and the food trade has an increasingly significant cross-border dimension and is of particular importance for the functioning of the internal market; whereas cross-border trade between EU Member States accounts for 20 % of the EU's total food and drink production; whereas 70 % of all Member States' food exports are to other Member States;

E. whereas significant structural changes have taken place in the business-to-business (B2B) food supply chain in recent years, involving a high level of concentration and vertical and cross-border integration of entities operating in the production sector, and especially in the processing and retail sectors, as well as upstream to production;

F. whereas entities involved in the food products supply chain have reported UTPs principally consisting of:

— payment delays;

— restricted access to the market;

— unilateral or retroactive changes to contract terms;

— failure to provide either sufficiently detailed or unambiguously formulated information on contract terms;

— refusal to conclude a written contract;

— sudden and unjustified cancellation of a contract;

— unfair transfer of commercial risk;

— demanding payment for goods or services that are of no value to one party to the contract;

— charges for fictitious services;

— transferring transport and storage costs to suppliers;

— forced involvement in promotions, charging to place goods in prominent positions in shops and other additional fees;

— transferring to suppliers the costs of promoting goods in sales areas;

— imposing unconditional return of unsold merchandise;

— exerting pressure to cut prices;

— preventing trading partners from sourcing from other Member States (territorial supply constraints);

G. whereas, given the impossibility of stopping an agricultural production process once it has begun, and the perishable nature of its products, farmers are particularly susceptible to UTPs in the food supply chain;

H. whereas producers sometimes work at a loss following negotiations with other actors in the food supply chain that put them at a disadvantage, e.g. through supermarket markdowns and reductions;

([1]) Eurostat, 2010.

I. whereas UTPs occur where there are inequalities in trading relations between partners in the food supply chain, resulting from bargaining power disparities in business relations, which are the result of the growing concentration of market power among a small number of multinational groups, and whereas these disparities tend to harm small and medium-sized producers;

J. whereas UTPs can have harmful consequences for the individual entities in the food supply chain, particularly in the case of farmers and SMEs, which in turn can have an impact on the entire EU economy, as well as on final consumers by limiting their choice of products and access to new and innovative goods; whereas UTPs may have an impact on price negotiations between enterprises, discourage cross-border trade in the EU and hinder the proper functioning of the internal market; whereas, in particular, unfair practices can result in enterprises cutting back on investment and innovation, including in the fields of environmental protection, working conditions and animal welfare, owing to a reduction in income and a lack of certainty, and may lead them to abandon production, processing or trading activities;

K. whereas UTPs are an obstacle to the development and smooth functioning of the internal market, and can seriously disrupt the proper functioning of the market;

L. whereas UTPs can result in excessive costs, or lower-than-expected revenues for businesses with weaker bargaining power, as well as in overproduction and food waste;

M. whereas consumers potentially face a loss in product diversity, cultural heritage and retail outlets as a result of UTPs;

N. whereas SMEs and microenterprises, which make up over 90 % of the EU's economic fabric, are particularly vulnerable to UTPs, and are more affected than large enterprises by the impact of UTPs, which makes it harder for them to survive on the market, to undertake new investments in products and technology and to innovate, and makes it more difficult for SMEs to expand their activities, including across borders within the single market; whereas SMEs are discouraged from engaging in commercial relationships by the risk of UTPs being imposed on them;

O. whereas UTPs do not only take place in the food supply chain, but just as often in non-food supply chains such as those of the garment industry and the automotive industry;

P. whereas many Member States have introduced various ways of countering UTPs, in some cases by means of voluntary and self-regulatory schemes and in others through relevant national regulations; whereas this has led to a high degree of divergence and diversification between countries in terms of the level, nature and form of legal protection; whereas some countries have not taken any action in this area;

Q. whereas some Member States that had initially chosen to counter UTPs by means of voluntary schemes have subsequently decided to address them through legislation;

R. whereas UTPs are covered only in part by competition law;

S. whereas European competition law should permit consumers to benefit from a wide range of quality products at competitive prices, while ensuring that undertakings have an incentive to invest and innovate by giving them a fair chance to promote the advantages of their products without being unduly forced out of the market by UTPs;

T. whereas European competition law should enable the final consumer to purchase goods at a competitive price, but must also ensure free and fair competition between undertakings, notably in order to encourage them to innovate;

Tuesday 7 June 2016

U. whereas the 'fear factor' comes into play in commercial relationships, with the weaker party being unable to make effective use of their rights and unwilling to lodge a complaint about UTPs imposed by the stronger party, for fear of compromising their commercial relationship;

V. whereas the performance of the food supply chain affects EU citizens' daily lives, given that approximately 14 % of their household expenditure is spent on food;

W. whereas many actors operate in the food supply chain, including manufacturers, retailers, intermediaries and producers, and UTPs may occur at different levels of the chain;

X. whereas the 'fear factor' means that small suppliers will not be able to make effective use of their right, if created, to go to court, and that other, cheap and accessible mechanisms, such as mediation by an independent adjudicator, will better serve their interests;

Y. whereas the Supply Chain Initiative (SCI) has major limitations — e.g. there are no penalties for non-compliance and there is no option of lodging confidential complaints — meaning that it cannot be used as an effective tool to combat UTPs;

1. Welcomes the steps taken to date by the Commission to combat UTPs with a view to securing a more balanced market and to overcoming the current fragmented situation resulting from the different national approaches to addressing UTPs in the EU, but points out that these steps are not sufficient to combat UTPs; welcomes the above-mentioned Commission report of 29 January 2016, as well as the long-expected accompanying study on the monitoring of the implementation of principles of good practice in vertical relationships in the food supply chain, but notes its conclusions, which do not pave the way for an EU-level framework to tackle unfair trading practices at EU level;

2. Welcomes the action taken by the High Level Forum for a Better Functioning of the Food Supply Chain and the setting up of the expert platform on B2B practices, which has drawn up a list, a description and an assessment of trading practices that may be regarded as grossly unfair;

3. Acknowledges the setting up and development of the SCI, which plays an important role in promoting cultural change and improving business ethics, and which has resulted in the adoption of a set of principles of good practice for vertical relationships in the food supply chain and a voluntary framework for the implementation of those principles which only in the second year of its operation already numbers over one thousand participating companies from across the entire EU, and those mainly SMEs; welcomes the progress made so far, and believes that efforts to promote fair trading practices in the food supply chain should make a real impact but cannot currently be considered sufficient to tackle the problem of UTPs in the food supply chain; stresses, however, that the effectiveness of the SCI, as recognised by both the recent Commission report and external evaluation, is undermined by a broad range of shortcomings, such as weaknesses in governance, limitations in transparency, no enforcement measures or penalties, a lack of effective deterrents against UTPs, and not allowing for individual anonymous complaints by potential victims of UTPs or own-initiative investigations by an independent body, which consequently leads to under-representation of SMEs and farmers, in particular, who may find the SCI inadequate for its purpose; recommends the setting up of similar supply chain initiatives in other relevant non-food sectors;

4. Regrets, however, that some of the dispute resolution options promoted by the SCI have not yet been used in practice, meaning that the assessment of their effectiveness is based on theoretical judgments; is concerned that no concrete case has been examined to assess the SCI's role in tackling UTPs, and that a more detailed analysis has not been carried out as regards the collection of data relating to complaints received and resolved; believes that the failure to carry out such an in-depth assessment undermines the overall judgment of the initiative; is disappointed by the statement, as recognised by the aforementioned Areté study evaluating the effectiveness of the SCI, that 'the actual achievements of the SCI may seem very modest if measured against the actual or perceived magnitude and seriousness of the issue of UTPs';

5. Notes the setting up of SCI national platforms of organisations and businesses in the food supply chain to encourage dialogue between the parties, promote the introduction and exchange of fair trading practices and seek to put an end to UTPs, but wonders whether they are really effective; points out, however, that some national platforms have not delivered on these objectives and that, as in the case of Finland, farmers have abandoned the platform; proposes that Member States be encouraged and given incentives to take further action, using suitable instruments, on any complaints or non-conformities reported by these national platforms;

6. Takes the view that the principles of good practice, and the list of examples of fair and unfair practices in vertical relations in the food supply chain, should be extended and enforced in an effective manner;

7. Welcomes the Commission`s currently on-going study on choice and innovation in the retail sector; believes that this exercise would be instrumental in clarifying the evolution and drivers for choice and innovation at overall market level;

8. Welcomes the development of alternative and informal mechanisms for dispute settlement and redress, in particular through mediation and amicable arrangements;

9. Notes that where UTPs exist in the food supply chain, they are contrary to basic principles of law;

10. Condemns practices that exploit imbalances in bargaining power between economic operators and that have an adverse effect on freedom to contract;

11. Points out that UTPs, when imposed by parties in a stronger bargaining position, have a negative impact throughout the food supply chain, including on employment, to the detriment of consumer choice and of the quality, variety and innovativeness of the products made available; stresses that UTPs can hamper business competitiveness and investment, and push companies to make savings at the expense of salaries, working conditions or the quality of raw materials;

12. Reaffirms that free and fair competition, balanced relations among all actors, freedom to contract, and strong and effective enforcement of the relevant legislation — making it possible to protect all economic actors in the food supply chain, irrespective of geographical location — are of key importance in ensuring the proper functioning of the food supply chain and in guaranteeing food security;

13. Points out the need to build mutual trust between supply chain partners, on the basis of the principles of freedom to contract and a mutual beneficial relationship; underlines the corporate social responsibility of the larger contracting party to limit its advantage during negotiations and to work with the weaker party towards a solution that is positive for both parties;

14. Welcomes the Commission's acknowledgement, in its Green Paper of 31 January 2013, that there is no true contractual freedom where there is marked inequality between parties;

15. Recognises that UTPs result primarily from income and power imbalances in the food supply chain, and stresses that these must urgently be addressed in order to ameliorate the situation for farmers in the food sector; notes that selling below the cost of production, and the serious misuse of basic agricultural foods such as dairy, fruit and vegetables as 'loss leaders' by large-scale retailers, threaten the long-term sustainability of EU production of such items; welcomes efforts, such as the Tierwohl Initiative in Germany, aimed at helping farmers to compete on the basis of their products' merits;

16. Points out that UTPs have serious negative consequences for farmers, such as lower profits, higher-than-estimated costs, food overproduction and wastage, and financial planning difficulties; emphasises that such negative consequences ultimately reduce consumer choice;

17. Questions the unwavering support expressed in the Commission's report for the SCI, given its limitations; reiterates farmers' reluctance to participate on account of the lack of trust, the restrictions on anonymous complaints, the lack of statutory power, the inability to apply meaningful sanctions, the absence of adequate mechanisms to combat well-documented UTPs, and concerns about imbalances in the nature of enforcement mechanisms that have not been taken adequately into account; regrets the Commission's reluctance to ensure anonymity and appropriate sanctions;

Tuesday 7 June 2016

18. Believes that the SCI and other national and EU voluntary systems (codes of good practice, voluntary dispute settlement mechanisms) should be developed further and promoted as an addition to effective and robust enforcement mechanisms at Member State level, ensuring that complaints can be lodged anonymously and establishing dissuasive penalties, together with EU-level coordination; encourages producers and traders, including farmers' organisations, to become involved in such initiatives; takes the view that these initiatives should be available to all suppliers who are not concerned about their anonymity, and that they may usefully evolve as platforms for education and the sharing of best practices; notes that the Commission, in its recent report, states that the SCI needs to be improved, in particular to take account of confidential complaints and as regards the granting of investigatory and sanctioning powers to independent bodies;

19. Asks the Commission to take steps to ensure effective enforcement mechanisms, such as the development and coordination of a network of mutually recognised national authorities at EU level; emphasises, in this context, the UK Groceries Code Adjudicator as a possible model to follow at EU level, which could create a real deterrent against UTPs and help to eliminate the 'fear factor';

20. Welcomes the recent step taken by the SCI to enable SMEs and micro-enterprises to join under a simplified procedure; notes that the number of registered SMEs has increased; points out, however, that the SCI needs to be further strengthened through a number of actions, identified by the Commission in its report of 29 January 2016, in relation to which progress should be monitored by the Commission with a view to:

— stepping up efforts to publicise and improve awareness of the SCI, especially among SMEs;

— ensuring the impartiality of the governance structure, e.g. by establishing an independent chair who is not affiliated to specific stakeholder groups;

— allowing alleged victims of UTPs to complain confidentially;

— enhancing internal procedures to check that individual operators comply with their process commitments and to monitor the occurrence and outcome of bilateral disputes in a confidential manner;

21. Notes the Commission's observation that farmers' representatives have decided not to join the SCI as, in their view, it does not ensure sufficient confidentiality for complainants and lacks statutory powers for independent investigations and meaningful sanctions, as well as mechanisms to combat well-documented UTPs, and as their concerns about imbalances in the nature of enforcement mechanisms have not been properly taken into account; believes that farmer participation is crucial, and that decreased participation does not reflect a lack of awareness, but rather a lack of faith in current SCI procedures and governance; proposes, therefore, that improving the functioning of the SCI via, inter alia, independent governance, confidentiality and anonymity, and effective enforcement and deterrence, could, as a first step, increase farmer interest, support, and, thereby, participation;

22. Calls on the Commission and the Member States to facilitate and encourage producers to join producer organisations (POs) and associations of producer organisations (APOs) in order to increase their bargaining power and position in the food supply chain;

23. Acknowledges, nonetheless, that voluntary and self-regulatory schemes can offer a cost-effective means to ensure fair conduct in the market, resolve disputes and put an end to UTPs, if coupled with independent and effective enforcement mechanisms; underlines, however, that, so far, such schemes have shown limited results owing to a lack of proper enforcement, under-representation of farmers, impartial governance structures, conflicts of interest between the parties concerned, dispute settlement mechanisms that fail to reflect supplier 'fear factor' and the fact that they do not apply to the whole supply chain; calls on the Commission to continue supporting the exchange of best practices among Member States;

24. Notes that there is EU legislation already in place to combat unfair business-to-consumer commercial practices (Directive 2005/29/EC), but points out that there is no EU legislation to combat unfair practices between different operators in the agri-food chain;

25. Points out that any serious analysis of UTPs must take as its starting point the new economic paradigm that has emerged over the last few years: large-scale retail in which access to sales outlets has become the subject of fierce competition under the control of the supermarkets; points out that some competition authorities have identified specific practices involving the transfer of excessive risk to suppliers which could render them less competitive; points out that those authorities have also concluded that own brands bring in an element of horizontal competition vis-à-vis industry brands that has not been given sufficient consideration;

26. Stresses that action to combat UTPs will help to ensure the proper functioning of the internal market and to develop cross-border trading within the EU and with third countries; points out that the fragmented nature of the markets, and disparities between national laws on UTPs, expose supply chain operators to a range of diverse market conditions and can lead to the practice known as 'forum shopping', which, in turn, could lead to regulatory uncertainty;

27. Calls on the Commission and the Member States fully and consistently to enforce competition law, rules on unfair competition and anti-trust rules, and, in particular, to impose firm penalties for abuse of a dominant position in the food supply chain;

28. Considers it essential to ensure that EU competition law takes into account the specific features of agriculture and serves the welfare of producers as well as consumers, who play an important role in the supply chain; believes that EU competition law must create the conditions for a more efficient market that enables consumers to benefit from a wide range of quality products at competitive prices, while ensuring that primary producers have an incentive to invest and innovate without being forced out of the market by UTPs;

29. Points out that while private, own-brand labelled products can bring increased value, choice and 'fair trade' products to consumers, they also represent a strategic issue in the medium- and long-term, as they introduce a horizontal dimension to competition in respect of industrial brands that had never previously been a factor and that can give an unfair and anti-competitive position to retailers, who become both customer and competitor; draws attention to the existence of a 'risk threshold' beyond which the market penetration of own brands in a given category of product could turn the current positive effects of own brands into negative effects, and provide a disincentive as regards the innovative efforts of many companies; insists, therefore, that the issue of private own-brands requires particular attention from the Commission and competition authorities, specifically with regard to the need to assess the potential long-term consequences for the supply chain and the position of farmers within it, while bearing in mind that consumer habits in Member States vary;

30. Calls on the Commission and the Member States to fully and consistently enforce Directive 2011/7/EU on combating late payments in commercial transactions, in order that creditors be paid within 60 days by businesses, or otherwise face interest payments and payment of reasonable recovery costs of the creditor;

31. Invites the Commission to submit a proposal, or proposals, for an EU-level framework laying down general principles and taking proper account of national circumstances and best practices to tackle UTPs in the entire food supply chain in order to ensure a level playing-field across Member States that will enable markets to operate as they should and fair and transparent relations to be maintained between food producers, suppliers and distributors;

32. Believes strongly that the definition of UTPs outlined by the Commission and relevant stakeholders in the document 'Vertical relationships in the Food Supply Chain: Principles of Good Practice', dated 29 November 2011 ([1]), should be taken into account, along with an open list of UTPs, when submitting a proposal for an EU-level framework;

([1]) https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/discussions/Vertical%20relationships%20in%20the%20Food%20Supply%20Chain%20-%20Principles%20of%20Good%20Practice.pdf

33. Suggests, furthermore, that anonymity and confidentiality be incorporated into any future legislative initiative, or initiatives, in this area;

34. Considers that Member States should, when not already the case, establish or recognise public agencies or dedicated bodies like an adjudicator, at national level with responsibility for enforcing action to combat unfair practices in the food supply chain; takes the view that public agencies of this kind can facilitate enforcement, e.g. by being empowered to open and conduct investigations on their own initiative and on the basis of informal information or complaints dealt with on a confidential basis (thus overcoming the 'fear factor'), and can act as a mediator between the parties involved; stresses the need for mutual recognition and effective cooperation at EU level between national authorities to ensure sharing of relevant information, particularly on good practice, and expertise concerning new types of UTPs, acting in full respect for the principle of subsidiarity;

35. Calls on the Commission, the Member States and other relevant stakeholders, in follow-up to the Commission's report, to facilitate the incorporation of farmers' organisations (including POs and APOs) within the scope of national enforcement bodies governing the food supply chain, primarily by securing the anonymity of complaints and an effective sanctions regime;

36. Believes that framework legislation at EU level is necessary in order to tackle UTPs and to ensure that European farmers and consumers have the opportunity to benefit from fair selling and buying conditions;

37. Points out that this European framework legislation must not lower the level of protection in countries that have adopted national legislation to combat business-to-business UTPs;

38. Calls on Member States without a competent enforcement authority to consider establishing such an authority and to provide it with power to supervise and enforce measures necessary to tackle UTPs;

39. Stresses that the enforcement authorities should have a range of different enforcement measures and sanctions at their disposal, in order to allow, in accordance with the gravity of the specific circumstance, a flexibility of response; believes that such measures and sanctions should have a deterrent effect with a view to changing behaviour;

40. Recalls that all Member States already have regulatory frameworks addressing UTPs; notes the recent regulatory action taken by some Member States, whereby they have introduced provisions supplementing national competition law, broadened the scope of application of the directives on UTPs by extending their provisions to cover B2B relations, and set up independent enforcement agencies; notes, however, that the different approaches taken in this regard by the Member States concerned has resulted in various degrees and types of protection against UTPs;

41. Notes that, in adopting measures to counter UTPs within the food supply chain, due account must be taken of the specific features of each market and the legal requirements that apply to it, the different situations and approaches in individual Member States, the degree of consolidation or fragmentation of individual markets, and other significant factors, while also capitalising on measures already taken in some Member States that are proving to be effective; takes the view that any proposed regulatory efforts in this area should ensure that there is relatively broad discretion to tailor the measures to be taken to the specific features of each market, in order to avoid adopting a 'one-size-fits-all' approach, and should be based on the general principle of improving enforcement by involving the relevant public bodies alongside the concept of private enforcement, thus also contributing to improving the fragmented and low level of cooperation that exists within different national enforcement bodies and to addressing cross-border challenges regarding UTPs;

42. Points out that the existing fragmented and low level of cooperation within different national enforcement bodies is not sufficient to address cross-border challenges regarding UTPs;

43. Calls on the Commission to assess the effectiveness and impact of regulatory and non-regulatory measures, with due account taken of all the possible implications for the various stakeholders and for consumer welfare, and of the policy mix indicated by respondents to the aforementioned Areté study, being a combination of voluntary initiatives and public enforcement (33 % of total answers) and specific legislation at EU level (32 %);

44. Is convinced that consumer awareness about agricultural products is fundamental to addressing the problems resulting from imbalances in the food supply chain, including UTPs; calls on all stakeholders involved in food supply chain management to step up transparency in the overall food supply chain and to increase consumer information through more appropriate product labelling and certification schemes, in order to enable consumers to make fully-informed choices about available products, and to act accordingly;

45. Calls on the Commission, in close cooperation with the Member States, to promote initiatives whereby consumers can be alerted to the risks of price dumping for primary producers, and expressly supports awareness-raising campaigns to that end in schools and training establishments;

46. Notes that, since 2009, it has adopted five resolutions on problems in the EU retail chain, including three specifically on imbalances and abuses within the food supply chain; further notes that during the same period the Commission has produced three communications and a Green Paper, and has commissioned two final reports on similar subjects; declares, therefore, that yet more analysis on the state of the food supply chain will merely delay the pressing need for action to help farmers fight unfair trading practices;

47. Urges all parties in the food supply chain to consider standard contracts, and also new-generation contracts, whereby risks and benefits are shared;

48. Recognises that the reform of the common agricultural policy (CAP) and the new single common market organisation have introduced a number of measures aimed at addressing the bargaining power gap among farmers, the retail trade, the wholesale trade and SMEs in the food supply chain by supporting, in particular, the establishment and expansion of POs; stresses the importance of this supply-side cooperation;

49. Notes that Regulation (EU) No 1308/2013, which provides for the establishment of POs, is backed by financial incentives under the second pillar of the CAP; points out that the legal framework extends the scope for collective bargaining (in some sectors) and delivery contracts (in all sectors) to POs, associations of POs (APOs) and inter-branch organisations, and also introduces temporary exemptions from certain competition rules in periods of severe market imbalance, subject to safeguards;

50. Urges the Commission to strongly promote this approach in order to increase the bargaining power of the primary producer and to encourage producers to join POs and APOs; underlines, in particular, the vulnerability of small and family farmers, who have the potential to create and support employment in isolated, remote and mountain regions;

51. Takes the view that strengthening and establishing producer organisations must go hand in hand with strengthening farmers' bargaining power in the food chain, in particular by giving them the right to have their contracts collectively bargained;

52. Calls for increased transparency and provision of information within the supply chain and for the strengthening of bodies and market information tools such as the European Food Price Monitoring Tool and the Milk Market Observatory, with a view to supplying farmers and POs with accurate and timely market data;

53. Is of the opinion that prices throughout the food supply chain should better reflect the value added by primary producers; calls, accordingly, for the retail price formation process to be as transparent as possible;

54. Points out that farmers in a number of Member States have secured a strong position in the food supply chain by establishing cooperatives which ensure that value added at the processing stage is channelled back to farmers, and considers it crucial that these cooperatives are not burdened with extra costs as a result of compulsory and costly red tape;

55. Urges producers and processors to work together to invest in innovation and increase the added value of their products;

56. Reminds the Commission that in December 2013 Parliament adopted an own-initiative report calling on the Commission to examine the possibility of independent enforcement with a view to addressing the 'fear factor' among primary producers; urges the Commission to consider this in its own report;

57. Takes the view that professional organisations could act as a platform for primary producers, allowing them to lodge complaints with a competent authority about alleged UTPs without fear;

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

Tuesday 7 June 2016

P8_TA(2016)0251

Technological solutions for sustainable agriculture

European Parliament resolution of 7 June 2016 on technological solutions for sustainable agriculture in the EU (2015/2225(INI))

(2018/C 086/06)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 11, 114(3), 168(1) and 191 thereof,

— having regard to Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC ([1]),

— having regard to Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC ([2]),

— having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ([3]),

— having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([4]),

— having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ([5]),

— having regard to Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 ([6]),

— having regard to Council Regulation (EC) No 870/2004 of 24 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94 ([7]), and to the Commission report of 28 November 2013 entitled 'Agricultural Genetic Resources — from conservation to sustainable use' (COM(2013)0838),

— having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ([8]),

— having regard to the Memorandum of Understanding of 14 July 2014 between the European Commission and the European Investment Bank for cooperation in agriculture and rural development in 2014-2020,

([1]) OJ L 347, 20.12.2013, p. 965.
([2]) OJ L 347, 20.12.2013, p. 104.
([3]) OJ L 347, 20.12.2013, p. 487.
([4]) OJ L 309, 24.11.2009, p. 1.
([5]) OJ L 309, 24.11.2009, p. 71.
([6]) OJ L 77, 15.3.2014, p. 44.
([7]) OJ L 162, 30.4.2004, p. 18.
([8]) OJ L 268, 18.10.2003, p. 1.

Tuesday 7 June 2016

— having regard to its resolution of 11 March 2014 on the future of Europe's horticulture sector — strategies for growth ([1]),

— having regard to the 2014 study by Policy Department B: Structural and cohesion policies — Agriculture and rural development, entitled 'Precision agriculture: An opportunity for EU farmers — potential support with the CAP 2014-2020',

— having regard to the 2013 study by Science and Technology Options Assessment (STOA) entitled 'Technology options for feeding 10 billion people';

— having regard to the Commission communication of 29 February 2012 on the European Innovation Partnership 'Agricultural Productivity and Sustainability' (COM(2012)0079),

— having regard to the Commission communication of 13 February 2012 entitled 'Innovating for Sustainable Growth: A Bioeconomy for Europe' (COM(2012)0060),

— having regard to the Commission decision of 16 October 2015 on the setting up of the High Level Group of Scientific Advisors (C(2015)6946),

— having regard to the Commission communication of 19 May 2015 entitled 'Better regulation for better results — An EU agenda' (COM(2015)0215),

— having regard to its resolution of 17 December 2015 on patents and plant breeders' rights ([2]);

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development (A8-0174/2016),

A. whereas our societies are facing multiple challenges involving agriculture and must play their part, and whereas the global population is estimated to reach 9,6 billion by 2050, meaning there will be around 2,4 billion more people than today;

B. Whereas on average at least one third of food produced is wasted, and nearly half in some sectors, and whereas one of the most effective ways of meeting this anticipated demand, while not depleting scarce resources, is by harnessing technological solutions to increase production, improve the means of distribution and tackle food waste;

C. whereas there is a pressing demand to produce more food which is safe, healthy and nutritious for EU and global citizens in order to deal with malnutrition, obesity, cardio-vascular disease, etc.; and whereas the EU's high food quality standards enjoy worldwide recognition;

D. whereas there are many alternatives for land use which compete with farming, including urbanisation, industry, tourism and recreation;

E. whereas agricultural raw materials offer prospects for growth in green chemistry;

F. whereas making farming more sustainable is becoming an ever more important objective for operators, given the need to control costs in order to safeguard incomes, on the one hand, and to respond to the depletion and degradation of natural resources (soil, water, air and biodiversity) on the other; whereas agriculture accounts for 70 % of the world's fresh water use, and whereas water availability is already a major limitation on agricultural production in some regions of the EU and globally; whereas the use of drinking water in agriculture can be significantly reduced by the effective use of modern irrigation techniques and by growing crops suited to the local climate;

([1]) Texts adopted, P7_TA(2014)0205.
([2]) Texts adopted, P8_TA(2015)0473.

G. whereas nitrogen fertilisers drive high yields, but their manufacture accounts for about 50 % of the fossil fuel energy consumed by agricultural production systems;

H. whereas global energy demand is predicted to rise by 40 % by 2030, and whereas serious thought must now be given to meeting this demand through increased energy efficiency and a secure energy mix that includes renewables; whereas research has shown that shorter agro-food chains can lead to reduced energy inputs with cost and environmental benefits;

I. whereas up to 40 % of global crop yields are lost to plant pests and diseases each year, and whereas this percentage is expected to increase significantly in the years ahead; whereas steps must be taken to prevent this figure from increasing further, including through systemic approaches and adaption of existing production models, and whereas climate change is contributing to this loss and leading to the emergence of ecologically novel plant pests and diseases;

J. whereas global warming is generating extreme weather events that result in droughts or floods that cause substantial damage to the population groups affected and pose severe risks to their food security; and whereas climate resilience in biologically and structurally diverse agro-ecosystems can help to reduce this risk;

K. whereas the EU's genetic crop potential is not being consistently realised on Europe's farms, where yields have plateaued in recent years;

L. whereas the diversity and quality of plant genetic resources play a crucial role in agricultural resilience and productivity, thus being a determining factor for long-term farming and food security;

M. whereas closing the 'yield gap' poses a particular problem for the sustainable agriculture research agenda;

N. whereas precision farming involves the use of automation and other technologies to improve the precision and efficiency of key agricultural management practices, by using system-based approaches to collect and analyse data and optimise interactions between the weather, soil, water and crops, and whereas precision farming is ultimately designed to lower pesticide, fertiliser and water use while improving soil fertility and optimising yields;

O. whereas soil science shows us that healthy, living soils nurture and protect crops via beneficial species that defend against pathogens and pests and also provide plant crops with nutrients and water in exchange for sugars in plant root exudates; whereas agricultural practices may impact negatively on the biological, chemical and physical quality of soils, with consequences including soil erosion, degradation of soil structures and loss of fertility;

P. whereas the benefits of innovative technologies should not be limited to one type of agricultural practice and need to be applicable to all farming types, whether conventional or organic, livestock or arable, or small or large-scale;

Q. whereas the number of pesticide active substances was reduced by 70 % between 1993 and 2009, while the presence of pest outbreaks has increased in the European Union; whereas the approvals process, including the criteria for defining active substances and for new substances constituting an alternative to plant protection products, is becoming increasingly challenging for EU agriculture and its citizens; whereas there is a need to urgently address the lack of active substances for minor uses;

Tuesday 7 June 2016

R. whereas insufficient crop protection solutions for specialty crops endangers the quality, diversity and sustainable production of food crops in the EU, which has a direct impact that has been estimated to amount to more than EUR 1 billion, including production loss and additional costs for farmers;

S. whereas short-term cycles in policy and research funding priorities can be detrimental to skills, infrastructure and innovation in agriculture, and whereas priority should be given to the efficient transfer of research findings from science to farmers, and to research programmes focused on improving the sustainability of agriculture, reducing production costs and increasing competitiveness;

Precision Farming (PF)

1. Notes that the agriculture sector has always relied on new farm business models and practices that include new techniques and production methods to increase outputs and adapt to new and changing circumstances; emphasises that ecosystem services, such as nutrient cycling, are of central importance to agriculture, and that some functions, such as carbon sequestration, go beyond food production;

2. Is convinced that innovation has the potential to contribute to achieving sustainable agriculture in the EU, and considers PF technologies to be particularly important for maintaining progress, but recognises the limits to its widespread adoption, including the reliability, manageability and limited knowledge of this technology and its adaptability to all farm types and sizes;

3. Takes the view that the principles underpinning PF can generate significant benefits for the environment, increase farmers' incomes, rationalise the use of agricultural machinery and significantly increase resource efficiency, including use of water for irrigation; therefore encourages the Commission to promote policies to stimulate the development and uptake of precision farming technologies for all farm types, irrespective of their size and production, whether crop and/or animal farming;

4. Highlights the particular need for the innovation process in PF to solve the problem of 'high cost' in the development and use of some PF technologies, and for farmers and the whole supply chain to be actively involved in the development of these technologies in order to ensure clear benefits at farm level and to help farms become more resilient;

5. Is convinced that economic development and sustainable production are not mutually exclusive and are achievable through innovation; stresses the need to support innovation in technology and governance by providing regulatory coherence, clarity and room for entrepreneurship, and urges the Commission to ensure that innovation is explicitly taken into account in forthcoming reviews and reforms of relevant legislation; highlights the fact that European agriculture is able to produce high-quality and high-added-value products together with profitable, knowledge-based solutions in order to feed a growing and more demanding world population;

6. Calls on industry, the Commission and the Member States to work in partnership to improve the performance and adaptability of robotic and other PF techniques in order for research funding to be used effectively in the interests of agriculture and horticulture;

7. Further calls on industry to exploit opportunities arising from innovation to develop PF capabilities which are accessible to all, thus empowering people with disabilities, promoting gender equality and broadening the skills base and employment opportunities in rural communities;

8. Welcomes the inclusion of PF robotics in the newly published Horizon 2020 work programme for 2016-2017, but regrets that proposals under this call do not require a multi-actor approach, which may mean that farmers are excluded from innovative developments; emphasises that PF can reduce resource use by at least 15 %; encourages the uptake of precision agriculture that provides new whole-farm management approaches, such as GPS/GNSS-technology-driven machinery and remotely piloted aircraft systems (RPASs);

Big data and informatics

9. Points out that the farming industry, like all other sectors of the economy, is undergoing a process of change; emphasises that modern farming was made possible only by the acceptance of scientific and technological progress, and that digital advances likewise offer the possibility of further development in the farming sector;

10. Emphasises that the collation and analysis of large integrated data sets has the potential to drive innovation in agriculture and is particularly useful in addressing and developing an efficient and sustainable food-chain that will benefit farmers, the economy, consumers and the environment; calls on the Commission and the Member States to remove the barriers to integrating complex and fragmented ICT systems, stimulating investment and covering training costs, and to make the necessary facilities more accessible to agriculture;

11. Welcomes the progress made by the European Space Agency (ESA) in developing PF; takes the view that the ESA's Sentinel 2B satellite, which is to be placed in orbit in late 2016, may give a clearer picture of the amount of land taken up by crops and forests, with the result that agricultural policies can be implemented more effectively, use of resources rationalised and harvesting periods optimised; calls on the Commission and the Member States to support the use of satellite-based systems;

Soil, water and nutrient management

12. Recognises soil degradation to be a major constraint in agricultural production, and calls for greater ambitions and efforts to improve soil and water management practices, particularly in light of climate change; welcomes the development of controlled traffic farming (CTF) technologies, which reduce soil damage caused by overworking of the land, and also welcomes recent efforts to integrate high-resolution remote sensing technologies into organic farming; encourages the Commission to quantify the environmental and production benefits of these new technologies and to ensure awareness, knowledge and technology transfer;

13. Calls for farmers to be included in the design, testing and dissemination of soil nutrient mapping technologies in order to help improve their effectiveness;

14. Regrets that the efficiency of nutrient use in the EU is very low, and stresses that action is needed to improve the efficiency of nitrogen (N), phosphorous (P) and potassium (K) use, in order to reduce their impact on the environment and improve food and energy production; calls for targeted research (and its applied use) to improve nutrient efficiency monitoring and the further optimisation of variable rate technologies;

15. Agrees that the development of new technologies and innovative agricultural practices could contribute significantly to reduced use of plant protection products, fertiliser and water, and also combat soil erosion;

Genetic diversity

16. Is of the view that the loss of genetic diversity over the past century threatens food/feed security and undermines EU policies on sustainable agriculture, biodiversity protection and climate change mitigation strategies; believes that monoculture and a lack of crop rotation is a major factor in this loss; considers all plant varieties and animal species, including landraces, their wild and semi-wild relatives, and old and pioneer varieties to be essential for maintaining genetic diversity, breeding programmes and the production of sufficient, nutritious and healthy food;

17. Takes the view that EU regulation should enable farmers and breeders to make the best use of such genetic resources to safeguard biodiversity and innovation in developing new varieties; stresses that EU regulations should always aim not to undermine such innovative processes by putting an unnecessary administrative burden on breeders and farmers;

18. Stresses the need for greater dialogue between genetic banks, private and public plant research, breeders, end users and all other actors involved in the conservation and use of genetic resources, in order to build resilience and meet the challenges of sustainable farming throughout Europe;

19. Highlights the previous support from DG Agriculture and Rural Development (AGRI) and DG Research and Innovation (RTD) for genetic resource conservation activities, for example the European Native Seed Conservation Network (ENSCONET), but calls for successor programmes to continue the support for crop and livestock genetic conservation activities, especially the in-field use of genetic resources through on-farm measures;

20. Stresses the importance of opening up the conservation of genetic resources to a greater diversity of plant and animal species and for the research funding in this area to result in technological improvements for agriculture and horticulture;

21. Calls on the Commission to put forward proposals for the European strategy for the safeguarding of genetic diversity in agriculture provided for in Measure 10 of the EU Biodiversity Strategy for 2020;

22. Recognises the need to use germplasm collections responsibly in order to identify and characterise traits for resource use efficiency, pest and disease resistance and other attributes conferring improved quality and resilience; considers that this requires greater emphasis to be placed on phenotyping, which is a particular bottleneck for many crops;

23. Notes that the most effective way to maintain genetic diversity in agriculture is by using it in vivo; notes that of the three DUS criteria (distinctiveness, uniformity and stability) applied to official EU seed catalogues, uniformity and stability are not natural characteristics in genetically diverse plants; notes that adaptation to climate change is dependent upon high genetic variation; notes the increasingly concentrated seed markets and decreased variation per variety; encourages the role played by farm seed systems and exchanges in empowering farmers, and recognises participative breeding as a long tradition of innovation in rural communities;

24. Recognises the need to maintain and use genetic resources for long-term food security and to broaden the genetic base of modern plant and animal breeding programmes; recognises that organic farms face a shortage of new varieties that are resistant to pests and diseases and which could be cultivated without the use of plant protection products; supports the concept of access and benefit sharing, but urges implementation of the Nagoya Protocol, under Regulation (EU) No 511/2014, and Implementing Regulation (EU) 2015/1866, so that breeders are not deterred by the complexity and cost arising from using wild material to introduce new traits such as pest and disease resistance, nutritional quality and environmental resilience; notes that this should be done without disempowering rural communities that have stewarded species and bred varieties throughout the years;

25. Considers it essential to maintain and develop the performance of local breeds, given their ability to adapt to the characteristics of their native environment, and for farmers' rights to breed plants autonomously and to store and exchange seeds of different species and varieties to be respected, in order to ensure the genetic diversity of European agriculture;

26. Recognises the need to support suitable crop rotations that remain profitable for farmers; also highlights the need to maintain a range of suitable crop protection tools for a broad range of crops, in addition to genetic resources; stresses that, without such tools, the diversity of crops that can be produced profitably will be severely impacted;

Precision breeding

27. Supports the need for continuous progress in innovative breeding through the application of safe and proven techniques aimed at increasing not only the range of pest- and disease-resistant traits in crops, but also the range of food raw materials with nutritional and health-beneficial characteristics on the market;

28. Considers it important to ensure sustained support for development and use of future technological tools which may allow breeding to successfully address the societal challenges ahead;

29. Considers it timely for the Commission to publish the final report of the 'New Techniques' working group and to use its scientific findings as a basis for, inter alia, clarifying the legal status of the breeding techniques currently under scrutiny and to use sound legal analysis in its deliberations;

30. Encourages open and transparent dialogue among all stakeholders and the public on the responsible development of high-precision, innovative solutions for breeding programmes, including on its risks and benefits; notes that this will require efforts to raise awareness and understanding of new techniques among farmers and the general public; calls on the Commission to ensure that consumers and farmers are sufficiently educated in new and emerging breeding techniques so as to ensure that an open and informed public debate can take place;

31. Expresses concern at the recent decision of the Enlarged Board of Appeal of the European Patent Office (EPO) of 25 March 2015 in Cases G2/12 and G2/13;

Plant protection products (PPPs)

32. Stresses the urgent need to review the implementation of the regulatory framework for PPPs and to develop a coherent, efficient, predictable, risk-based and scientifically robust assessment and approvals system; considers it important to reduce farmers dependence on pesticides as much as possible, noting that production of food and feed operates in a competitive, international environment; considers it important to develop PPPs which are cost-effective, safe to use and environment friendly;

33. Welcomes the 2016 Commission Work Programme REFIT initiatives which commit the EU to carrying out an evaluation of Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005; stresses that the REFIT process must not lead to the lowering of food safety and environmental protection standards;

34. Calls on the Commission to include in its report to Parliament and the Council options for amending and improving the current legislation, and in particular on the functioning of mutual recognition of authorisations and the zonal evaluations process;

35. Underlines the concern that the zonal authorisations system is not functioning, owing to the continued use of outdated national authorisation methodologies, and calls on the Commission to harmonise the approval system to ensure mutual recognition of products across the Member States in the zones identified in Regulation (EC) No 1107/2009;

36. Welcomes the latest Integrated Pest Management — European Research Area Network (IPM-ERANET) and the new coordination platform for 'minor uses', but considers that the platform could be better exploited to cover research and innovation with a view to addressing the lack of crop protection solutions for minor use and speciality crops;

37. Highlights the importance of transparently assessing the impacts of active substances with a view to ensuring sustainable agriculture in line with EU law, and of comprehensively evaluating the risk and hazards associated with the use of products, and recalls that the precautionary principle should be used when the degree of uncertainty is too high to ensure public health or good agricultural and environmental conditions;

38. Calls on DG Health and Food Safety (SANTE) to establish clear criteria for defining low-risk active substances for the development and use of low-risk pesticides, while considering evolving scientific knowledge and ensuring that the objectives of health and environmental protection are met, and to ensure that safety data are present for the criteria applied for all potential low-risk substances;

39. Takes the view that low-risk substances, including non-chemical alternatives to PPPs such as biological controls, should be given priority for evaluation by the rapporteur Member States and the European Food Safety Authority (EFSA) in order to help meet the aims of Directive 2009/128/EC regarding integrated pest management and the sustainable use of pesticides, especially for product use on minor and speciality crops;

40. Stresses that farmers need to have a bigger toolbox at hand to protect their crops and to decide which measure will best protect their crops; therefore encourages wider use of various alternatives to traditional pesticides, including biopesticides, as a component of integrated pest management, and calls for more efforts to be made to develop more cost-effective alternatives by supporting field research into and more demonstration of non-chemical alternatives and low-risk measures and pesticides which are more environment friendly;

41. Notes that biological controls are methods of protecting crops based on the use of living organisms or natural substances and could reduce the use of traditional pesticides and contribute to better plant resilience;

42. Calls on the Commission to come forward with an action plan and to set up an expert group in order to work towards a more sustainable pest management system; highlights the potential of a pest management system that improves the interaction between plant breeding efforts, natural combat systems and pesticide use;

43. Regrets the slow progress of the Member States and the Commission in respectively implementing and evaluating implementation of IPM and Directive 2009/128/EC;

Skill development and knowledge transfer

44. Recognises that the development of agri-related technologies requires a multitude of specialist skill sets and knowledge that are transdisciplinary in approach — these include, but are not limited to, general plant, animal and environmental science, physiology and engineering;

45. Regrets the increasing skill shortages in many of these professions, and calls on the Member States to work in partnership with industry, research institutions and other relevant stakeholders in the design of their next rural development programmes, including European Innovation Partnerships (EIPs), with a view to identifying opportunities to support skill development and knowledge transfer in these areas, including by means of training and apprenticeships for young farmers and new entrants;

46. Calls on the agricultural technologies sector to improve coordination and integration of on-farm demonstrations and use of demonstration and monitor farms with a view to sharing best practice at regional, national and European level, using currently available or new programmes, initiatives or resources;

47. Recognises the potential that precision farming and digital technology integration can have in making agriculture more attractive for young farmers and creating new opportunities for growth and employment in rural areas; believes that investing in the development of these technologies may foster generational change in farming;

Research and funding priorities

48. Recognises the long-term challenges associated with sustainable agriculture and horticulture, and calls on the Commission and the Member States to develop a long-term investment plan, assigning priority to a sectoral approach, with continuity of funding, for basic and applied research, and asks the Commission and the Member States to improve training for specialists in sustainable agriculture, and to ensure that expert consultation is available;

49. Considers that the plan should include cost-effective solutions and be applicable to small-scale producers, rural areas and outermost and mountainous regions; emphasises that farmers are the major stewards of the environment in Europe and need continued access to innovation and research, enabling them to produce food, feed and other products in a sustainable and more cost-effective way, while protecting the environment for future generations and enhancing biodiversity and ecosystem services;

50. Welcomes the progress made in applied research in recent years, but calls for greater efforts to guarantee knowledge transfer to end users and to involve farmers and other users of agricultural technologies and products, including small farms;

51. Calls for the European Innovation Partnership for competitive and sustainable agriculture, contained in the second pillar of the CAP, to be stepped up in order to create partnerships of innovative actors, including all farmers, and in particular small-scale farmers, further away from European decision-making centres;

52. Notes that, in Member States where public-private partnerships are used intelligently, there has been a greater shift towards applied research and a higher involvement of end users;

53. Considers it essential for the Commission and the Member States to develop projects which focus on the development of more resource-efficient agricultural practices and crop varieties, including locally specialised varieties, aimed at the conservation and improvement of soil fertility and nutrient exchange, especially given the increasing scarcity of water availability and certain key components of fertilisers such as phosphate; calls on the Commission to prioritise investment in the circular economy and climate-smart farming practices, with adequate funding incentives for research and uptake by farmers; underlines that the merits of aquaponics, closed loop nutrient cycling, agro-ecology, including agroforestry, conservation agriculture and sustainable forest management, sapropel, short feed chains, pasture-based grazing and low-input production should be duly evaluated, divulged and incentivised;

54. Also considers it essential for the Commission and the Member States to develop innovative projects for producing non-food products (bio-economy, renewable energy, etc.) and services with a view to developing a more resource-efficient agriculture industry (better use of water, energy, food for crops and animals, etc.), and one which is more autonomous;

55. Notes that, throughout much of the EU, independent or publically-funded centres for education, training and innovation in agriculture have declined or do not adequately cater for transdisciplinary approaches in emerging fields such as agricultural engineering; recognises that in some Member States farmers' qualifications are still limited, which makes access to, and the application of, new technologies more difficult, and therefore calls on the Commission to draw up a European plan for investment in technical or higher-level agricultural training and education;

56. Welcomes the recently launched European Innovation Partnership for Agricultural Productivity and Sustainability (EIP-AGRI), which aims to link research and practical farming, and calls on the Commission to play an active role in boosting coordination at national and cross-border level to promote an explicit innovation agenda linked to Horizon 2020 and to guarantee adequate knowledge transfer to end users;

57. Encourages the Commission and the Member States to do more to raise public awareness of the value of farming in the EU, and to develop trans-European centres for agricultural innovation that would demonstrate and enable appropriate access to innovative new technologies, sustainable agriculture, food security and sovereignty;

58. Stresses that the activities of these centres should enable access to new technologies not only for sustainable agriculture but also for sustainable rural development by working within communities, with rural SMEs, cooperatives and producer organisations; underlines that they should be transparent and open to the general public and farmers, and should have a trans-sector approach, fostering dialogue among sectors that may be impacted by innovation in different ways;

59. Urges the Commission to ensure that, alongside technological and scientific innovations, traditional techniques and farms can continue to flourish, given that these are an immense asset, being a source of cultural, rural, historical and tourism diversity, and provide a livelihood for numerous European small-scale farmers in a whole variety of regions;

60. Calls on the Member States to make better use of the financial instruments created under the joint Memorandum of Understanding between the Commission and the European Investment Bank in respect of agriculture and rural development for the period 2014-2020;

61. Emphasises the added value associated with these instruments, especially in terms of leverage effects and loan guarantees aimed at boosting the implementation of the sustainable agriculture and forestry research agenda, including Societal Challenge 2 of Horizon 2020; cites, in particular, their usefulness for reducing the investment needs and risks for farmers wishing to adopt expensive PF technology and methods;

Keeping Europe at the centre of scientific development and innovation

62. Notes that rural areas, including outermost and mountainous regions, are more exposed to actual and potential climate change, which makes them less attractive and more susceptible to aging populations and depopulation; recognises that agriculture must be allowed to adapt to meet changing circumstances using all available technological solutions to ensure that farmland is used more sustainably;

63. Notes that modern technologies in agriculture and a broader land use sector can help these sectors contribute fairly to global climate change mitigation efforts; in this context, highlights the need to broaden the definition of 'productive agriculture' and to fully support and respect those farming lands which provide public goods in climate mitigation and carbon sequestration, including agro-ecological farming;

64. Regards it as essential to preserve farmland in areas such as mountainous and peripheral areas in the Union, and backs all action to ensure that the mainly small-scale holdings there also have access to high technology tailored to their needs;

65. Considers it essential that reasonable EU regulation, oriented towards consumer safety and health and environmental protection, based on independent, peer-reviewed science, enables EU farm produce to be competitive and attractive on the internal and world markets, and calls for that principle to continue to hold good;

66. Notes in particular the high cost, long timescales and commercial and legal uncertainty of bringing new technologies and sustainable products to market under current EU regulations; notes that these facts are even more evident in the outer-most regions, remote rural areas, less favoured areas and mountainous areas;

67. Urges the Commission to utilise and enhance all the characteristics of the outer-most regions by carrying out pilot projects in the field of technological and scientific innovation aimed at reducing their natural disadvantages and, given their small scale, the difficulty of gaining access to and applying the latest scientific and technological developments;

68. Calls on the Commission to improve its regulatory framework in line with the principles of Better Regulation so as to ensure timely, efficient and effective decision-making procedures, which could contribute to technological development in the EU;

69. Calls on the Commission to use its new Scientific Advice Mechanism (SAM) to refine a regulatory framework which places greater emphasis on risk-based and independent scientific evidence when assessing risks, hazards and benefits in the adoption or non-adoption of new technologies, products and practices;

70. Notes broad support for the adoption of the innovation principle, which would require EU legislative proposals to be fully assessed in terms of their impact on innovation;

71. Calls on the Commission to take more wide-ranging action in the field of scientific cooperation at international level, with a view, inter alia, to intensifying the exchange of information and identifying development opportunities;

o

o o

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

Tuesday 7 June 2016

P8_TA(2016)0252

Enhancing innovation and economic development in future European farm management

European Parliament resolution of 7 June 2016 on enhancing innovation and economic development in future European farm management (2015/2227(INI))

(2018/C 086/07)

The European Parliament,

— having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009,

— having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008,

— having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007,

— having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005,

— having regard to the UN's International Assessment of Agricultural Knowledge, Science and Technology for Development of the FAO, GEF, UNDP, UNEP, UNESCO, the World Bank and WHO,

— having regard to the memorandum of understanding between the European Commission and the European Investment Bank (EIB) signed on 14 July 2014,

— having regard to its resolution of 8 March 2011 on the EU protein deficit: what solution for a long-standing problem? ([1]),

— having regard to the Council conclusions of 18 June 2012 on the European Innovation Partnership 'Agricultural productivity and sustainability' ([2]),

— having regard to its resolution of 17 December 2015 on patents and plant breeders' rights ([3]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0163/2016),

([1]) OJ C 199 E, 7.7.2012, p. 58.
([2]) OJ C 193, 30.6.2012, p. 1.
([3]) Texts adopted, P8_TA(2015)0473.

A. whereas the UN's Food and Agriculture Organisation (FAO) estimates that the expected rise in the world's population to 9,1 billion by 2050 will in the business as usual scenario require a 60 % increase in food supply that should be safe and of high quality and a 24 % increase in crop yields in the developed countries by that date, whilst preserving resources for future generations and preventing food waste and losses, which currently account for over one third of global production; whereas the FAO also estimates that there will only be a 4,3 % increase in arable land by 2050, which will require better management of natural resources to combat soil degradation among other issues;

B. whereas land everywhere faces a drop-off in intrinsic productivity and fertility caused by land degradation, especially soil erosion, owing to the loss of ecosystem functions such as topsoil formation, humification, pollination, water retention and nutrient cycling; whereas there is a broad consensus that to resolve this and maintain and improve productivity, we need to increase delivery innovatively of such ecosystem functions in order to ensure resilience against climate change;

C. whereas according to the UN, if the sustainable development goals (SDGs) are to be achieved, agricultural productivity will have to double by 2030, while simultaneously the agri-food sector will have to adapt to climate change and changing weather conditions, improve ecosystem and soil quality and minimise biodiversity loss; whereas, in order to achieve this, priority must be given to the use of microbiological preparations which increase soil life; whereas four out of the eight UN Millennium Development Goals (MDGs) are connected to agriculture;

D. whereas population growth, higher average incomes and changing consumer behaviour will lead to revised dietary preferences, and will result in particular in higher demand for processed foods and animal proteins such as meat and dairy;

E. whereas the quality of life of agricultural workers and of rural communities must be improved;

F. whereas against the background of the numerous challenges and the growing number of rules farmers have to deal with, and the fact that agricultural technology resources have fallen and the rate of growth of irrigated land areas has slowed markedly, EU consumers have never spent as low a percentage of their income on food as they do now; whereas the current economic downturn has resulted in increased levels of poverty, often forcing EU consumers to seek assistance from food banks;

G. whereas the FAO notes in its main publication 'The State of Food and Agriculture' that women make significant contributions to the rural economy in all regions and their roles vary from one region to another, even though they still have less access than men to the resources and opportunities they need in order to be more productive;

H. whereas consumers are demanding food production with higher environmental, nutritional and health standards and values and of increasing quality, while at the same time the agricultural sector needs to diversify and innovate to provide quality, safe and affordable food for all citizens and to ensure a decent and viable income for its producers;

I. whereas farm production needs to increase and improve with less resources owing to pressure on natural resources and its associated effects on biodiversity, vulnerability of the environment, climate change and the scarcity of land, together with population growth and changing consumer behaviour; insists that innovative agriculture should provide a smaller ecological footprint and make optimal use of natural processes and ecosystem services including renewable energy and a greater consumption of local agri-food products;

Tuesday 7 June 2016

J. whereas, a more resource-efficient model of agriculture that is better at optimising its products is key to addressing the challenges of sustainability for all farms, irrespective of size, and to making them better equipped to preserve natural resources and the environment;

K. whereas the development of more sustainable models of agriculture intended not only to provide food for people but also to produce non-food goods and services represents significant potential for job creation in each region, not only in the food sector (human and animal) but also in the bio-economy, green chemistry, renewable energy and tourism sectors, etc.; whereas these are also very often jobs that cannot be relocated;

L. whereas the EU is the biggest exporter of agricultural products worldwide, making the agri-food sector a key economic pillar of the Union, employing 47 million people in 15 million downstream enterprises in fields such as food processing, retail and services, and contributing to a positive trade balance of EUR 17 802 million that represents 7,2 % of the total value of EU exports;

M. whereas the CAP's competitiveness and sustainability were key priorities of the 2013 CAP reform; whereas safeguarding secure food supplies by increasing sustainable agriculture productivity and ensuring reasonable and fair prices for farmers and consumers, as mentioned in Article 39 TFEU, can be achieved best, inter alia, through innovation; reiterates that sustainable and innovative agriculture, which produces high-quality products, contributes to meeting many horizontal-policy TFEU goals related to the environment and health; whereas future competitiveness depends, among other things, on the intrinsic productivity and fertility provided by natural processes and resources;

N. whereas the memorandum of understanding between the Commission and the EIB signed on 14 July 2014 explicitly encourages further investments in innovative agriculture, by providing financial instruments to foster the uptake of investments in agriculture, including a proposal from the Commission aimed at supporting and expanding financial tools in the farming sector in order to combat price fluctuations;

O. whereas the agricultural sector has been subject to frequent cycles of change with a view to enhancing productivity; whereas these cycles have significantly contributed to the economic development of agriculture to its current level; whereas the incorporation of the latest technologies and adapting and re-inventing existing ones including organic and agro-ecological approaches into farming practices, will bring significant benefits to all sizes of farms; whereas aquaculture has an underexplored potential for introducing innovation into traditional agricultural practices by exploiting marine and oceanic natural resources in a sustainable way;

P. whereas in some Member States, for various structural reasons, large areas of abandoned agricultural land continue to lie unused;

1. Notes that agriculture has always developed new practices, techniques and production methods that have increased outputs, improved the adaptability of farming practices to new and changing circumstances and cut production costs; notes further that agriculture and forestry are key parts of our natural world providing goods and services that go beyond food production and can be enhanced by fostering new developments; is convinced that innovation is a prerequisite for maintaining this progress;

2. Is strongly convinced that economic development and sustainable production are not mutually exclusive and are achievable mainly through innovation, research and development, new governance and business models and improved agronomy; stresses the need to support innovation in technology and governance by providing coherent and clear regulation with room for entrepreneurship; urges the Commission to ensure that any future CAP reflects this and that innovation is explicitly taken into account in forthcoming reviews and reforms of relevant legislation which gives more recognition to new and young farmers with novel ideas and business models; highlights the fact that European agriculture is achieving its goal in producing high-quality and high-added-value products, through profitable and knowledge-based solutions as supported by Europe's 2020 strategy; welcomes in this respect the incoming Commission assessment of the

2012 Bioeconomy Strategy's contribution to the circular economy, as the shift from fossil fuels to renewables contributes to cutting energy costs for farmers and thus enabling more investments in innovation;

3. Stresses that agriculture can be part of the solution by prudently using natural resources and ensuring biodiversity, stimulating innovation being key to this end; considers that agricultural practices are dependent upon natural resources and this interplay should be optimised and production systems better understood to improve management systems; calls for the intrinsic productivity, fertility and resilience of our agro-ecosystems in the medium and long term to be ensured and for a reduction in emissions; emphasises the importance of improving production systems through better adapted crops and rotation systems, improved management systems and notes the importance of a living soil; stresses the potential for job creation not only in the food production sector but also in the tourism, bio-economy and green chemistry sectors;

4. Takes into account the fact that the EU market for food and agriculture is one of the most integrated markets in Europe and urges the Commission to create and implement regulations that ensure a more level playing field and fair competition in order to encourage economic development in the agriculture and food sector in all Member States;

5. Points out that small and medium-sized family farms form an integral part of the European agricultural sector and contribute to creating socially and economically vibrant rural areas that contribute to the upkeep of cultural and natural heritage; points out furthermore that these farms experience difficulties at times in tapping the benefits of advanced production techniques and practices that could ensure a fair income and improve farmers living and working conditions and the creation of high-quality jobs; underlines that innovation has the potential to increase labour productivity and income by reducing production costs and making business more efficient; stresses that ownership of, and access to, arable land are pivotal for farmers and family farms; advocates making farming a more desirable occupation for young men and women, inter alia, by improving access to finance, technology and support programmes; calls for the development of new business ideas and on the Commission to inform farmers more effectively about their opportunities in this respect; acknowledges the social role of agriculture, its contribution to social cohesion and its effect on fighting rural depopulation, the innovative services it brings to local communities and the role it plays in preserving traditional knowledge; stresses the importance of access to fast and reliable rural broadband internet services, and of innovative concepts tailored for all disadvantaged regions, such as mountainous and peripheral areas in the Union and urges the Commission to make this a priority;

6. Encourages the Commission to come forward with solutions to stimulate the uptake of ICT-based management systems, real-time data monitoring, sensor technology and the use of detection systems for the optimisation of production systems or precision agriculture, which inter alia could mean adapting to changing production and market conditions leading to more efficient and optimal use of natural resources, better monitoring of a number of production stages, increased crop performance, reduction of the environmental footprint, energy consumption and GHGs, better understanding of animal behaviour, and improved animal health and welfare; stresses, likewise, that the more extensive use of ICT is key to making farming more environmentally sustainable and the sector more competitive; encourages, in this respect, the Commission to improve the alignment of the various policies concerned in order to promote more effectively ICT management systems;

7. Recalls that a simplification of measures and more guidance on the implementation of CAP measures would encourage farmers to adopt more sustainable farming practices;

8. Is convinced that information gathered by robotics, sensor technology, automatic control and other technological innovations in the context of Internet of Things (IoT) technologies and Big Data will enable real-time monitoring, better decision-making, and improved operations management along the whole food chain; welcomes the creation of the Alliance for Internet of Things Innovation (AIOTI) (Working Group 06) on 'smart farming and food safety', and stresses in this

respect the importance and relevance of the European Digital Single Market for agriculture in terms of tackling problems of interoperability, standards for better convergence and questions of ownership of, access to and use of, personal and non-personal data;

9. Is concerned at the low level of awareness concerning the potential of Big Data and IoT and the fragmentation of the related technology systems, which increase the barriers to uptake and slow down deployment, and is disappointed at the slow take up of GPS technologies; highlights the importance of making these technologies meaningful to the farmers; notes that in the EU currently only 10 % of aided guidance, less than 1 % of real time kinematic movement and less than 1 % of variable rate application techniques are being used; encourages the Commission to quantify environmental and production benefit and to ensure awareness, knowledge and technology transfers; expresses concern that some Member States risk losing a proportion of the direct payment amount in 2018 owing to their lack of a land register, and suggests that the Commission make available smart tools designed to expedite the mapping of farmland;

10. Encourages the uptake of precision agriculture that provides new whole-farm management approaches, such as GPS/GNSS-technology driven machinery which, in combination with Remotely Piloted Aircraft Systems (RPASs or drones), can work arable land with centimetre precision; agrees that these techniques could significantly reduce both the use of plant protection products and fertiliser and water use, and combat soil erosion; calls on the Commission to remove the barriers to adopting precision farming, in particular those linked to complex and fragmented ICT systems and investment level issues; notes that precision agriculture is also important in stock farming as a means of monitoring animal health, nutrition and yield; encourages the Member States to support these practices, in particular by using the opportunities provided by the new rural development rules in Regulation (EU) No 1305/2013; calls on the Commission to take account, in future revisions of the CAP, of the use of precision farming by farmers in the context of greening; stresses the importance of ensuring that all farms, including those in remote and outlying regions and the smallest farms, and all others involved in rural agriculture have access to multipurpose technologies, given the need to maintain and increase employment levels in those most vulnerable areas;

11. Welcomes the increased use of RPASs for farming purposes, since this can lead to savings in crop protection material and water usage; notes that a proposal for legislation is forthcoming in the revision of the European Aviation Safety Agency (EASA)'s basic regulation, so that all drones would come under EU competence; calls on the Commission to ensure that there are clear and unambiguous EU-wide standards and rules for the civil use of RPASs and that forthcoming legislation takes into account the specific conditions under which drones operate in agriculture;

12. Highlights the importance of new innovative and affordable solutions for the agricultural sector in order to increase the use of more environmentally friendly methods, goods and resources, which could include not only new growing methods and field management but also ways to increase the use of renewable energy and ways to phase out the need for fossil-based fuels;

13. Encourages innovative solutions in animal husbandry that contribute to a higher level of animal health and welfare, which reduce the need for veterinary medicinal products, including antimicrobials; highlights the possibilities for optimising the use of animal faeces in the production of renewable energy and improved fertilisers; acknowledges that within the limits of natural processes, innovative solutions can be found for capturing emissions, diffusing pollution and increasing the energy efficiency of animal housing systems whilst addressing the impact on the cost price; draws attention to the fact that methane can be captured for energy production that could help mitigate climate change; reiterates that antimicrobials should be prudently and responsibly applied and that the entire production chain can be improved with more efficient and faster diagnostic tools, better real-time monitoring, targeted precautionary measures and new ways of dispensing to combat antimicrobial resistance, leaving sufficient room for those Member States that already do better in this

respect and points out the need for research on drugs to cope with emerging diseases;

14. Supports extensive animal husbandry methods and calls for the development of innovative technologies for the accurate assessment of the environmental benefits of grassland and pastures maintained by this type of farming and recognises the benefits thereof as a complement to crop production;

15. Points to the importance of recovering animal protein within the production cycle; calls on the Commission, therefore, to draw up measures to promote the recycling of agricultural waste by encouraging the recovery of protein for feed;

16. Urges the Commission to promote land access policies for small and medium-sized farms and to foster animal production based on pastureland, fodder and the production of plant protein, and to promote research and innovation in relation to the sustainable production of plant protein;

17. Emphasises the untapped potential of technology and innovation for the development of new goods and products (relating to food and feed, machinery, biochemistry, biocontrol etc.) which may have the potential to create employment along the whole agri-food value chain; draws attention, nevertheless, to the fact that innovation and technologisation leads to job losses in traditional agricultural occupations and calls on the Commission and the Member States to provide training and retraining courses for workers in the agricultural sectors affected; highlights the creation of new jobs in the agricultural sector, which is of pivotal importance for rural development, rural repopulation and economic growth, and considers that developing modern agricultural practices will make agriculture more attractive to young farmers and entrepreneurs alike; calls on the Commission to look into the possibilities of incentivising farmers to raise public awareness about the workings of the agri-food chain and new production methods;

18. Is of the opinion that new information technologies provide ample opportunities to establish new value chains, which may include more direct contact between producers and consumers, with a stronger focus on innovative products, new services and more production differentiation, with the potential to provide new income streams for farmers as well as establishing a more transparent marketplace that will be of benefit to farmers and extend their potential reach; points out that innovations in the food supply chain could help to ensure a more even distribution of risks;

19. Stresses the need to tackle food wastage, in particular systemic food wastage, since each year 100 million tonnes of food in Europe is wasted or thrown away, which amounts to approximately 30 %-50 % of the food produced in the EU; considers that greater cooperation is also needed in the food chain to reduce current levels of waste; points out that out-dated regulatory frameworks should not form barriers to innovative ways of processing food waste and the sharing of best practices and prioritising innovative projects should be encouraged to combat food waste and losses including under Horizon 2020;

20. Underlines that for every tonne of food waste avoided, approximately 4,2 tonnes of CO_2 could be saved, which would have a significant impact on the environment; stresses, in addition, the importance of a legal framework consistent with the circular economy principle, whereby clear rules are laid down on by-products, the use of raw materials is optimised, and residual waste is reduced as much as possible;

21. Highlights that a sizeable proportion of biotic waste streams are already used, for example, as animal feed or base material for biofuels; considers, however, that these materials should generate even higher outputs by aiming for the most added value and by using new technologies such as biorefining, insect breeding, reuse of animal lipids, enzymes and proteins from residues in the food industry, solid state fermentation, biogas extraction and the extraction of minerals from manure, and the use of surplus manure as a renewable energy source; notes the lack of clear rules and the underutilisation of other resources derived from biomass such as agricultural by-products and waste streams, and encourages the Commission to support their reuse in the energy sector and elsewhere by facilitating EU-wide recognition systems and

special measures under the rural development programme that could involve farmers and other stakeholders such as the local authorities in small-scale projects; notes that these recognition systems and special rural development programmes could also facilitate cross-border circulation and improve synergy and coherence with other EU policies;

22. Considers that depleted soil quality is compromising future production, necessitating a change in farming methods and systems, given that the phasing out of animal husbandry has contributed to a decrease in soil fertility on many farms owing to the inadequate organic content and insufficient use of organic fertilisers; is concerned that the EU is highly dependent on the import of minerals for the production of mineral fertilisers such as phosphate and that the production of mineral fertilisers has a high carbon and ecological footprint; emphasises the possibility of processing animal manure into mineral concentrate that could be used to manufacture 'green fertiliser' that could reduce and eventually replace the need for mineral fertilisers, given that its efficiency level is comparable to that of the latter; welcomes the fact that the production and use of mineral concentrates make a significant contribution to the circular economy by closing the mineral loop and will considerably reduce farms' fertiliser costs; asks the Commission to revise the EU regulation on fertiliser and to remove legislative obstacles in the nitrates directive so as to enable and stimulate the development of mineral concentrate from animal manure;

23. Is also concerned at the EU's continued dependence on imported protein feed such as soya and calls for an ambitious protein crop development policy in the EU;

24. Recommends the use of management systems specific to individual farms that measure and evaluate the balance of nutrients at farm level linked to the different chains in the production cycle helping to measure the environmental impact of individual farms and calculate farm-specific nutrient balances; notes that an efficient use of minerals leads to higher crop yields and less need for fertiliser, and contributes to efficient feeding practices, allowing farmers to improve their operations while reducing costs and moving away from generic measures; calls on the Commission to support, by means of co-financing from various European funds, including Horizon 2020 and EFSI, the pilot projects in this field which are already planned, and to present a study on the matter;

25. Encourages the implementation of high-precision low-emission techniques for storage, transportation and land spreading of manure which would lead to a significant improvement of the plant uptake of nutrients from the manure, thus reducing the need for mineral fertilisers and reducing the risk of water contamination;

26. Points out that better land application techniques are one of the key factors in reducing the total ammonia emission and, consequently, each country should ensure, that low-emission slurry application techniques are used with band spreading (using trailing shoe or trailing hose systems), injection or acidification;

27. Points out that climate-smart farming practices could have a triple-win effect by increasing sustainable production, ensuring climate-resilient farming that copes better with changing and adverse weather patterns, and reducing emissions from the agricultural sector by encouraging productive, resource-efficient and circular systems; stresses that the agriculture and forestry sectors are unique in actively capturing CO_2 by means of plants and forestation, use of cover and leguminous crops, limiting tillage and permanent soil cover, forest shelterbelts that are also beneficial for crop-protection and water holding capacity, and absorbing greenhouse gases in the soil (carbon sinking); notes in this respect the 4/1000 programme presented during the COP21 and the possibility for financial incentives; encourages farmers to continue and to increase their take up of these new and innovative practices;

28. Underlines the important role of agro-forestry in agricultural systems, especially in reducing flooding and soil erosion and in improving soil health; calls for further integration of innovative tree-based approaches in agricultural activities and to remove administrative burdens to optimise catchment-level planning, river basin and water management; stresses the benefits associated with trees for increased sustainability and farming productivity, for biodiversity preservation

and local and regional economic development; recognises that traditional silvo-pastoral systems are multifunctional and sustainable land use should be protected and rewarded, while newer methods of incorporating trees in the lowland farming systems such as alley cropping should be considered;

29. Considers soil quality to be of economic and ecological importance since a depletion of the ecological state would result in less productive soil, lower nutrient availability, increases in the susceptibility of plants to pests and diseases, lower water holding capacity and diminished biodiversity; calls on the Commission to support innovative practices and the sharing of best practices such as crop rotation systems, permanent soil cover, limited tillage and fertilising with green legumes and nitrogen-binding bacteria to avoid further soil degradation; points out that, in order to combat desertification and eutrophication, farmers must be encouraged to develop irrigation systems, including improving water efficiency and the application of economical irrigation techniques; believes that the interplay between the mobilisation of organic matter and production needs to be better understood; welcomes research into innovative practices such as the use of microbial interventions (bacterial fertilisers) and studies of plant-soil interactions with mycorrhiza, PGPR and PGR bacteria which could lower the environmental impact and reduce the use of chemical fertilisers and pesticides that damage human and animal health and the environment; recognises the importance of a sustainable soil use that takes account of site-specific needs;

30. Recognises that farm systems are not productive if they are flooded or drought-afflicted for most of the year; calls on the Commission and the Member States to promote innovation in water management and conservation, integrated with farm advice services and extension services, by means of innovative techniques and technology to reduce wasteful irrigation practices and to mitigate flooding; calls for application of these new techniques with existing and new landscape features such as ponds, and with schemes aimed at increasing water retention in the soil and in habitats associated with agriculture such as wet meadows, protecting groundwater infiltration zones, increasing infiltration capacities of water into the soil and water retention; welcomes landscape-level synergies with river basin management planning; calls for encouraging uptake of 'regeneration agriculture' techniques to increase the depth of the topsoil layer, encourage humus creation, inoculate dying or unhealthy soils with compost in order to bring them back to optimal functionality etc.;

31. Calls for more efforts to be made to develop and fully implement integrated plant protection management systems by supporting scientific research into non-chemical alternatives and low-risk measures, as defined in the relevant legislation, and pesticides which are more environmentally friendly; cautions against the prophylactic use of plant protection material and underlines in this respect that integrated pest management should make smarter use of the interplay between biological and chemical measures; stresses that innovations in alternative, low risk substances, as defined in the relevant legislation, and physical interventions could be further encouraged along with bio-stimulation and biocontrol at European level; is concerned that the current approach to the authorisation of plant protection products is sub-optimal and that legislation to incentivise the development of integrated pest management is lagging behind; calls on the Commission to come forward with a roadmap geared towards a more sustainable pest management system which includes advisory services; notes that biological control mechanisms relating to pests and diseases could reduce the use of pesticides and may contribute to better plant resilience;

32. Calls for the continuous development of innovative breeding techniques, with European seed banks nevertheless being maintained, which is vital for new and diverse varieties with higher yields, greater nutritional value, better resistance to pest diseases and adverse weather conditions, and to facilitate greater biodiversity; points out that breeding techniques may provide opportunities to reduce the environmental impact of conventional agriculture; cautions against any lock-in chemical dependency on newer varieties; disapproves of the current administrative and regulatory burdens for businesses and encourages community-based farming breeding programmes; underlines that due care is necessary in the approval of new varieties; urges the Commission to encourage the uptake of new techniques which have undergone appropriate risk assessment where it is required and are fully in line with the precautionary principle, and to ensure access to biological

materials for SMEs in the breeding sector, and expects it to strongly support innovation in this respect; disapproves of the current decision of the enlarged board of appeal of the European Patent Office (EPO) of 25 March 2015 in Cases G2/12 and G2/13;

33. Highlights, in connection with innovative breeding methods for plant and animal varieties, the arrangements for the legal protection of biological inventions ([1]), under which general plant and animal varieties and essential biological processes for the production of plants and animals may not be patented; urges the Commission to verify the interpretation and scope of that derogation, since in the interests of food security, free access to, and use, of breeding materials must continue to be guaranteed;

34. Highlights the possibility of using financial instruments to help improve farming income in Europe; notes that only five Member States have taken up the additional possibilities under the new Rural Development Programme to make use of market-compatible financial instruments in order to address market gaps; calls on the Commission to facilitate access to credit, since lack of such access is often a barrier to innovation;

35. Welcomes the EC-EIB memorandum of understanding and its willingness to support agricultural projects and young farmers by providing new financing opportunities for Member States that establish forms of financial support such as guarantee funds, revolving funds or investment capital to facilitate access to credit for farmers and groupings of farmers such as cooperatives, producer organisations and groups and their partners, with a view to helping on-farm investment in modernisation while also offering financing opportunities to overcome barriers to credit, which affects women disproportionally, and financing opportunities for young farmers to expand their businesses, as well as to ensure investment in public-sector research combined with public-private partnerships in order to test and launch innovative products; reiterates that Parliament wishes to see this financial support flowing and to remove any obstacles in accessing this funding;

36. Calls on the Commission to assess in detail which new skills will be required in future European farm management, and to promote their dissemination by every means available;

37. Acknowledges that there is great potential for better risk management and views the current risk management and market management tools as being underdeveloped, a situation which could result in the short-term loss of productivity and long-term loss of innovation; calls on the Commission to investigate and report on the possibility of stimulating private insurance schemes covering adverse climatic events, animal or plant diseases, pest infestations or environmental incidents, as mentioned in Article 37 of Regulation (EU) No 1305/2013;

38. Welcomes the opportunities by the European Innovation Partnership AGRI (EIP-AGRI) for applied research within the agricultural sector and participatory innovation involving communities of rural practitioners; is concerned by the fragmented way EIP-AGRI is implemented nationally and, in this respect, calls on the Commission to ensure the simplest possible procedures for participation; asks the Commission to assess the co-financing mechanisms of EIP-AGRI and other European public policies to incentivise more effective research that looks more at market needs and the need to develop sustainable agronomic and agro-ecological practices and is driven by entrepreneurial and socio-economic needs, creating cross-border research focus groups and greater participation possibilities for businesses; calls on the Commission to be more actively involved in terms of providing an explicit innovation and research agenda linked to Horizon 2020 programmes;

39. Stresses the importance of consumer awareness and information; highlights that more transparency in the supply chains and in production can help consumers to make more informed choices about the products they are buying; considers that this, in turn, can help farmers to earn higher revenues from their production;

([1]) Directive 98/44/EC on the legal protection of biotechnological inventions.

40. Considers that economic development and ecological sustainability are complementary, provided enough room is left for innovation and entrepreneurship and provided action is taken to prevent the appearance of unjustified differences in national implementation and to retrospectively eliminate such differences, so as to ensure a genuinely level playing field in the Union, inter alia, by exploring new and relevant techniques such as satellite imaging; calls on the Commission to ensure a genuinely level playing field for the agricultural sector while at the same time ensuring that relevant environmental legislation, such as the Birds and Habitats Directives, is fully respected in the various Member States and the disparate, contradictory and suboptimal implementation thereof brought to an end;

41. Is concerned that, according to the mid-term review of the EU's Biodiversity Strategy to 2020, there has been no significant overall progress in the contribution of agriculture to maintaining and enhancing biodiversity;

42. Stresses that the CAP should be more focused on farmers' needs and local conditions while not compromising policy goals; stresses the need for a simpler and more flexible legislative framework that is more geared towards national and local conditions and better suited to deliver synergies with other sectors by enhancing and promoting knowledge crossovers, integration of resource use and is better aligned with the circular economy in order to improve the visibility of existing systems for specific promotional labelling and encourage new innovations in the promotion of the diversity of European agricultural products; stresses furthermore that a competitive and sustainable CAP ensures a greater uptake of innovative practices and long-term viability of the European agricultural sector by streamlining government intervention and stimulating public and private sector innovations that contribute to the economic development of Europe, in particular rural areas;

43. Calls on the Commission to report every two years on the impact of Union financing and other Union measures in the field of agricultural innovation on the development of cost prices and selling prices of agricultural products and on the associated financial and economic prospects of family farms in the Union;

44. Considers innovation to be an essential tool and a key horizontal policy priority for the development, implementation and achievement of the objectives of the CAP reform 2014-2020; calls on the Commission, therefore, to provide a more ambitious overarching strategy with measurable outcomes in order to align and focus research and innovation vis-à-vis policy priorities; stresses that the CAP should provide more flexibility for the use of newly developed techniques and practices without an increase in the administrative burden; believes that a horizontal priority for the European legislative framework should be to ensure sufficient leeway for pilot programmes and testing for innovative techniques, while observing the precautionary principle;

45. Calls on the Commission to also ensure that in other fields of regulation aimed at creating a better functioning and integrated internal market, regulations and policies strive to enhance fair competition;

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

Wednesday 8 June 2016

P8_TA(2016)0263

EU-Philippines Framework Agreement on Partnership and Cooperation (resolution)

European Parliament non-legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part (05431/2015 — C8-0061/2015 — 2013/0441(NLE) — 2015/2234(INI))

(2018/C 086/08)

The European Parliament,

— having regard to the draft Council decision (05431/2015),

— having regard to the draft Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part (15616/2010),

— having regard to the request for consent submitted by the Council in accordance with Articles 207 and 209 of the Treaty on the Functioning of the European Union, and in conjunction with Article 218(6)(a) thereof (C8-0061/2015),

— having regard to its legislative resolution of 8 June 2016 on the draft decision ([1]),

— having regard to the diplomatic relations between the Philippines and the EU (at the time the European Economic Community (EEC)) established on 12 May 1964 with the appointment of the Philippines Ambassador to the EEC,

— having regard to the EC-Philippines Framework Agreement for Development Cooperation, which entered into force on 1 June 1985,

— having regard to the European Union's Multiannual Indicative Programme for the Philippines 2014-2020,

— having regard to Council Regulation (EEC) No 1440/80 of 30 May 1980 concerning the conclusion of the Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand — member countries of the Association of the South-East Asian Nations ([2]),

— having regard to the Joint Communication of the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy of 18 May 2015 to Parliament and the Council entitled 'The EU and ASEAN: a partnership with a strategic purpose',

— having regard to the 10th ASEM Summit, held in Milan on 16 and 17 October 2014,

— having regard to the Interparliamentary meeting between the European Parliament and the Philippine Parliament of February 2013,

— having regard to the 23rd meeting of the ASEAN-EU Joint Cooperation Committee (JCC), held in Jakarta on 4 February 2016,

— having regard to its recent resolutions on the Philippines, in particular those of 14 June 2012 on the cases of impunity in the Philippines ([3]), of 21 January 2010 on the Philippines (following the Maguindanao massacre of 23 November 2009) ([4]), and of 12 March 2009 on the Philippines (on the hostilities between government forces and the Moro National Liberation Front (MNLF)) ([5]),

([1]) Texts adopted, P8_TA(2016)0262.
([2]) OJ L 144, 10.6.1980, p. 1.
([3]) OJ C 332 E, 15.11.2013, p. 99.
([4]) OJ C 305 E, 11.11.2010, p. 11.
([5]) OJ C 87 E, 1.4.2010, p. 181.

— having regard to the Philippines' status as a founding member of ASEAN following the signature of the Bangkok Declaration on 8 August 1967,

— having regard to the 27th ASEAN Summit, held in Kuala Lumpur (Malaysia) from 18 to 22 November 2015,

— having regard to the 14th Asia Security Summit (IISS Shangri-La Dialogue), held in Singapore from 29 to 31 May 2015,

— having regard to the reports by the UN Special Rapporteur on the right to food, Hilal Elver (29 December 2015 — A/HRC/31/51/Add.1), the UN Special Rapporteur on the trafficking of persons, Joy Ngosi Ezeilo (19 April 2013 — A/HRC/23/48/Add.3), and the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston (29 April 2009 — A/HRC/11/2/Add.8),

— having regard to the Second Universal Periodic Review by the UN Human Rights Council of May 2012, 66 of whose 88 recommendations were accepted by the Philippines,

— having regard to the Philippine Plan of Action for Nutrition for 2011 to 2016, the Accelerated Hunger Mitigation Programme, the Comprehensive Agrarian Reform Plan of 1988 and the Fisheries Code of 1998,

— having regard to Rule 99(1), second subparagraph, of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0143/2016),

A. whereas in terms of international and national human rights legislation, the Philippines are a role model for other countries in the region, having ratified eight of the nine major human rights conventions, with the exception of the Convention for the Protection of All Persons from Enforced Disappearance (CPPED), as well as having ratified the Rome Statute of the International Criminal Court in 2011;

B. whereas in March 2014 the Philippine government agreed on a peace deal for the island of Mindanao with the Moro Islamic Liberation Front (MILF), which involves creating an autonomous region (Bangsamoro) in the island's Muslim south, but does not include the participation of other militia groups who oppose the peace process; whereas, however, the Philippine Congress failed to adopt the Bangsamoro Basic Law (BBL) in February 2016, and thus did not bring the peace negotiations to a successful conclusion;

C. whereas the Philippines have received counter-insurgency, counterterrorism and intelligence training from the US army, in the context of the fight against militia groups that have potential links to regional (South-East Asian) and international terrorist groups such as al-Qaeda and ISIS;

D. whereas in April 2015 the Philippines and the US signed the Enhanced Defence Cooperation Agreement (EDCA);

E. whereas Japan and the Philippines signed a Memorandum on Defence Cooperation and Exchanges in January 2015;

F. whereas Sino-Philippine relations have experienced a gradual deterioration since the 2008 corruption allegations regarding Chinese assistance, and more importantly following China's growing assertiveness regarding its territorial claims in the South China Sea;

G. whereas the Philippines initiated an arbitration case at the International Arbitral Tribunal of the United Nations Convention on the Law of the Sea (UNCLOS) in January 2013, seeking clarification on its maritime entitlements under the UNCLOS and the validity of China's '9-dash line claim' over much of the South China Sea;

Wednesday 8 June 2016

H. whereas the Philippines have announced that they will open new navy and air base facilities with extensive access to the South China Sea and will make these facilities available to US, Japanese and Vietnamese ships;

I. whereas the EU granted the Philippines GSP+ status in December 2014, as the first ASEAN country to enjoy such trade preferences; whereas this enables the Philippines to export 66 % of all its products tariff-free to the EU, including processed fruit, coconut oil, footwear, fish, and textiles;

J. whereas the Philippines consists of thousands of islands, a conformation which poses challenges in terms of internal connectivity, infrastructure and trade;

K. whereas the EU is a major foreign investor in and trade partner of the Philippines;

L. whereas the EU is the Philippines' fourth largest trading partner and fourth largest export market, accounting for 11,56 % of all Philippine exports;

M. whereas the Philippines recently expressed their interest in joining the Trans-Pacific Partnership and are currently in consultation with the US on acceding to that agreement;

N. whereas the EU more than doubled its financial allocation for development cooperation with the Philippines over the period 2014-2020, and has also provided significant humanitarian and emergency assistance to the victims of tropical storms;

O. whereas the Philippines is the third most vulnerable developing country to climate change, a circumstance which will adversely affect the country's agriculture and marine resources;

P. whereas the devastating impact of Typhoon Haiyan, which in 2013 killed an estimated 6 000 people, is continuing to have adverse effects on the economy, and has notably exacerbated food insecurity and pushed an additional 1 million people into poverty, according to UN estimates;

1. Welcomes the conclusion of the Framework Agreement on Partnership and Cooperation with the Philippines;

2. Considers that the EU should continue providing financial support and capacity-building assistance to the Philippines for poverty alleviation, social inclusion, respect for human rights and the rule of law, the promotion of peace, reconciliation, security and judicial reform, and assisting the country in disaster preparedness, relief and recovery and the implementation of effective policies to tackle climate change;

3. Encourages the Philippine government to continue fostering further progress in the elimination of corruption and the promotion of human rights;

4. Commends the Philippines for having been part of the international counterterrorism coalition since 2001; expresses, however, its concern over the continued reports of severe human rights violations by the Philippine military in the conduct of counter-insurgency measures, in particular by paramilitary units;

5. Points out that the Abu Sayyaf group is accused of carrying out the worst acts of terrorism committed in the Philippines, including deadly bombings such as the attack on a ferry in Manila in 2004 in which more than 100 people were killed;

6. Stresses that there are growing concerns that ISIS will win over affiliated groups in South-East Asia, as it is spreading propaganda in the local languages and some extremists in the region have already pledged their allegiance;

7. Appreciates the commitments made by the Philippine Government, and underlines the importance of achieving a peace process for Mindanao that is as inclusive as possible; notes the contribution made to the Mindanao agreements by the International Contact Group; deeply regrets the fact that the Mindanao Peace Agreement was not adopted by the Philippine Congress; calls for the continuation of the peace negotiations and for the adoption by Congress of the BBL;

8. Condemns the massacre of 24 December 2015 of Christian farmers by separatist rebels in Mindanao; welcomes the initiative by the Philippine NGO PeaceTech of putting Christian and Muslim schoolchildren in touch with each other via Skype in an effort to foster contact between the two communities;

9. Calls on the Philippine government to build capacity in the field of systematic data collection on human trafficking, and calls for the EU and its Member States to support the government, and notably the Inter-Agency Council against Trafficking (IACAT), in the efforts being made to enhance assistance and support for victims, to put into place efficient law enforcement measures, improve the legal avenues of work labour migration, and ensure decent treatment of Filipino migrants in third countries;

10. Calls for the EU and its Member States to engage with the Philippines in order to exchange intelligence, cooperate and provide support for the government's capacity- building in the international fight against terrorism and extremism in relation to fundamental rights and the rule of law;

11. Notes that the Philippines are strategically located in the proximity of major international shipping and air traffic routes in the South China Sea;

12. Recalls its serious concerns over the tension in the South China Sea; considers it regrettable that, contrary to the 2002 Declaration of Conduct, several parties are claiming land in the disputed waters; is particularly concerned at the massive scale of China's current activities in the area, including building military facilities, ports, and at least one airstrip; urges all parties in the disputed area to refrain from unilateral and provocative actions and to resolve the disputes peacefully based on international law, in particular the UNCLOS, with impartial international mediation and arbitration; urges all parties to acknowledge the jurisdiction of both UNCLOS and the Court of Arbitration, and calls for respect for any eventual decision by UNCLOS; supports all steps that will enable the South China Sea to become a 'sea of peace and cooperation'; also supports all endeavours to ensure that the parties agree on a code of conduct for the peaceful exploitation of the maritime areas in question, including the establishment of safe trade routes, and encourages confidence-building measures; believes that the EU should engage in bilateral and multilateral cooperation in order to effectively contribute to security in the region;

13. Welcomes the agreement of May 2014 between the Philippines and Indonesia which clarified the issue of overlapping maritime boundaries in the Mindanao and Celebes Seas;

14. Calls on the Philippines, as one of the countries having been granted GSP+ status by the EU, to ensure effective implementation of all the core international conventions relating to human and labour rights, the environment and good governance, as listed in Annex VIII to Regulation (EU) No 978/2012; recognises that the Philippines have strengthened their human rights legislation; calls on the Philippines to continue fostering further progress in the promotion of human rights, including the publication of the National Action Plan for Human Rights, as well as in the elimination of corruption; expresses particular concern with regard to the repression faced by activists who are peacefully campaigning to protect their ancestral lands from the impact of mining and deforestation; recalls that under the GSP+ beneficiaries will have to prove that they are implementing their obligations concerning human rights, labour, environmental and governance standards;

15. Takes note of the GSP+ country assessment of the Philippines, particularly as regards the ratification of all seven UN human rights conventions relevant to the EU's GSP+; highlights the work that still needs to be done for implementation; recognises the steps the government has taken and the progress achieved so far;

16. Encourages the Philippines to continue improving the investment climate, including the FDI environment, by increasing transparency and good governance and implementing the UN guiding principles on business and human rights and further developing infrastructure, where appropriate through public-private partnerships; expresses concern over the effects that climate change will have on the Philippines;

17. Encourages the government to invest in new technologies and the internet in order to promote cultural exchange and trade among the islands that make up the Philippines;

Wednesday 8 June 2016

18. Welcomes the agreement of 22 December 2015 to open negotiations on a Free Trade Agreement with the Philippines; considers it appropriate that the Commission and the Philippine authorities ensure high standards on human rights, labour and the environment; underscores that such an FTA should serve as a building block towards a region-to-region EU-ASEAN agreement on trade and investment which can be restarted in parallel;

19. Takes note that 800 000 Filipinos are living in the EU and that Filipino seamen working on EU-registered ships send remittances to the Philippines amounting to EUR 3 billion per annum; considers that the EU should further develop people-to-people exchanges of students, academics and scientific researchers, as well as cultural exchanges;

20. Bearing in mind that the majority of the crew on many non-Community flagged vessels calling at European ports are Filipino, as well as the harsh and inhuman working conditions in which many of these seafarers live, calls on Member States not to allow these vessels to be received in European ports when the working conditions on board contravene the labour rights and principles enshrined in the Charter of Fundamental Rights of the European Union; urges, likewise, non-Community flagged vessels to guarantee their crews' working conditions in accordance with international legislation and the rules laid down by the ILO and the IMO;

21. Calls for regular exchanges between the European External Action Service (EEAS) and Parliament, to allow Parliament to follow up on the implementation of the Framework Agreement and the achievement of its objectives;

22. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the Government and Parliament of the Republic of the Philippines.

Wednesday 8 June 2016

P8_TA(2016)0266

Follow-up to the resolution of Parliament of 11 February 2015 on the US Senate report on the use of torture by the CIA

European Parliament resolution of 8 June 2016 on follow-up to the European Parliament resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA (2016/2573(RSP))

(2018/C 086/09)

The European Parliament,

— having regard to the Treaty on European Union (TEU), in particular Articles 2, 3, 4, 6, 7 and 21 thereof,

— having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 2, 3, 4, 18 and 19 thereof,

— having regard to the European Convention on Human Rights and the protocols thereto,

— having regard to the relevant UN human rights instruments, in particular the International Covenant on Civil and Political Rights of 16 December 1966, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006,

— having regard to UN Security Council resolution 2178 (2014) of 24 September 2014 on the threats to international peace and security caused by terrorist acts,

— having regard to the UN Human Rights Council report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, focusing on commissions of inquiry in response to patterns or practices of torture or other forms of ill-treatment,

— having regard to the European Court of Human Rights judgments in cases *Nasr and Ghali* v *Italy* (Abu Omar) of February 2016, *Al Nashiri* v *Poland* and *Husayn (Abu Zubaydah)* v *Poland* of July 2014, and *El-Masri* v *the former Yugoslav Republic of Macedonia* of December 2012,

— having regard also to pending and ongoing cases before the European Court of Human Rights (*Abu Zubaydah* v *Lithuania* and *Al Nashiri* v *Romania*),

— having regard to the Italian court judgment that convicted and sentenced to prison terms in absentia 22 CIA agents, one air force pilot and two Italian agents over their role in the 2003 kidnapping of the Imam of Milan, Abu Omar,

— having regard to the joint statement of the European Union and its Member States and the United States of America of 15 June 2009 on the closure of the Guantánamo Bay detention facility and future counterterrorism cooperation, based on shared values, international law, and respect for the rule of law and human rights,

— having regard to its resolution of 9 June 2011 on Guantánamo: imminent death penalty decision [1], to its other resolutions on Guantánamo, the most recent being that of 23 May 2013 on hunger strike by prisoners [2], to its resolution of 8 October 2015 on the death penalty [3] and to the EU Guidelines on the death penalty,

---

[1] OJ C 380 E, 11.12.2012, p. 132.
[2] OJ C 55, 12.2.2016, p. 123.
[3] Texts adopted, P8_TA(2015)0348.

Wednesday 8 June 2016

— having regard to its resolution of 6 July 2006 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, adopted midway through the work of the Temporary Committee ([1]), to its resolution of 14 February 2007 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners ([2]), to its resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up of the European Parliament TDIP Committee report ([3]), and to its resolution of 10 October 2013 on alleged transportation and illegal detention of prisoners in European countries by the CIA ([4]),

— having regard to the Council conclusions of 5 and 6 June 2014 on fundamental rights and the rule of law and on the Commission's 2013 report on the application of the Charter of Fundamental Rights of the European Union,

— having regard to its resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012) ([5]), and to its resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014) ([6]),

— having regard to the Commission communication of 11 March 2014 entitled 'A new EU Framework to strengthen the Rule of Law' (COM(2014)0158),

— having regard to its resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA ([7]),

— having regard to the Brussels Declaration on 'Implementation of the European Convention on Human Rights', adopted in March 2015,

— having regard to the closed inquiry pursuant to Article 52 of the European Convention on Human Rights (ECHR) considering illegal CIA detentions and transport of detainees suspected of terrorist acts, and to the request of the Secretary-General of the Council of Europe to all States Parties to the ECHR to provide him with information on past or ongoing investigations, relevant cases before domestic courts or other measures taken with regard to the matter of this inquiry by 30 September 2015 ([8]),

— having regard to the parliamentary fact-finding mission of its Committee on Civil Liberties, Justice and Home Affairs to Bucharest, Romania of 24 and 25 September 2015, and to the corresponding mission report,

— having regard to the public hearing held by its Committee on Civil Liberties, Justice and Home Affairs on 13 October 2015 on 'Investigation of alleged transportation and illegal detention of prisoners in European countries by the CIA',

— having regard to the publication of the 2015 study for its Committee on Civil Liberties, Justice and Home Affairs entitled 'A quest for accountability? EU and Member State inquiries into the CIA Rendition and Secret Detention Programme',

— having regard to the open letter of 11 January 2016 from human rights experts from the United Nations and the Organisation for Security and Cooperation in Europe to the Government of the United States of America on the occasion of the 14th anniversary of the opening of the Guantánamo Bay detention facility,

---

([1]) OJ C 303 E, 13.12.2006, p. 833.
([2]) OJ C 287 E, 29.11.2007, p. 309.
([3]) OJ C 353 E, 3.12.2013, p. 1.
([4]) Texts adopted, P7_TA(2013)0418.
([5]) Texts adopted, P7_TA(2014)0173.
([6]) Texts adopted, P8_TA(2015)0286.
([7]) Texts adopted, P8_TA(2015)0031.
([8]) http://website-pace.net/documents/19838/2008330/AS-JUR-INF-2016-06-EN.pdf/f9280767-bf73-44a1-8541-03204e2dfae3

— having regard to recent resolutions adopted, and reports published, by the Inter-American Commission on Human Rights in relation to the human rights of detainees at Guantánamo, including their access to medical care, to the 2015 report of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE-ODIHR), and to the decisions of the UN Working Group on Arbitrary Detention,

— having regard to the questions to the Council and to the Commission on follow-up to the European Parliament resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA (O-000038/2016 — B8-0367/2016 and O-000039/2016 — B8-0368/2016),

— having regard to the motion for a resolution of the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the EU is founded on the principles of democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity and international law, not only in its internal policies but also in its external dimension; whereas the EU's commitment to human rights, as reinforced by the entry into force of the EU Charter of Fundamental Rights and the process of accession to the European Convention on Human Rights, must be reflected in all policy areas in order to make the EU's human rights policy effective;

B. whereas, with the emphasis on the 'War against Terrorism', the balance between the various powers of the state has shifted dangerously in favour of broadening powers for governments, to the detriment of parliaments and judiciaries, and has given rise to an unprecedented level of invocation of state secrecy, which prevents public inquiries into alleged abuses of human rights;

C. whereas Parliament has repeatedly called for the fight against terrorism to respect the rule of law, human dignity, human rights and fundamental freedoms, including in the context of international cooperation in this field, on the basis of the EU Treaties, the European Convention on Human Rights, national constitutions and fundamental rights legislation;

D. whereas Parliament has strongly condemned the US-led Central Intelligence Agency (CIA) rendition and secret detention programme involving multiple human rights violations, including unlawful and arbitrary detention, abduction, torture and other inhumane or degrading treatment, violation of the non-refoulement principle and enforced disappearance through the use of European airspace and territory by the CIA, as an outcome of the work of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners;

E. whereas accountability for those acts is essential in order to protect and promote human rights effectively in the internal and external policies of the EU, and to ensure legitimate and effective security policies based on the rule of law;

F. whereas Parliament has repeatedly called for full investigations into the involvement of EU Member States in the CIA's secret detention and extraordinary rendition programme;

G. whereas 9 December 2015 marked the one-year anniversary of the release of the US Senate Select Committee on Intelligence (SSCI) study of the CIA's Detention and Interrogation Programme and its use of various forms of torture on detainees between 2001 and 2006; whereas the study revealed new facts which reinforced allegations that a number of EU Member States, their authorities and officials and agents of their security and intelligence services had been complicit in the CIA's secret detention and extraordinary rendition programme, sometimes through corrupt means based on the provision of substantial amounts of money by the CIA in exchange for their cooperation; whereas the study did not lead to any kind of accountability in the USA for the CIA rendition and secret detention programmes; whereas the USA has regrettably failed to cooperate with European investigations into European complicity in the CIA programmes, and whereas no perpetrators have been held to account so far;

Wednesday 8 June 2016

H. whereas Mark Martins, Chief Prosecutor of Military Commissions at Guantánamo Bay, has stated that the events set out in the Summary of the SSCI study on the CIA's Detention and Interrogation Programme did in fact occur;

I. whereas extensive new analysis has been conducted using the information contained in the SSCI Summary, confirming previous investigations in relation to the involvement of a range of countries — including EU Member States — and identifying new avenues for investigation;

J. whereas the previous European Parliament, in its resolution of 10 October 2013, called on the current Parliament to continue to fulfil and implement the mandate given by the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and consequently to ensure that its recommendations were followed up, to examine new elements that might emerge and to make full use of, and develop, its rights of inquiry;

K. whereas the recent resolutions adopted, and reports published, by the Inter-American Commission on Human Rights in relation to the human rights of detainees at Guantánamo raise concerns that at least some detainees are not receiving adequate medical care or rehabilitation; whereas the 2015 OSCE-ODIHR report similarly expresses concerns in relation to human rights protection at Guantánamo, including the denial of fair trial rights, and whereas the decisions of the UN Working Group on Arbitrary Detention state that various Guantánamo detainees are being detained arbitrarily;

L. whereas US President Barack Obama committed to closing the Guantánamo Bay detention facility by January 2010; whereas on 15 June 2009 the EU and its Member States and the USA signed a joint statement on the closure of the Guantánamo Bay detention facility and future counterterrorism cooperation, based on shared values, international law and respect for the rule of law and human rights; whereas on 23 February 2016 President Obama sent Congress a plan to close once and for all the military prison at Guantánamo Bay; whereas the assistance of EU Member States in resettling some of the prisoners has been limited;

M. whereas none of the Member States implicated have conducted full and effective investigations with a view to bringing perpetrators of crimes under international and domestic law to justice, or to ensuring accountability in the aftermath of the release of the US Senate study;

N. whereas it is regrettable that the members of the fact-finding mission to Bucharest of Parliament's Committee on Civil Liberties, Justice and Home Affairs were not able to visit the National Registry Office for Classified Information (ORNISS) building, reported to have been used as a secret CIA detention site;

O. whereas Parliament's resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA instructed its Committee on Civil Liberties, Justice and Home Affairs, with the association of the Committee on Foreign Affairs, and in particular the Subcommittee on Human Rights, to resume its inquiry into alleged transportation and illegal detention of prisoners in European countries by the CIA and to report to plenary within a year;

1. Underlines the unique importance and the strategic nature of the transatlantic relationship at a time of rising global instability; takes the view that this relationship, which is based on common interests as well as shared values, needs to be further strengthened on the basis of respect for multilateralism, the rule of law and negotiated conflict resolution;

2. Reiterates its strong condemnation of the use of enhanced interrogation techniques, which are prohibited under international law and which breach, inter alia, the rights to liberty, security, humane treatment, freedom from torture, presumption of innocence, fair trial, legal counsel and equal protection under the law;

3. Expresses, one year after the release of the US Senate study, its serious concerns about the apathy shown by Member States and EU institutions with regard to recognising the multiple fundamental rights violations and torture which took place on European soil between 2001 and 2006, investigating them and bringing those complicit and responsible to justice;

4. Welcomes the judgment of the European Court of Human Rights of 23 February 2016 in the case of *Nasr and Ghali* v *Italy* (44883/09), which found that the Italian authorities had been aware of the torture perpetrated against Egyptian imam Abu Omar, and had clearly made use of the principle of 'state secrecy' to ensure that those responsible were granted de facto impunity; calls on the Italian executive to waive the 'state secrecy' principle for the former head of the Intelligence and Military Security Service (SISMi) and his deputy, as well as three former SISMi members, in order to ensure that justice is carried out without obstacle;

5. Regrets the fact that only one cross-party fact-finding mission to Romania was conducted in September 2015; calls for more fact-finding missions to be organised by the European Parliament in those Member States identified in the US Senate study on the CIA's Detention and Interrogation Programme as being complicit in that programme, such as Lithuania, Poland, Italy and the United Kingdom;

6. Underlines the fact that transatlantic cooperation based on common values such as the promotion of freedom and security, democracy and fundamental human rights is, and must be, a key priority in EU foreign relations; reiterates the clear position taken in the US-EU statement of 2009 to the effect that joint efforts to combat terrorism must comply with obligations under international law, in particular international human rights law and humanitarian law, and that this will make our countries stronger and more secure; calls on the USA to make every effort, in this context, to respect the rights of EU citizens in the same way as those of US citizens;

7. Believes that transatlantic cooperation on counterterrorism needs to respect fundamental rights, fundamental freedoms and privacy, as guaranteed by EU legislation, for the shared benefit of citizens on both sides of the Atlantic; calls for continued political dialogue between the transatlantic partners on security and counterterrorism matters, including the protection of civil and human rights, in order to combat terrorism effectively;

8. Regrets the fact that, more than a year after the release of the US Senate study and the adoption of this Parliament's resolution which called on the USA to investigate and prosecute the multiple human rights violations resulting from the CIA rendition and secret detention programmes, and to cooperate with all requests from EU Member States in connection with the CIA programme, no perpetrators have been held to account and the US Government has failed to cooperate with EU Member States;

9. Repeats its call on the USA to continue to investigate and prosecute the multiple human rights violations resulting from the CIA rendition and secret detention programmes led by the previous US administration, and to cooperate with all requests from EU Member States for information, extradition or effective remedies for victims in connection with the CIA programme; encourages the US SSCI to publish its study of the CIA's Detention and Interrogation Programme in full; underlines the fundamental conclusion reached by the US Senate that the violent and illegal methods applied by the CIA failed to generate intelligence that prevented further terrorist attacks; recalls its absolute condemnation of torture and enforced disappearance; further calls on the USA to comply with international law governing the investigation of current allegations of torture and ill-treatment at Guantánamo, including multiple requests from EU Member States for information regarding detainees formerly held at CIA secret prisons and from the UN Special Rapporteur on Torture regarding his mandate to inspect Guantánamo and interview the CIA torture victims;

10. Regrets the closure of the inquiry conducted by the Secretary-General of the Council of Europe under Article 52 of the European Convention on Human Rights, given that investigations in a number of Member States remain outstanding and that further follow-up is required in this connection; reiterates, to that end, its calls on Member States to investigate, ensuring full transparency, the allegations that there were secret prisons on their territory in which people were held under

Wednesday 8 June 2016

the CIA programme, and to prosecute those involved in these operations, including public actors, taking into account all the new evidence that has come to light (including the payments made as outlined in the SSCI Summary), and notes with regret the slow pace of investigations, the limited accountability and the excessive reliance on state secrets;

11. Urges Lithuania, Romania and Poland to conduct, as a matter of urgency, transparent, thorough and effective criminal investigations into CIA secret detention facilities on their respective territories, having taken into full consideration all the factual evidence that has been disclosed, to bring perpetrators of human rights violations to justice, to allow the investigators to carry out a comprehensive examination of the renditions flight network and of contact people publicly known to have organised or participated in the flights in question, to carry out forensic examination of the prison sites and the provision of medical care to detainees held at these sites, to analyse phone records and transfers of money, to consider applications for status/participation in the investigation from possible victims, and to ensure that all relevant crimes are considered, including in connection with the transfer of detainees, or to release the conclusions of any investigations undertaken to date;

12. Insists on the full and prompt execution of the European Court of Human Rights judgments against Poland and the former Yugoslav Republic of Macedonia, including compliance with urgent individual and general measures; reiterates the Council of Europe Committee of Ministers' call for Poland to seek and receive diplomatic assurances from the USA concerning the non-application of the death penalty and an assurance of fair proceedings, and to undertake timely, thorough and effective criminal investigations, to ensure that all relevant crimes are addressed, including in relation to all victims, and to bring perpetrators of human rights violations to justice; welcomes, to that end, the intention of the former Yugoslav Republic of Macedonia to set up an ad hoc independent investigatory body, and urges its swift establishment with international support and participation;

13. Recalls that the former director of the Romanian secret services, Ioan Talpes, admitted on record to the European Parliament delegation that he had been fully aware of the CIA's presence on Romanian territory, acknowledging that he had given permission to 'lease' a government building to the CIA;

14. Expresses concerns regarding the obstacles encountered by national parliamentary and judicial investigations into some Member States' involvement in the CIA programme, and the undue classification of documents leading to de facto impunity for perpetrators of human rights violations;

15. Recalls that the European Court of Human Rights has now expressly acknowledged — in its judgment of 24 July 2014 — that public sources and cumulative evidence which help to shed more light on Member States' involvement in the CIA rendition programme are admissible evidence in judicial proceedings, especially where official state documents are barred from public or court scrutiny on the grounds of 'national security';

16. Welcomes the efforts made so far by Romania, and calls on the Romanian Senate to declassify the remaining classified parts of its 2007 report, namely the annexes on which the conclusions of the Romanian Senate inquiry were based; reiterates its call on Romania to investigate the allegations that there was a secret prison, to prosecute those involved in these operations, taking into account all the new evidence that has come to light, and to conclude the investigation as a matter of urgency;

17. Notes that the data collected during the Lithuanian Parliamentary Committee on National Security and Defence (Seimas CNSD) inquiry into Lithuania's involvement in the CIA's secret detention programme has not been made public, and calls for the release of the data;

18. Express its disappointment that, despite several requests (a letter to the Minister of Foreign Affairs of Romania from the Chair of Parliament's Committee on Civil Liberties, Justice and Home Affairs, and another request at the time of the fact-finding mission to the Secretary of State), the members of the fact-finding mission were not able to visit 'Bright Light', a building repeatedly — and officially — reported to have been used as a detention site;

19. Calls on all Members of the European Parliament to fully and actively support the investigation into the involvement of EU Member States in the CIA's secret detention and extraordinary rendition programme, especially those who held government positions in the countries concerned during the events under investigation;

20. Calls on the Commission and the Council to report back to plenary before the end of June 2016 on the follow-up action taken on the recommendations and requests made by the European Parliament in its inquiry into the alleged transportation and illegal detention of prisoners in European countries by the CIA and in its subsequent resolutions, and on the findings of investigations and prosecutions conducted in the Member States;

21. Calls for the regular, structured EU-US interparliamentary dialogue, in particular between the European Parliament Committee on Civil Liberties, Justice and Home Affairs and its relevant counterparts in the US Congress and Senate, to be reinforced by using all the avenues of cooperation and dialogue provided by the Transatlantic Legislators' Dialogue (TLD); welcomes, in this connection, the 78th meeting of the TLD between the European Parliament and the US Congress, to be held in The Hague on 26-28 June 2016, as an opportunity to reinforce that cooperation, given that counterterrorism cooperation will be an integral part of the discussion;

22. Recalls that transparency is the absolute cornerstone of any democratic society, the sine qua non for a government's accountability to its people; is therefore profoundly worried by the increasing trend for governments to unduly invoke 'national security' with the sole or primary aim of blocking public scrutiny by citizens (to whom the government is accountable) or by the judiciary (which is the guardian of a country's laws); points to the great danger of deactivating any democratic accountability mechanisms, effectively absolving the government of its accountability;

23. Expresses its regret at the fact that the US President's undertaking to close Guantánamo by January 2010 has not yet been implemented; reiterates its call on the US authorities to review the military commissions system with a view to ensuring fair trials, to close Guantánamo and to prohibit in all circumstances the use of torture, ill-treatment and indefinite detention without trial;

24. Regrets that the US Administration has not succeeded in achieving one of its key objectives of closing the detention facility at the US military base in Guantánamo Bay; encourages all further efforts to close this detention facility and to provide for the release of those detainees who have not been charged; calls on the USA to address concerns raised by international human rights bodies regarding the human rights of detainees at Guantánamo, including access to adequate medical care and the provision of rehabilitation for torture survivors; stresses that President Obama, in his State of the Union address of 20 January 2015, reiterated his determination to fulfil his 2008 campaign pledge to close down the Guantánamo Bay prison, and further welcomes the plan he sent to Congress on 23 February 2016; calls on the Member States to offer asylum to those prisoners who have been officially cleared for release;

25. Reiterates its conviction that normal criminal trials under civilian jurisdiction are the best way to resolve the status of Guantánamo detainees; insists that detainees in US custody should be charged promptly and tried in accordance with the international standards of the rule of law or released; emphasises, in this context, that the same standards concerning fair trials should apply to all, without discrimination;

26. Calls on the US authorities not to impose the death penalty on detainees at Guantánamo Bay;

27. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the US Convening Authority for Military Commissions, the US Secretary of State, the US President, the US Congress and Senate, the UN Secretary-General, the UN Special Rapporteur on Torture, the Secretary-General of the Council of Europe, the Organisation for Security and Cooperation in Europe, and the Inter-American Commission on Human Rights.

Wednesday 8 June 2016

P8_TA(2016)0267

Space capabilities for European security and defence

European Parliament resolution of 8 June 2016 on space capabilities for European security and defence (2015/2276(INI))

(2018/C 086/10)

The European Parliament,

— having regard to Title V of the Treaty on European Union (TEU),

— having regard to Titles XVII and XIX of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the request by France of 17 November 2015 for aid and assistance under Article 42(7) TEU,

— having regard to the Council conclusions of 20 November 2015 on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism,

— having regard to the European Council conclusions of 18 December 2013 and of 25-26 June 2015,

— having regard to the Council conclusions of 25 November 2013 and of 18 November 2014 on the common security and defence policy,

— having regard to the Council conclusions of 20-21 February 2014 on space policy,

— having regard to the progress report of 7 July 2014 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the Head of the European Defence Agency on the implementation of the European Council conclusions of December 2013,

— having regard to the Commission's report of 8 May 2015 on the implementation of its communication on defence,

— having regard to the joint communication of 11 December 2013 by the VP/HR and the Commission entitled 'The EU's comprehensive approach to external conflicts and crises' (JOIN(2013)0030), and to the related Council conclusions of 12 May 2014,

— having regard to the statement made by North Atlantic Treaty Organisation (NATO) Secretary-General Jens Stoltenberg at the European Parliament on 30 March 2015 on closer EU-NATO cooperation,

— having regard to the statements made by US Deputy Defence Secretary Bob Work on 28 January 2015 and 10 September 2015 on the third US Offset Strategy and its implications for partners and allies,

— having regard to the joint communication of 18 November 2015 by the VP/HR and the Commission entitled 'Review of the European Neighbourhood Policy' (JOIN(2015)0050),

— having regard to Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 ([1]),

([1]) OJ L 122, 24.4.2014, p. 44.

— having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems ([1]),

— having regard to Decision No 541/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Framework for Space Surveillance and Tracking Support ([2]);

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Industry, Research and Energy (A8-0151/2016),

A. whereas the security environment is becoming increasingly dangerous and challenging, both within and outside the Union, characterised by terrorist attacks and mass murder which affects all Member States and to which Member States must respond by adopting a joint strategy and a coordinated response; whereas those security challenges call for the strengthening of the EU's security through the continued development and support of the EU Common Security and Defence policy to make it a more effective policy instrument and a real guarantee of the safety of EU citizens and the promotion and protection of European norms, interests and values as enshrined in Article 21 TEU;

B. whereas the EU needs to increase its role as a security provider at home and abroad, ensuring stability in its neighbourhood and globally; whereas the Union needs to contribute to the fight against security challenges, in particular those arising from terrorism both at home and abroad, including by supporting third party countries in combating terrorism and its root causes; whereas the Member States and the Union need to work together on an effective and coherent border management system to secure external borders;

C. whereas the Union needs to enhance its cooperation and coordination with the North Atlantic Treaty Organisation and with the United States, which both remain warrantors of Europe's security and stability, with the United Nations, the Organisation for Security and Cooperation in Europe, the African Union, and other neighbours and regional partners;

D. whereas the Union needs to address the root causes of the challenges to our security, of unrest and armed conflict in our neighbourhood, of migration, of the degradation of people's livelihoods by state and non-state actors, and of the erosion of states and regional orders, including as a result of climate change and poverty, through a comprehensive rules- and values-based approach to managing crises both inside and outside the Union;

E. whereas satellite capabilities could be used to better assess and identify the flow of illegal immigrants and their routes, and, in the case of those coming from Northern Africa, to identify the ship-boarding areas in order to engage with them faster and save more lives;

F. whereas the European Council of June 2015, which focused on defence, called for the fostering of greater and more systematic European defence cooperation with a view to delivering key capabilities, including through the coherent and efficient use of EU funds and existing EU capabilities;

G. whereas space policy is an essential component of the strategic autonomy which the EU must develop in order to safeguard sensitive technological and industrial capabilities and independent capabilities to carry out assessments;

H. whereas space capabilities for European security and defence are important and, in some cases, even vital for a multitude of situations, ranging from day-to-day peacetime use to crisis management and more acute security challenges, including full-scale warfare; whereas the development of such capabilities is a long-term venture; whereas the development of future capabilities needs to be programmed when current capabilities are being deployed;

([1]) OJ L 347, 20.12.2013, p. 1.
([2]) OJ L 158, 27.5.2014, p. 227.

Wednesday 8 June 2016

I. whereas the proliferation of space technologies and the rising dependency of societies on satellites increase competition over space assets (paths, frequencies) and make satellites a critical infrastructure; whereas the development of anti-satellite (ASAT) technologies by a number of actors, including orbital weapons capabilities, signals the weaponisation of space;

J. whereas in the area of defence and security the Union might act through, among others, such institutions as the European Defence Agency and the EU Satellite Centre;

K. whereas European space assets have been developed over the last five decades thanks to the coordinated efforts of national space agencies and, latterly, the European Space Agency (ESA); whereas the Outer Space Treaty, the basic legal framework for international space law, was bought into force in October 1967;

L. whereas developing and sustaining space capabilities for security and defence in Europe necessitates effective cooperation and synergy among Member States and with the European and international institutions;

M. whereas the EU's space capabilities should be compatible with the capabilities of NATO and the US, so they can be fully used as a network in the event of crisis;

N. whereas research and development in space technology is a sector with a high investment return that also produces high-quality software and hardware by-products with various commercial use;

1. Considers that space-based capabilities and services play an important role in, among other areas, the context of European security and defence; is convinced that current and future space-based capabilities and services will provide Member States and the Union with improved dual-use operational capacity for the implementation of the common security and defence policy and of other EU policies in areas such as external action, border management, maritime security, agriculture, the environment, climate action, energy security, disaster management, humanitarian aid and transport;

2. Considers that further implementation of the CSDP is needed; reaffirms the need to increase the effectiveness, visibility and impact of the CSDP; reaffirms the importance and the added value of the Space Policy to the CSDP; considers that space should be included in future Union policies (e.g. internal security, transport, space, energy, research) and that synergies with space should be further strengthened and exploited; underlines that the use of space capabilities in the war against terrorism and terrorist organisations, through the ability to locate and monitor their training camps, is vital;

3. Believes that national governments and the Union should improve access to space-based satellite communication, space situational awareness, precision navigation and Earth observation capabilities, and ensure European non-dependence as regards critical space technologies and access to space; considers that space situational awareness in particular will continue to play a vital role in military and civilian affairs; underlines the commitment to the non-militarisation of space; recognises that in order to achieve this goal, sufficient financial investment is needed; in this connection urges the Commission and the Member States to guarantee the autonomy of the EU as regards space structures, while providing the resources necessary for that purpose; takes the view that this aim is vitally important for civilian activities (in Western countries it is estimated that between 6 and 7 % of GDP is dependent on satellite positioning and navigation technology) and for security and defence; believes that cooperation should be initiated on an intergovernmental basis and through the ESA;

4. Underlines the security dimension of the Copernicus programme, particularly its applications aimed at preventing and responding to crisis, humanitarian aid and cooperation, conflict prevention entailing the monitoring of compliance with international treaties, and maritime surveillance; urges the High Representative, the Commission and the Member States to strengthen the conflict prevention objective of space capabilities;

5. Stresses that the EU's space policy promotes scientific and technical progress, industrial competitiveness and the implementation of EU policies, in accordance with Article 189 TFEU, which includes security and defence policy; recalls that the two EU flagship programmes — Galileo and Copernicus — are civil programmes under civil control and that the

European nature of Galileo and Copernicus has made these programmes possible and ensured their success; urges the Council, the VP/HR and the Commission to ensure that European space programmes develop civilian space-based capabilities and services with relevance for European security and defence capabilities, particularly through the allocation of adequate funds for research; believes that dual-use capacity of space capabilities is important in order to make the most effective use of resources;

6. Stresses that space programmes have security and defence benefits that are technologically linked to civil benefits and highlights in this connection the dual-use capacity of Galileo and Copernicus; believes this capacity should be fully developed in the next generations, including for example better precision, authentication, encryption, continuity and integrity (Galileo); emphasises that high-resolution earth observation data and positioning systems are useful for applications in the civil and security domains, for instance in the areas of disaster management, humanitarian actions, refugee aid, maritime surveillance, global warming, energy security and global food security, and in the detection of and response to global natural disasters, notably droughts, earthquakes, floods and forest fires; notes the need for better interaction between drones and satellites; calls for sufficient provision in the mid-term review for all satellite systems' future development;

7. Considers that a holistic, integrated, long-term approach to the space sector at EU level is necessary; believes that the space sector should be mentioned in the new EU Global Strategy on Foreign and Security Policy, bearing in mind the current development of EU dual-use space programmes and the need to further develop EU civil space programmes that can be used for both civil security and defence purposes;

8. Welcomes the EU-sponsored multilateral initiative towards an International Code of Conduct for Space Activities as a way of introducing standards of behaviour in space as it seeks to achieve enhanced safety, security, and sustainability in space by emphasising that space activities should involve a high degree of care, due diligence and appropriate transparency, with the aim of building confidence in the space sector;

9. Asks the Commission to come up swiftly with a definition of EU needs regarding the potential contribution of the space policy to the CSDP for all the main aspects: launching, positioning, imagery, communication, space weather, space debris, cyber security, jamming, spoofing and other intentional threats, security of the ground segment; considers that future space features of the current European systems should be set according to the CSDP requirements and covering all above related aspects;

10. Calls for the necessary requirements for future systems, private or public, which contribute to safety-of-life applications (e.g. positioning, air traffic management (ATM)) to be defined with regard to protection against possible security attacks (jamming, spoofing, cyber attacks, space weather and debris); considers that such safety requirements should be certifiable and under the surveillance of a European entity (such as EASA);

11. Underlines in this regard that the development of European space capabilities for European security and defence should follow two key strategic objectives: security on the planet through in-orbit space systems designed to monitor the earth's surface or to provide positioning, navigation and timing information or satellite communications and security in outer space as well as space safety, i.e. security in orbit and in space through ground-based and in-orbit space situational awareness systems;

12. Identifies the dangers of cyber warfare and hybrid threats for European space programmes, taking into account that spoofing or jamming can disturb military missions or have far-reaching implications for daily life on earth; believes that cyber security requires a joint approach by the EU, its Member States, and business and internet specialists; calls on the Commission, therefore, to include space programmes in its cyber security activities;

Wednesday 8 June 2016

13. Considers that the coordination of space systems deployed in a fragmented way by the various Member States for various national needs should be enhanced in order to be able to anticipate promptly the disruption of different applications (e.g. for ATM);

14. Stresses that cooperation between the Commission, the European External Action Service, the GNSS Agency, the European Defence Agency, the European Space Agency and the Member States is crucial to improving European space capabilities and services; takes the view that the Union, namely the VP/HR, should coordinate, facilitate and support such cooperation in the area of space, security and defence through a specific operational coordination centre; express its conviction that the European Space Agency should play a significant role in the definition and implementation of a single European space policy which includes security and defence policy;

15. Calls on the European Commission to present results of the established European Framework Cooperation for Security and Defence Research on space and asks for recommendations on how to develop it further; calls on the Commission to clarify how civilian-military research under Horizon 2020 served in the area of space capabilities the implementation of the Common Security and Defence Policy;

16. Welcomes the Framework for Space Surveillance and Tracking Support; calls on the Commission to inform Parliament on the implementation of the framework and its impact on security and defence; calls on the Commission to set up an implementing road map covering the definition of the architecture envisaged;

17. Stresses the strategic importance of stimulating space innovation and research for security and defence; acknowledges the significant potential of critical space technologies such as the European Data Relay System, which enables real-time and persistent earth observation, the deployment of mega-constellations of nanosats and, lastly, building up a responsive space capacity; underlines the need for innovative big data technologies to make use of the full potential of space data for security and defence; invites the Commission to incorporate these technologies in its Space Strategy for Europe;

18. Calls for the development of the EU's various diplomatic initiatives in space issues, in both a bilateral and a multilateral context, in order to contribute to the development of the institutionalisation of space and an increase in transparency and confidence-building measures; stresses the need to intensify work on the promotion of an International Code of Conduct for Outer-Space Activities; encourages the EEAS to consider the space component in negotiations in other areas;

19. Encourages the Member States to carry out and finalise joint programmes and initiatives, such as the Multinational Space-Based Imaging System for Surveillance, Reconnaissance and Observation, the Government Satellite Communication (GovSatcom) and the Space Surveillance and Tracking (SST) programmes, and to pool and share in the area of defence and security, and declares its support for such joint programmes and initiatives;

20. Welcomes the ongoing project of the EDA and ESA on Governmental Satellite Communications (GovSatcom), which is one of the EDA's flagship programmes identified by the European Council in December 2013; calls in this regard on the actors involved to set up a permanent programme and to use the European added value of the EDA for military satellite communication as well; welcomes the successful completion of the DESIRE I project and the launch of the DESIRE II demonstration project for the future operation of remotely piloted aircraft systems (RPAS) in non-segregated airspace by the EDA and the ESA;

21. Considers that EU-US cooperation on future space-based capabilities and services for security and defence purposes would be mutually beneficial; considers that EU-US cooperation is more efficient and compatible when both parties are at the same technology and capacity level; calls upon any potential technological gap to be identified and addressed by the Commission; notes the work undertaken towards the third US Offset Strategy; urges the Union to take this development into account when preparing its own Global Strategy on Foreign and Security Policy, and to include space-based capabilities for security and defence within the remit of that strategy; believes that pre-existing bilateral relationships between Member

States and the US could be utilised where appropriate; invites the VP/HR to discuss with defence ministers the strategic approach to be taken, and to inform Parliament as that debate unfolds;

22. Believes that the EU should continue to facilitate the establishment of an international code of conduct on outer space activities, in order to protect space infrastructure while preventing a weaponisation of space; considers that the development of the space situational awareness (SSA) programme is vital to this; calls for the Union to work towards this objective in cooperation with the UN Committee on the Peaceful Uses of Outer Space and other relevant partners;

23. Recalls the necessary close cooperation between the EU and NATO in the area of security and defence; expresses its conviction that EU-NATO cooperation should cover the building of resilience by the two bodies, in conjunction with EU neighbours, as well as defence investment; considers that cooperation on space-based capabilities and services could offer prospects for improving compatibility between the two frameworks; is convinced that this would also strengthen NATO's role in security and defence policy and in collective defence;

24. Points out, however, that the EU must continue to try to ensure to the highest possible degree space-related and military autonomy; points out that in the long term the EU must have its own instruments establishing a Defence Union;

25. Considers that the protection of space-based capabilities and services for security and defence against cyber-attacks, physical threats, debris or other harmful interference could offer prospects for EU-NATO cooperation that would result in the necessary technological infrastructure to secure assets, as otherwise the multi-billion investment of taxpayers' money in the European space infrastructure could be wasted; acknowledges that commercial satellite telecommunications and their increasing use for military purposes put them at risk of attack; invites the VP/HR to keep Parliament informed as EU-NATO cooperation in this area evolves;

26. Considers that the civilian EU programmes in the space domain provide a range of capabilities and services that are of potential use in many sectors including the next stages of evolution of the Copernicus and Galileo systems; notes the need to consider any security- and defence-related concerns from their inception; considers that space situational awareness / space weather, satellite communication, electronic intelligence and early warning are areas that could benefit from greater cooperation between the public and private sectors, additional EU-level support and continuous investment by, and support for, agencies in the space, security and defence fields;

27. Notes the importance of Galileo's Public Regulated Service (PRS) for navigation and guidance of military systems; calls on the High Representative and the EU Member States to increase their efforts regarding a possible revision of the 1967 Outer Space Treaty or to initiate a new regulatory framework that takes account of technological progress since the 1960s and aims to prevent an arms race in space;

28. Notes that transparency and effective public awareness-raising among Europeans of the applications of EU space programmes that have a direct impact on users, such as Galileo and Copernicus services, are crucial to the success of the programmes; thinks that these programmes could be used to increase the effectiveness of strategy-making and operations, in the framework of CSDP; encourages the identification and development of security- and defence-related capacity needs for the next generations of the Galileo and Copernicus systems;

29. Points out the existence of the Galileo Public Regulated Service (PRS), which is restricted to government-authorised users and is suitable for sensitive applications where robustness and complete reliability must be ensured; considers that the capacity of the PRS should be further developed in the next generations in order to respond to evolving threats; calls on the Commission to ensure that the operational procedures are as efficient as possible, particularly in the event of a crisis; stresses the need to continue developing and promoting applications based on Galileo capabilities, including the necessary ones for CSDP, in order to maximise the socio-economic benefits; recalls moreover the need to strengthen the security of

the Galileo infrastructure, including the ground segment, and invites the Commission to take the necessary steps in this direction in cooperation with the Member States;

30. Underlines the high level of security for the EU GNSS systems; emphasises the successful execution of tasks assigned to the European GNSS Agency, in particular through the Security Accreditation Board and the Galileo Security Monitoring Centres; calls, in this respect, for use to be made of the expertise and security infrastructure of the European GNSS Agency for Copernicus also; calls for this issue to be addressed in the mid-term review of Galileo and Copernicus;

31. Notes in particular the operational need for very high resolution earth observation data under the Copernicus programme and invites the Commission to assess how this need could be met, taking into account CSDP requirements; highlights developments such as near real-time observation and video-streaming from space, and recommends the Commission to investigate how to take advantage of these, including for security and defence purposes; recalls moreover the need to strengthen the security of the Copernicus infrastructure, including the ground segment, and the security of the data, and invites the Commission to take the necessary steps in this direction in cooperation with the Member States; points in addition to the importance of considering how industry might become involved in the management of Copernicus operations;

32. Draws attention to the need to improve the process of disseminating information from satellites to users, including by building the necessary technological infrastructure; notes the fact mentioned in the Commission communication that 60 % of electronics on board European satellites are currently imported from the US; calls for an initiative on how to protect sensitive and personal data in this context;

33. Welcomes the work being done to provide the EU with autonomous access to governmental satellite communications (GovSatcom) and invites the Commission to continue to make progress on this file; recalls that the first step in the process was the identification of civil and military needs by the Commission and the European Defence Agency, respectively, and considers that the initiative should entail the pooling of demand and should be designed in a way that best meets the needs identified; calls on the Commission to make, on the basis of beneficiaries' needs and requirements, a cost-benefit evaluation of different solutions:

— the provision of services by commercial operators,

— a system relying on current capabilities with the possibility of integrating future capabilities, or

— the creation of new capacities through a dedicated system;

invites in this regard the Commission to address the issue of ownership and liability; notes that, whatever the final decision, any new initiative should be in the public interest and benefit European industry (manufacturers, operators, launchers and other industry segments); considers that GovSatcom should also be considered as an opportunity to boost competitiveness and innovation by taking advantage of the development of dual technologies, in the extremely competitive and dynamic context of the SATCOM market; underlines the need to reduce the reliance on non-EU suppliers of equipment and services;

34. Points to the development of Space Surveillance and Tracking (SST) as a good initiative in space cooperation and a step towards security in space; calls for the further development of its own SST capacities as a priority of the Union for the protection of the economy, society and citizens' safety and in the area of space capabilities for European security and defence; considers that SST should become an EU programme with its own budget while ensuring that the funds for ongoing projects are not thereby reduced; believes in addition that the EU should develop a more holistic space situational awareness (SSA) capacity, with more predictive capabilities, involving the surveillance of space and the analysis and assessment of potential threats and hazards to space activities; invites the Commission therefore to build on SST, by developing a broader SSA concept that would also address intentional threats to space systems and, in cooperation with

ESA, take account of space weather and near-Earth objects and the need for research into technological systems for the prevention and elimination of space debris; believes that a holistic coordination of space activities should be reached without hampering the freedom of using space; invites the Commission to examine the possibility of enabling the private sector to play an important role in further developing and maintaining the non-sensitive part of the SST system, for which the two-sided governance structure of Galileo could serve as an example;

35. Underlines the need to develop policies and research capabilities in order to provide future applications and develop a competitive European industry, capable of commercial success based on a healthy economic environment; notices the increasing importance of private entities in the space market; underlines the need for, and the benefits flowing from, the involvement of SMEs in the processes of research, development and production connected to space technologies, particularly those that are relevant in ensuring security; remains cautious regarding the risks related to unregulated private initiatives with security and defence implications; stresses that the balance between risks and benefits may vary from segment to segment of space activities, and therefore needs to be assessed on a case-by-case basis, in particular in the light of its specific characteristics in terms of sovereignty and strategic autonomy; calls on the Commission and the VP/HR to provide the necessary means to contain those risks;

36. Emphasises that where space is concerned, and given its strategic importance, the onus with regard to investment efforts must be on the public sector; takes the view that the high costs of developing space programmes and infrastructure mean that the only way of ensuring the viability of such projects is through decisive public sector efforts to channel private initiatives;

37. Points out, as regards the future financing of European space programmes, that it would be desirable to determine when it might be possible to use forms of public-private partnership;

38. Points out that the correct regulatory and policy frameworks must be established in order to give industry further impetus and incentives to pursue technological development and research into space capabilities; calls for the necessary funding for space-related research to be ensured in the domains mentioned above; notes the important role that Horizon 2020 can play in helping the EU reduce its dependence in terms of critical space technologies; recalls, in that connection, that the space part of Horizon 2020 falls within the 'Industrial leadership' priority, and in particular within the specific objective of 'Leadership in enabling and industrial technologies'; takes the view therefore that Horizon 2020 should be used to support Europe's space technology base and space industrial capabilities; calls on the Commission to provide sufficiently for critical space technologies for security and defence during the mid-term review of Horizon 2020;

39. Believes that the EU could play a role in making European space capabilities and services more robust, resilient and responsive; is convinced that a rapid reaction capability to replace or restore damaged or degraded assets in space as a crisis unfolds should be developed effectively through multi-state partnerships, including at European level; commends the ESA's work on developing a Space Situational Awareness (SSA) programme to detect and predict space debris or satellite collision; underlines the urgent need to reduce the risk of collision arising from the growing number of satellites and space debris; calls on the Commission and the Council to continue the funding of this capability after 2016; welcomes, therefore, the Commission's initiative on a European space surveillance and tracking system (SST), which will secure EU non-dependence in space; questions whether appropriate governance structures are in place to manage PRS and other key space infrastructure in the event of an armed attack or other major security crisis;

40. Encourages the Commission and the European agencies in the space, security, and defence fields to join forces to develop a White Paper on training requirements vis-à-vis the use of space-based capabilities and services for security and defence; takes the view that EU resources should be mobilised for pilot courses in those areas in which Member States and the competent European agencies have identified an imminent need;

Wednesday 8 June 2016

41. Believes that further financial and political support for the development and use of the EU launchers and of the Programme for Reusable In-Orbit Demonstrator in Europe (PRIDE) is of strategic importance, as the demonstrator is more cost-effective and provides independence in space access, as well as a plan for space crisis management;

42. Expresses its concerns about the increased cost of the Copernicus and Galileo programmes far beyond the initial budgetary allocations; express its support for the further development of EU space capabilities, while asking for appropriate management of the financial resources;

43. Calls on those Member States that have not ratified the Outer Space Treaty to do so, given its importance in maintaining law in space;

44. Welcomes the process and plans for the development of new European launchers Ariane 6 and VEGA, and considers the development of these launchers to be crucial to the long-term viability and independence of the European space programmes that serve defence and security purposes; is firmly of the opinion that maintaining the predominant position of European launchers must be a strategic European objective at a time when new competitors are emerging that are strongly backed by competitive funding models; takes the view that in order to achieve that objective, appropriate structural, legislative and funding changes need to be made in order to foster the development of innovative, competitive projects at European level; advocates, among other things, innovation in the reuse of components, as this represents a significant step forward in terms of both efficiency and sustainability; believes that the EU should pay special attention to the impact of certain projects concerning the non-dependence of the EU, such as cooperation with Russia in sensitive areas like satellite launching with Soyuz rockets;

45. Notes the strategic importance of independent access to space and the need for dedicated EU action, including with regard to security and defence, since this capacity would allow Europe to gain access to space in the event of a crisis; calls on the Commission, in collaboration with the ESA and the Member States, to:

— coordinate, share and develop planned space projects and European markets, so that European industry can anticipate demand (thereby boosting jobs and industry based in Europe) and also generate its own demand in terms of business-driven utilisation,

— support launch infrastructure, and

— promote R&D, including through the instrument of public-private partnerships, particularly in breakthrough technologies;

considers that these efforts are necessary to allow Europe to compete in the global launch market; considers in addition that the EU must ensure that it has a solid space technology base and the necessary industrial capabilities to allow it to conceive, develop, launch, operate and exploit space systems, ranging from technological autonomy and cyber-security to supply-side considerations;

46. Considers that the Union should encourage all actors in the technology and know-how supply chains to turn their attention to space-based capabilities and dual-use technologies of relevance to security and defence, and should promote the development of innovative applications and new business ideas in this area, with a particular focus on small and medium-sized companies and on developing entrepreneurship in this sector; notes that continued financial investment is needed to sustain technological research and development; firmly believes that the public sector must provide incentives for the creation of specialist incubators and funds designed to provide financing for innovative start-ups, so as to ensure that the high costs of space research do not hinder the emergence of innovative projects; calls for a plan for the use of dual-use space technologies in the space sector, aimed at contributing to the development of the European defence industry and to greater competition;

47. Stresses the need to support efforts to strengthen European cooperation in the sector in order to overcome the high level of fragmentation, especially with regard to the institutional demand side; is convinced that only a more cost-effective, transparent and consolidated European space industry can be internationally competitive; stresses that European space industrial policy must be further developed in coordination with the European Space Agency (ESA) in order to ensure complementarities;

48. Recalls that in order to maintain and strengthen the security, defence and stability of Europe it is important to prevent the export of sensitive space technology to countries that endanger regional or global security and stability, pursue an aggressive foreign policy, directly or indirectly support terrorism or repress their people internally; urges the High Representative, the EU Member States and the Commission to make sure that the eight criteria of Council Common Position 2008/944/CFSP and the rules of the Dual-Use Regulation (EC) No 428/2009 are being fully respected as regards the export of sensitive space-related technology;

49. Stresses the need for better coordination of EU space capacities, by developing the necessary system architectures and procedures to ensure a proportionate level of security, including data security; invites the Commission to draw up and promote a model of governance for each system providing security and defence related services; considers that, in order to provide an integrated service to end users, EU space capacities dedicated to security and defence should be managed by a specific operational service coordination centre (Command and Control Centre as referred to in the Horizon 2020 Work Programme 2014-2015); considers that, for reasons of cost efficiency, this should, if possible, be incorporated into one of the existing EU bodies, such as the European GNSS Agency, the EU Satellite Centre or the European Defence Agency, taking into account the capabilities already offered by those agencies;

50. Considers that creating in the long term a legal framework permitting sustained EU-level investments in security and defence capabilities could foster greater and more systematic European defence cooperation with a view to delivering key capabilities; notes, therefore, the European Council conclusions of June 2015; urges the Council, the VP/HR and the Commission to develop the necessary framework for EU-level funding;

51. Notes that the European space industry is deeply concentrated, with a high degree of vertical integration where four companies are responsible for more than 70 % of total European space employment and where 90 % of European space-sector manufacturing employment is located in six countries; stresses that the potential of countries with good track records in high-technology patent filings but lacking a tradition of space activities should not be overlooked, and calls for policies to encourage participation of these countries in the European space sector, using inter alia the tools of the 'Horizon 2020' programme;

52. Believes also that research and development in the field of space technology and services should be strengthened within a consistent EU policy framework;

53. Takes the view that an EU-level White Paper on security and defence could be the appropriate means of structuring future EU engagement in space-based security and defence capabilities; calls on the HR/VP to start a debate on defining the EU's level of ambition in the overlapping fields of space capabilities and security and defence; takes the view that this could also allow coherent development across all capability domains in relation to peace-keeping, conflict prevention and strengthening international security, in accordance with the principles of the United Nations Charter; calls on the Commission to outline in the future European Defence Action Plan its plans on space activities in support of security and defence; recognises simultaneously the benefits of security-related international cooperation with the EU's reliable partners in the area of space;

54. Recalls that space debris is a growing problem for space security, and calls on the EU to support research and development in active debris removal (ADR) technologies; encourages the EU to invest in the establishment of an international agreement providing a legal definition of space debris, establishing rules and regulations concerning its removal, and clarifying liability issues; stresses the need for an enhanced global space situational awareness mechanism, and calls for the European SSA system to be linked up with partners such as the US, and for more confidence-building measures and information exchange with other counterparts;

55. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Secretary-General of the North Atlantic Treaty Organisation, the EU agencies in the space, security and defence fields, and the national parliaments.

Wednesday 8 June 2016

P8_TA(2016)0268

Space market uptake

European Parliament resolution of 8 June 2016 on space market uptake (2016/2731(RSP))

(2018/C 086/11)

The European Parliament,

— having regard to Article 189 of Title XIX of the Treaty on the Functioning of the European Union,

— having regard to the Commission communication of 28 February 2013 entitled 'EU space industrial policy' (COM(2013)0108),

— having regard to the Commission communication of 4 April 2011 entitled 'Towards a space strategy for the European Union that benefits its citizens' (COM(2011)0152),

— having regard to the Commission communication of 19 April 2016 entitled 'European Cloud Initiative — Building a competitive data and knowledge economy in Europe' (COM(2016)0178),

— having regard to the Commission communication of 14 June 2010 on an Action Plan on Global Navigation Satellite System (GNSS) Applications (COM(2010)0308),

— having regard to Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 amending Regulation (EU) No 912/2010 setting up the European GNSS Agency ([1]),

— having regard to Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 ([2]),

— having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council ([3]),

— having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ([4]),

— having regard to Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC ([5]),

— having regard to Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport ([6]),

([1]) OJ L 150, 20.5.2014, p. 72.
([2]) OJ L 122, 24.4.2014, p. 44.
([3]) OJ L 276, 20.10.2010, p. 11.
([4]) OJ L 347, 20.12.2013, p. 1.
([5]) OJ L 123, 19.5.2015, p. 77.
([6]) OJ L 60, 28.2.2014, p. 1.

Wednesday 8 June 2016

— having regard to the relevant Council conclusions and to the ministerial 'Declaration of Amsterdam' of 14 April 2016 on cooperation in the field of connected and automated driving,

— having regard to its resolution of 8 June 2016 on space capabilities for European security and defence ([1]),

— having regard to its resolution of 10 December 2013 on EU Space Industrial Policy, releasing the Potential for Growth in the Space Sector ([2]),

— having regard to its resolution of 19 January 2012 on a space strategy for the European Union that benefits its citizens ([3]),

— having regard to its resolution of 7 June 2011 on transport applications of Global Navigation Satellite Systems — short- and medium-term EU policy ([4]),

— having regard to the study of January 2016 on Space Market Uptake in Europe ([5]),

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas EU space activities are of major importance for scientific and technical progress, innovations, economic growth, industrial competitiveness, social cohesion, the creation of skilled jobs and enterprises, and new opportunities for both upstream and downstream markets;

B. whereas satellite navigation, earth observation (EO) and satellite communication services could make a vital contribution to the implementation of a broad range of Union policies; whereas European citizens could benefit significantly from satellite navigation and EO services;

C. whereas the implementation of space flagship programmes demonstrates the added value of cooperation at EU level; whereas the EU still lacks an integrated and coherent space policy;

D. whereas autonomous access to space is of strategic importance for the EU; whereas highly reliable and accurate positioning and timing information and EO data are fundamental for strengthening European autonomy and whereas European GNSS and Copernicus programmes have a unique innovative approach to technology implementation; whereas the Union will invest more than EUR 11 billion in their infrastructure in the period up to 2020;

E. whereas the European Geostationary Navigation Overlay Service (EGNOS), which augments the GPS signal, is already operational and Galileo will soon launch its initial services; whereas Copernicus is operational, and its core services are already available to users and the data are freely accessible worldwide;

F. whereas the technologies developed in the framework of space research have high cross-fertilisation and spin-off effects on other policy areas;

G. whereas the connection of existing infrastructure in the domains of data storage, networking and high-performance computing in Europe is necessary for developing the capacity to process and store large volumes of satellite data and is therefore important for facilitating a strong and competitive European downstream EO industry;

H. whereas in the next two decades European GNSS is expected to generate economic and social benefits worth around EUR 60-90 billion; whereas the annual turnover potential of the EO downstream services market to be reached by 2030 is estimated at around EUR 2,8 billion, of which more than 90 % should stem from Copernicus;

([1]) Texts adopted, P8_TA(2016)0267.
([2]) Texts adopted, P7_TA(2013)0534.
([3]) OJ C 227 E, 6.8.2013, p. 16.
([4]) OJ C 380 E, 11.12.2012, p. 1.
([5]) Space Market Uptake in Europe, Study for the ITRE Committee, Directorate-General for Internal Policies, Policy Department A, 2016, ISBN 978-92-823-8537-1.

I. whereas the uptake of downstream applications and services based on space data has so far been below expectations; whereas in order to fully exploit the potential of the space data market, both public and private demand needs to be stimulated and it is necessary to overcome market fragmentation and any technical, legislative and other obstacles to the functioning of the internal market in the area of space-based products and services;

J. whereas the Commission announced in its Work Programme for 2016 the intention to present a 'Space Strategy for Europe' and launched a public consultation in April 2016; whereas this resolution will provide input to the strategy;

Space strategy and market uptake

1. Encourages the Commission to present a comprehensive, ambitious and forward-looking strategy, ensuring in the short, medium and long term Europe's leading position in space technologies and services on global markets, ensuring independent access to space for Europe and ensuring a level playing field for the European space industry;

2. Believes that one of the main elements of the strategy should be market uptake of space data, services and applications to maximise the socio-economic benefits of EU space programmes;

3. Calls on the Commission to present a proposal for a clear European space industrial policy as part of the upcoming strategy;

4. Highlights the fact that the future development of EU space programmes should be user-oriented and driven by public, private and scientific users' needs;

5. Acknowledges the broad range of stakeholders involved in implementing EU space policy, particularly the Commission, the European GNSS Agency (GSA), the European Space Agency (ESA), Copernicus service providers (Eumetsat, the European Environment Agency, the European Maritime Safety Agency, Frontex, the European Centre for Medium-Range Weather Forecasts, the Joint Research Centre, Mercator Ocean), the Member States and industry; encourages them to further foster their cooperation, namely between the EU and the ESA; calls on the Commission to play a major role in developing the capabilities of European industry to improve data access, market uptake and competitiveness in the worldwide market;

6. Underlines the need for a simplified institutional landscape for EU space activities to facilitate both public and private user uptake; asks the Commission to address this need in its strategy and to propose clear definitions of the roles of the different actors;

7. Stresses the importance of the regional dimension; supports increased involvement of regional and local authorities in successful EU space policy; insists on the need to coordinate local initiatives at national level to avoid duplication between the Commission and Member States;

Technical barriers

8. Welcomes the progress made in respect of both space flagship programmes, Galileo and Copernicus; believes that they should be considered as complementary programmes and that further synergies should be encouraged; urges the Commission to fulfil the timeline and to ensure fast and full operation of space and ground infrastructure and services provided by both flagship programmes; believes that avoiding further delays is key to maintaining the trust of the private sector; reiterates the global market opportunities of European GNSS linked with the extension of EGNOS coverage to south-eastern and eastern Europe, Africa and the Middle East;

9. Supports the development of integrated applications using both EGNOS/Galileo and Copernicus;

Wednesday 8 June 2016

10. Considers that Copernicus data dissemination is too fragmented and that an EU approach is essential in order for European industry to take advantage thereof; underlines the fact that improved access to Copernicus EO data is a precondition for the development of a strong downstream industry sector; emphasises in particular the need for faster access to large sets of EO data, such as time series;

11. Urges the Commission to ensure that Copernicus data are made available to independent ICT platforms, which would allow the storage, management, processing of and easy access to big data, and would make it easier to integrate data sets from as many sources as possible and bring them to the user; believes that such platforms should:

— aggregate demand, helping to overcome the current fragmentation and create an internal EO data market without the need for regulatory measures;

— guarantee open and non-discriminatory access to users;

— enable industry to provide whatever services they deem fit through the platforms;

— be complementary with other efforts by Member States, the ESA, industry and the Open Science Cloud;

12. Recommends also that the Commission work closely with the Member States and the ESA on the creation of a properly integrated infrastructure system, with appropriate levels of data security;

13. Highlights the fact that, without Galileo-enabled chipsets and receivers, Galileo market uptake will be severely hampered; welcomes, therefore, the amount set aside in the European GNSS budget for the 'Fundamental Elements' funding programme, which is managed by the GSA, to support their development; urges the Commission to examine in the mid-term review whether this amount should be increased;

14. Calls on the GSA to continue to work with chipset and receiver manufacturers in order to understand their needs and to provide them with the necessary technical information and specifications to ensure that as much user equipment as possible is compatible with Galileo; believes that industry needs should be incorporated into the programme evolution process so that the system continues to meet market needs; invites the Commission to ensure that Galileo is included by industry as one of the reference constellations for multi-constellation receivers;

15. Recalls that Galileo will have 'differentiators', that is, certain advantages not provided by other GNSS constellations, such as open service authentication and the very high precision and reliability of the commercial service; stresses that it is essential for these differentiators to be made available as soon as possible to help ensure that Galileo becomes a reference constellation and that advantages over its competitors can be promoted;

16. Stresses the importance of ensuring that the necessary technical standards are in place to allow space data and services to be used; urges the Commission to set up thematic working groups with Member State experts in order to establish such standards;

Market barriers

17. Considers that public sector activities, including those of entrusted European agencies, should be predictable in order to stimulate private sector investments; believes in the principle that future space services should be mainly provided by, and procured from, commercial enterprises unless there is a good reason not to do so, for example, because of tangible security risks; suggests that the mid-term evaluation of the Copernicus and Galileo regulations should be used to ensure a greater involvement of the private sector in the procurement of services;

18. Urges the Commission, in relation to Copernicus data, to clearly define as soon as possible the role of the core public services (what products they provide within the open and free access policy, the procedures by which new products can be added) and what should be left to the downstream sector; invites the Commission to assess needs for very high resolution EO data for EU internal operational purposes; believes that such data should be procured from European commercial providers in order to put European industry in a strong position allowing it to sell on commercial markets worldwide; urges

the Commission also to take measures to facilitate the procurement of space-based services by public authorities, including by encouraging pre-commercial procurement, in particular to support innovative SMEs;

19. Calls for efforts to be stepped up to raise awareness of the potential of European space programmes amongst the public and private sector and end users and to encourage the use of space data in the public sector and in the business community; believes that a user-driven, problem-solving approach, where policy needs are matched with relevant operational satellite-based services, can be effective; recommends that the Commission encourage exchanges of best practices, such as the UK Space for Smarter Government Programme; considers that the Commission can play an important role in compiling public sector needs and helping to generate user demand;

20. Appreciates various awareness-raising activities provided by the Commission, the GSA, the ESA, Copernicus service providers, national space agencies and other stakeholders; highlights as successful examples of best practice the Annual Conferences on European Space Policy, European Space Solutions conferences, Space Days, the European Space Expo, the Galileo Drawing Competition, the European Satellite Navigation Competition and the Copernicus Masters;

21. Believes that more efforts should be made to promote and market the Copernicus programme;

22. Encourages the GSA to continue its efforts in the area of promoting and marketing Galileo and EGNOS and providing information on users' needs and developments on the satellite navigation market;

23. Considers that the Commission should involve the network of regional Europe Direct centres in the Member States in spreading awareness of the advantages of space data from Copernicus and Galileo and also support public authorities in establishing their needs;

Space in EU policies

24. Recommends that the Commission and the Member States ensure that the infrastructure of the European space programmes and their services are used in related policies and programmes; considers that the Commission should strengthen the links between EU space assets and activities in policy areas such as the internal market, industrial base, jobs, growth, investment, energy, climate, environment, health, agriculture, forestry, fisheries, transport, tourism, the digital single market, regional policy and local planning; believes that there is a huge potential in tackling challenges such as migration, border management and sustainable development;

25. Presses, therefore, for the Commission to carry out a 'space check' on all existing and new policy initiatives, to make sure that the best use is made of EU space assets; urges the Commission to review existing EU legislation to assess whether any changes are necessary to stimulate the use of satellite data and services (GNSS, EO, telecommunications), to provide socio-economic and other benefits and to carry out a 'space check' of all new legislation;

26. Encourages the Commission to investigate opportunities for deploying European GNSS and Copernicus in the Union's neighbourhood and development policy and in negotiations on cooperation with non-EU countries and international organisations;

27. Underlines the critical importance of European GNSS data for increased safety and efficient use of intelligent transport and traffic management systems; points to the eCall and digital tachograph regulations, which will help promote the adoption of Galileo and EGNOS; encourages the Commission to address other relevant application areas with benefits for EU citizens' safety and security such as emergency call/message location; invites the Commission to take legislative

measures in this respect to ensure the compatibility of GNSS chipsets with Galileo/EGNOS, in particular in the field of civil aviation and critical infrastructures;

28. Emphasises the fact that space data and services can play an essential role in allowing Europe to take a lead in major technological trends such as the internet of things, smart cities, big data and connected/autonomous vehicles; welcomes in this regard the 'Declaration of Amsterdam' highlighting the role of Galileo and EGNOS;

Access to finance and expertise

29. Stresses the need to strengthen funding for development of downstream applications and services and the downstream market in general; invites the Commission, at the time of the next MFF, to examine the desirability of setting aside for this purpose a greater proportion of the EU space budget;

30. Stresses that the EU has a wide range of access to finance opportunities at its disposal to support the downstream space sector (Horizon 2020, ESIF, COSME, EFSI, etc.); urges the Commission to use these instruments in a coordinated and focused manner and, including by facilitating advisory and outreach services; encourages the Commission also to introduce innovative and flexible financing mechanisms and to address the insufficient availability of venture capital; highlights the need to pay particular attention to simplified access to finance for European start-ups, micro-, small and medium-sized enterprises particularly with a view to helping them succeed in the early phases of commercialisation;

31. Urges the Commission to promote the internationalisation of space companies, including SMEs, through better access to finance and adequate support for the European space industry's competitiveness, and also through dedicated EU action allowing Europe's independent access to space;

32. Recommends that there should be a stronger link between R&D and support to business development programmes; considers in particular that the innovation potential of Horizon 2020 should be better exploited for the space sector; calls for an appropriate dissemination strategy for the space-related research outcomes of Horizon 2020 to the business community and believes that it is necessary to promote closer collaboration between universities and private companies for developing applications and services;

33. Is convinced that space industry clusters, incubators and similar initiatives help underpin market uptake, stimulate innovation and promote synergies between space and ICT and other sectors of the economy; welcomes the efforts of certain Member States in this field and also the ESA business incubation centres; believes that the Commission should build on those efforts to develop a coherent EU strategy to support space entrepreneurship and develop the means to link these with the wider economy; calls on the Commission to help to correct the geographical imbalance of such activities in which the Central and Eastern European countries are lagging behind; underlines the need to strengthen cooperation and exchange of information and best practices and the sharing of infrastructure capabilities;

34. Considers that the EU and the Member States should, in cooperation with the private sector, step up their efforts to stimulate skills and entrepreneurship and to attract students of technical universities, young scientists and entrepreneurs towards the space sector; believes that this will help to maintain a leading space science capacity and to prevent a brain drain of highly educated and skilled experts to other parts of the world;

o

o o

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

Wednesday 8 June 2016

P8_TA(2016)0269

Situation in Venezuela

European Parliament resolution of 8 June 2016 on the situation in Venezuela (2016/2699(RSP))

(2018/C 086/12)

The European Parliament,

— having regard to its numerous previous and recent resolutions on the situation in Venezuela, in particular those of 27 February 2014 on the situation in Venezuela ([1]), of 18 December 2014 on the persecution of the democratic opposition in Venezuela ([2]), and of 12 March 2015 on the situation in Venezuela ([3]),

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the International Covenant on Civil and Political Rights, to which Venezuela is a party,

— having regard to the Inter-American Democratic Charter adopted on 11 September 2001,

— having regard to the Constitution of Venezuela, and in particular Articles 72 and 233 thereof,

— having regard to the statement by the UN High Commissioner for Human Rights of 20 October 2014 on the detention of protesters and politicians in Venezuela,

— having regard to the statements of 7 December 2015 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on the elections in Venezuela,

— having regard to the statement of 5 January 2016 by the EEAS Spokesperson on the inauguration of the new National Assembly of Venezuela,

— having regard to the statement of 12 April 2016 by the Spokesperson for the Office of the UN High Commissioner for Human Rights, Ravina Shamdasani,

— having regard to the statement of 10 May 2016 by the VP/HR on the situation in Venezuela,

— having regard to the letter of 16 May 2016 from Human Rights Watch to the Secretary-General of the Organisation of American States, Luis Almagro, on the subject of Venezuela ([4]),

— having regard to the statement of the Permanent Council of the Organisation of American States of 18 May 2016,

— having regard to the official communications from the Secretary-General of the Union of South American Nations (UNASUR) issued on 23 May ([5]) and 28 May 2016 ([6]) on the exploratory meetings to launch a national dialogue between representatives of the Venezuelan Government and the MUD opposition coalition,

---

([1]) Texts adopted, P7_TA(2014)0176.
([2]) Texts adopted, P8_TA(2014)0106.
([3]) Texts adopted, P8_TA(2015)0080.
([4]) https://www.hrw.org/news/2016/05/16/letter-human-rights-watch-secretary-general-almagro-about-venezuela
([5]) http://www.unasursg.org/es/node/719
([6]) http://www.unasursg.org/es/node/779

Wednesday 8 June 2016

— having regard to the G7 Ise-Shima Leaders' Declaration of 26-27 May 2016 ([1]),

— having regard to the statement by US Secretary of State John Kerry of 27 May 2016 regarding his call with former Spanish Prime Minister José Luis Rodríguez Zapatero ([2]),

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas Venezuela's opposition coalition, the MUD, won 112 seats in the 167-member unicameral National Assembly, a two-thirds majority, compared with 55 seats for the PSUV; whereas the Supreme Court subsequently blocked four newly elected National Assembly representatives, 3 of whom from the MUD, from taking office, which deprived the opposition of its two-thirds majority;

B. whereas, in the five months during which the new National Assembly has been legislatively active, with the democratic opposition in the majority, the Supreme Court has handed down 13 politically motivated judgments in favour of the executive, all of which imperil the balance of power required in a state governed by the rule of law;

C. whereas decisions such as those issuing and confirming the State of Exception and Economic Emergency Decree, removing the National Assembly's powers to scrutinise policy, refusing to recognise the power conferred on the National Assembly by the constitution to revoke the appointment of Supreme Court judges, declaring the reform of the Central Bank of Venezuela Law unconstitutional and suspending the articles of the National Assembly's Internal Debate Rules were taken, among others, in contravention of the legislative powers of the National Assembly, with no respect for the balance of power essential in a state governed by the rule of law;

D. whereas there are around 2 000 people in prison, under house arrest or on probation for political reasons, including important political leaders such as Leopoldo López, Antonio Ledezma and Daniel Ceballos; whereas on 30 March 2016 the Venezuelan National Assembly passed a law that would give amnesty to the abovementioned prisoners, thus paving the way for dialogue towards national reconciliation; whereas this law is in line with Article 29 of the Venezuelan Constitution, in spite of the declaration of unconstitutionality issued by the Supreme Court; whereas Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, stated publicly that the Amnesty and National Reconciliation Law was in line with international law and expressed disappointment at its rejection;

E. whereas the rule of law and the principle of the separation of powers are not duly respected in Venezuela; whereas current facts point to government influence and control over judicial power and the National Electoral Council, which has a detrimental impact on the legislature and opposition powers, the cornerstones of any democratic system, in clear breach of the principle of independence and separation of powers that is characteristic of democratic states governed by the rule of law;

F. whereas the democratic opposition has started a constitutionally recognised process that enables public officials to be removed from office through a recall referendum after having completed 50 % of their term; whereas the National Electoral Council received from the MUD 1,8 million signatures of Venezuelan citizens supporting this process, many more than the 198 000 initially required for the process to be legal and constitutionally accepted;

G. whereas Venezuela is facing a serious humanitarian crisis, caused by shortages of food and medicine; whereas the National Assembly has declared a 'humanitarian health and food crisis' in view of the general lack of medicines, medical devices and supplies, and has asked the World Health Organisation (WHO) for humanitarian aid and a technical visit to certify the conditions described above;

([1]) http://www.mofa.go.jp/files/000160266.pdf
([2]) http://www.state.gov/r/pa/prs/ps/2016/05/257789.htm

H. whereas, despite the lack of official data, according to ENCOVI (Encuesta de Condiciones de Vida), the poverty rate in Venezuela has doubled from 30 % in 2013 to 60 % in 2016; whereas 75 % of the medicines considered essential by the World Health Organisation are not available in Venezuela;

I. whereas the government is preventing the entry of humanitarian aid into the country, and is boycotting the various international initiatives to assist civil society, as has happened with Caritas and other NGOs;

J. whereas, according to the International Monetary Fund (IMF), Venezuela's economy is projected to contract by 8 % in 2016, following a contraction of 5,7 % in 2015; whereas, despite a 30 % increase in the minimum wage, the 180,9 % inflation rate hinders any prospects for basic commodities being affordable for Venezuelans; whereas the IMF forecasts an average inflation rate of 700 % by the end of 2016 and of 2 200 % in 2017;

K. whereas the lack of foresight in basic infrastructure and inefficient governance have led to a major economic and social crisis, which is demonstrated by a long-running shortage of resources, raw materials, inputs, basic foodstuffs and essential medicines, with zero production, and whereas the country is on the verge of a major social upheaval and a humanitarian crisis with unpredictable consequences;

L. whereas Venezuela's very high crime rates and complete impunity have turned it into one of the most dangerous countries in the world, Caracas having the highest rate of violent crime in the world, with over 119,87 homicides per 100 000 people;

M. whereas fights for control of illegal mines are common in the mineral-rich area near the borders of Guyana and Brazil; whereas on 4 March 2016 a massacre took place in Tumeremo, Bolívar state, in which 28 miners went missing and were then murdered; whereas a satisfactory answer is still due from the authorities, and whereas journalist Lucía Suárez, who had recently investigated the case, was shot dead on 28 April 2016 at her home in Tumeremo;

N. whereas on 27 May 2016 the G7 countries issued a statement urging Venezuela 'to establish the conditions for dialogue between the government and its citizens to resolve the increasingly serious economic and political crisis', and whereas on 1 June 2016 the Permanent Council of the Organisation of American States (OAS) issued a statement on the situation in Venezuela;

O. whereas, in the framework of UNASUR, exploratory meetings have recently been held in the Dominican Republic, led by former Prime Minister of Spain José Luis Rodríguez Zapatero, former President of the Dominican Republic Leonel Fernández and former President of Panama Martín Torrijos, with the aim of initiating a national dialogue with representatives of the Government of the Bolivarian Republic of Venezuela and the opposition parties represented by the MUD;

P. whereas a solution to the crisis can only be found through dialogue with all levels of government, democratic opposition and society;

1. Expresses grave concern at the seriously deteriorating situation as regards democracy, human rights and the socio-economic situation in Venezuela, with an increasing climate of political and social instability;

2. Expresses its concern also at the current institutional blockade impasse and the executive's use of state powers to control the Supreme Court and the National Electoral Council with the aim of impeding the application of laws and initiatives adopted by the National Assembly; calls on the Venezuelan Government to respect the rule of law and the principle of the separation of powers; recalls that separation and non-interference between equally legitimate powers is an essential principle of democratic states guided by the rule of law;

3. Calls on the Venezuelan Government to adopt a constructive attitude in order to overcome Venezuela's current critical situation through a constitutional, peaceful and democratic solution based on dialogue;

Wednesday 8 June 2016

4. Welcomes the mediation efforts initiated at the invitation of UNASUR to launch a national dialogue process between the executive and the opposition represented by the majority components of the MUD;

5. Takes note of the G7 Leaders' Declaration on Venezuela; asks the June European Council to deliver a political statement on the situation in the country and to support the mediation efforts recently launched in order to allow democratic and political solutions to be agreed on for Venezuela;

6. Urges the Venezuelan Government to release all political prisoners immediately; recalls that the freeing of political prisoners is a precondition set by the opposition for starting the negotiation talks, and calls on both sides to agree on a compromise solution aimed at supporting the mediation efforts currently in place; calls for the EU and the VP/HR to urge the release of the political prisoners and those arbitrarily detained, in line with the demands made by several UN bodies and international organisations and with the Amnesty and National Reconciliation Law;

7. Requests that the authorities respect and guarantee the constitutional right to peaceful demonstrations; calls also on the opposition leaders to exercise their powers responsibly; calls on the Venezuelan authorities to guarantee security and the free exercise of rights for all citizens, in particular human rights defenders, journalists, political activists and members of independent non-governmental organisations;

8. Calls on President Nicolas Maduro and his government to implement urgent economic reforms in cooperation with the National Assembly in order to find a constructive solution to the economic and energy crises, in particular the shortage of food and medicines;

9. Expresses serious concern at the increasingly deteriorating social tension caused by the shortage of basic goods such as food and medicines; calls on the VP/HR to propose an assistance plan for the country and to urge the Venezuelan authorities to allow humanitarian aid into the country and to grant access to the international organisations that want to assist the most affected sectors in society with a view to addressing the population's most urgent and basic needs;

10. Urges the government and public authorities of Venezuela to respect the Constitution, including the legal and recognised mechanisms and procedures for activating the process laid down in the Venezuelan Constitution for impeaching the president before the end of 2016;

11. Urges the VP/HR to cooperate with Latin American countries and regional and international organisations to ensure that mechanisms for dialogue, national reconciliation and mediation are put in place in Venezuela in order to support a peaceful, democratic and constitutional solution to the crisis the country is currently experiencing;

12. Considers it an absolute priority to reduce the existing high levels of impunity, which increase and foster the growing violence and insecurity in the country, and to ensure respect for the existing legal system, which demands justice for the victims of kidnappings, murders and other crimes committed every day, and for their families;

13. Calls on the Venezuelan authorities to investigate the Tumeremo massacre, in which 28 miners were murdered, with a view to bringing the perpetrators and instigators to justice, including those behind the recent murder of journalist Lucía Suárez, which took place in the same location and is suspected of being connected;

14. Reiterates its request for a European Parliament delegation to be sent to Venezuela and to hold a dialogue with all sectors involved in the conflict as soon as possible;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Government and National Assembly of the Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.

Wednesday 8 June 2016

P8_TA(2016)0270

Endocrine disruptors: state of play following the Court judgment of 16 December 2015

European Parliament resolution of 8 June 2016 on endocrine disruptors: state of play following the judgment of the General Court of the European Union of 16 December 2015 (2016/2747(RSP))

(2018/C 086/13)

The European Parliament,

— having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]),

— having regard to the Commission roadmap for defining criteria for identifying Endocrine Disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation ([2]),

— having regard to the judgment of the General Court of the European Union of 16 December 2015 in Case T-521/14 (case brought by Sweden against the Commission, Sweden being supported by the European Parliament, the Council of the European Union, Denmark, Finland, France and the Netherlands) ([3]),

— having regard to Article 17(1) of the Treaty on European Union (TEU),

— having regard to Articles 265 and 266 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the letter of 22 March 2016 addressed by President Jean-Claude Juncker to the President of the European Parliament ((2016)1416502),

— having regard to the UNEP/WHO report on the 'State of the science of endocrine disrupting chemicals 2012' ([4]),

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas according to Article 5 of Regulation (EU) No 528/2012, active substances which are deemed to have endocrine-disrupting properties that may cause adverse effects in humans, either on the basis of scientific criteria to be specified or, pending the adoption of those criteria, on the basis of interim criteria, shall not be approved, except if one of the derogations referred to in Article 5(2) is applicable;

B. whereas Article 5(3) of Regulation (EU) No 528/2012 states that the Commission, no later than 13 December 2013, shall adopt delegated acts specifying scientific criteria for the determination of endocrine-disrupting properties of active substances and biocidal products;

C. whereas the Commission has still not adopted delegated acts specifying scientific criteria, which are now more than two and a half years overdue;

([1]) OJ L 167, 27.6.2012, p. 1.
([2]) http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_env_009_endocrine_disruptors_en.pdf
([3]) http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d2dc30d51da24ab07e5 34c8a920ba78762970884.e34Kax-iLc3qMb40Rch0SaxuTa3r0?text=&docid=173067&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=717530
([4]) http://www.who.int/ceh/publications/endocrine/en/

Wednesday 8 June 2016

D. whereas the UNEP/WHO report called endocrine disrupters (EDCs) a global threat, and refers inter alia to the high incidence and the increasing trends of many endocrine-related disorders in humans, as well as noting the observation of endocrine-related effects in wildlife populations; whereas there is emerging evidence of adverse reproductive outcomes (infertility, cancers, malformations) from exposure to EDCs, and there is also mounting evidence of the effects of these chemicals on thyroid function, brain function, obesity and metabolism, and insulin and glucose homeostasis;

E. whereas the General Court of the European Union declared in its judgment of 16 December 2015 in Case T-521/14 that the Commission breached EU law by failing to act to adopt delegated acts to specify scientific criteria for the determination of endocrine-disrupting properties;

F. whereas the Court ruled in its judgement that the Commission had a clear, precise and unconditional obligation to adopt delegated acts in order to establish the aforementioned scientific criteria no later than 13 December 2013;

G. whereas on 28 March 2013 the Endocrine Disrupters Expert Advisory Group set up by the Commission and coordinated by the Joint Research Centre (JRC) adopted a report on the key scientific issues relevant to the identification and characterisation of endocrine-disrupting substances; whereas a fully-fledged proposal for scientific criteria was ready at the time after three years of work by the services;

H. whereas the Court went on to state that no provision of Regulation (EU) No 528/2012 required an impact assessment of scientific hazard-based criteria, and even if the Commission considered that such an impact assessment was necessary, this would not exonerate it from respecting the deadline laid down in the regulation (paragraph 74 of the judgment);

I. whereas the Court furthermore ruled that the specification of scientific criteria can only be carried out in an objective manner on the basis of scientific data related to the endocrine system, independently of any other consideration, in particular economic ones (paragraph 71 of the judgment); whereas the Court thus clarified that a socio-economic impact assessment is not appropriate for deciding on a scientific matter;

J. whereas the Court furthermore ruled that the Commission, in the context of the application of the powers delegated to it by the legislator, cannot question the regulatory balance laid down by the legislator between the improvement of the internal market and the protection of both human and animal health and the environment (paragraph 72 of the judgment); whereas the Court thus clarified that it is inappropriate for the Commission to assess regulatory changes of sectorial legislation as part of the impact assessment related to the adoption of a delegated act;

K. whereas the Court found that the interim criteria set in Regulation (EU) No 528/2012 cannot be seen as delivering a level of protection that would be sufficiently high (paragraph 77 of the judgment);

L. whereas pursuant to Article 266 TFEU, the institution whose failure to act has been declared to be contrary to the Treaties shall be required to take the necessary measures to comply with the judgment of the Court of Justice of the European Union;

M. whereas at Parliament's plenary sitting of February 2016, Vytenis Andriukaitis, the Commissioner responsible for Health and Food Safety, announced that the Commission would nevertheless continue to conduct the impact assessment, considering it a 'useful and even essential tool to guide its future decision on the criteria';

N. whereas the Commission is obliged to carry out impact assessments for legislative and non-legislative initiatives which are expected to have significant economic, environmental or social impacts to map out alternative solutions, meaning that impact assessments are valuable tools helping regulators to assess policy options, but not to determine scientific matters;

O. whereas Commission President Jean-Claude Juncker confirmed in his letter of 22 March 2016 to Parliament President Martin Schulz the Commission's intention to first seek the opinion of the Regulatory Scrutiny Board on the impact assessment before deciding on the scientific criteria, and then to adopt scientific criteria for the determination of endocrine-disrupting properties by the end of June 2016;

P. whereas there is therefore no doubt that the Commission has not yet taken action to comply with the judgment of the Court, but rather persists in its breach of EU law as declared by the Court, and is thus now also in breach of Article 266 TFEU;

Q. whereas it is absolutely unacceptable for the Commission, as the guardian of the Treaties, not to comply with the Treaties;

1. Condemns the Commission not only for its failure to comply with its obligation to adopt delegated acts pursuant to Regulation (EU) No 528/2012, but moreover for failing to comply with its institutional obligations as laid down in the Treaties themselves, notably in Article 266 TFEU;

2. Takes note of the Commission's political commitment to propose scientific criteria for the determination of endocrine-disrupting properties before the summer;

3. Stresses that the General Court ruled that the specification of scientific criteria can only be carried out in an objective manner on the basis of scientific data related to the endocrine system, independently of any other consideration, in particular economic ones, and that the Commission is not entitled to change the regulatory balance laid down in a basic act via the application of powers delegated to it pursuant to Article 290 TFEU, an issue that the Commission, however, evaluates as part of its impact assessment;

4. Calls on the Commission to comply immediately with its obligations under Article 266 TFEU and to adopt immediately hazard-based scientific criteria for the determination of endocrine-disrupting properties;

5. Instructs its President to forward this resolution to the President of the Council and the President of the Commission and to notify them of the result of the vote on it in plenary.

Wednesday 8 June 2016

P8_TA(2016)0271

Products containing, consisting of, or produced from genetically modified maizes

European Parliament resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maizes combining two or three of the events Bt11, MIR162, MIR604 and GA21, and repealing Decisions 2010/426/EU, 2011/893/EU, 2011/892/EU and 2011/894/EU (D044931/01 — 2016/2682(RSP))

(2018/C 086/14)

The European Parliament,

— having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maizes combining two or three of the events Bt11, MIR162, MIR604 and GA21, and repealing Decisions 2010/426/EU, 2011/893/EU, 2011/892/EU and 2011/894/EU (D044931/01,

— having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ([1]), and in particular Articles 7(3), 9(2), 19(3) and 21(2) thereof,

— having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([2]),

— having regard to the fact that the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 voted on 25 April 2016 not to deliver an opinion,

— having regard to the opinion delivered by the European Food Safety Authority (EFSA) on 7 December 2015 ([3]),

— having regard to its resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (MON-877Ø5-6 × MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([4]),

— having regard to its resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (MON-877Ø8-9 × MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([5]),

— having regard to its resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([6]),

---

([1]) OJ L 268, 18.10.2003, p. 1.
([2]) OJ L 55, 28.2.2011, p. 13.
([3]) EFSA GMO Panel (EFSA Panel on Genetically Modified Organisms), 2015.
Scientific Opinion on an application by Syngenta (EFSA-GMO-DE-2009-66) for placing on the market of herbicide tolerant and insect resistant maize Bt11 × MIR162 × MIR604 × GA21 and subcombinations independently of their origin for food and feed uses, import and processing under Regulation (EC) No 1829/2003. EFSA Journal 2015; 13(12):4297 (34 pp. doi:10.2903/j.efsa.2015.4297).
([4]) Texts adopted, P8_TA(2016)0040.
([5]) Texts adopted, P8_TA(2016)0039.
([6]) Texts adopted, P8_TA(2016)0038.

Wednesday 8 June 2016

— having regard to its resolution of 16 December 2015 on Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (MON-ØØ6Ø3-6 × ACS-ZMØØ3-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([1]),

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

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas on 9 February 2009 Syngenta France SAS submitted to the competent authority of Germany an application in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from Bt11 × MIR162 × MIR604 × GA21 maize;

B. whereas the application also covers the placing on the market of genetically modified maize Bt11 × MIR162 × MIR604 × GA21 in products consisting of it or containing it for other uses than food and feed as any other maize, with the exception of cultivation;

C. whereas on 5 July 2013 Syngenta extended the scope of the application to cover all sub-combinations of the single genetic modification events constituting Bt11 × MIR162 × MIR604 × GA21 maize ('sub-combinations'), including Bt11 × GA21 maize, MIR604 × GA21 maize, Bt11 × MIR604 maize, and Bt11 × MIR604 × GA21, which are already authorised respectively by Commission Decisions 2010/426/EU ([2]), 2011/892/EU ([3]), 2011/893/EU ([4]) and 2011/894/EU ([5]);

D. whereas, as described in the application, SYN-BTØ11-1 maize expresses the Cry1Ab protein, which confers protection against certain lepidopteran pests, and a PAT protein, which confers tolerance to glufosinate-ammonium herbicides;

E. whereas, as described in the application, SYN-IR162-4 maize expresses the Vip3Aa20 protein, which confers protection against certain lepidopteran pests, and PMI protein, which was used as a selectable marker;

F. whereas, as described in the application, SYN-IR6Ø4-5 maize expresses the Cry3A protein, which provides protection against certain coleopteran pests, and PMI protein, which was used as a selectable marker;

G. whereas, as described in the application, MON-ØØØ21-9 maize expresses the Cry1Ab protein, which confers protection against certain lepidopteran pests, and the mEPSPS protein, which confers tolerance to glyphosate-based herbicides;

([1]) Texts adopted, P8_TA(2015)0456.

([2]) Commission Decision 2010/426/EU of 28 July 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11xGA21 (SYN-BTØ11-1xMON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 199, 31.7.2010, p. 36).

([3]) Commission Decision 2011/892/EU of 22 December 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MIR604xGA21 (SYN-IR6Ø4-5xMON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 344, 28.12.2011, p. 55).

([4]) Commission Decision 2011/893/EU of 22 December 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11xMIR604 (SYN-BTØ11-1xSYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 344, 28.12.2011, p. 59).

([5]) Commission Decision 2011/894/EU of 22 December 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11xMIR604xGA21 (SYN-BTØ11-1xSYN-IR6Ø4-5xMON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 344, 28.12.2011, p. 64).

Wednesday 8 June 2016

H. whereas the International Agency for Research on Cancer — the specialised cancer agency of the World Health Organisation — classified glyphosate as probably carcinogenic to humans on 20 March 2015 ([1]);

I. whereas the draft Commission implementing decision was voted on in the Standing Committee on 25 April 2016, with no opinion being delivered;

J. whereas on 22 April 2015 the Commission deplored, in the explanatory memorandum of its legislative proposal amending Regulation (EC) No 1829/2003, the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions had been adopted by the Commission, in accordance with the applicable legislation, without the support of the opinions of Member State committees and that the return of the dossier to the Commission for the final decision, which was very much the exception for the procedure as a whole, had become the norm for decision-making on genetically modified (GM) food and feed authorisations;

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

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

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

([1]) IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides 20 March 2015, http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf

Wednesday 8 June 2016

P8_TA(2016)0272

Genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4)

European Parliament resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (D044927/02 — 2016/2683(RSP))

(2018/C 086/15)

The European Parliament,

— having regard to the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus L.*, line SHD-27531-4) (D044927/02,

— having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ([1]), and in particular the first subparagraph of Article 18(1) thereof,

— having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([2]),

— having regard to the opinion published by the European Food Safety Authority (EFSA) on 15 December 2015 ([3]),

— having regard to the opinion delivered by EFSA on 10 November 2014 ([4]),

— having regard to the outcome of the vote of the Regulatory Committee on 25 April 2016,

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

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas in March 2013, a notification (reference C/NL/13/01) concerning the placing on the market of a genetically modified carnation (*Dianthus caryophyllus L.*, line SHD-27531-4) was submitted by Suntory Holdings Limited, Osaka, Japan, to the competent authority of the Netherlands;

B. whereas the scope of notification C/NL/13/01 covers the import, distribution and retailing in the Union of cut flowers of the genetically modified (GM) carnation SHD-27531-4 for ornamental use only;

C. whereas on 25 April 2016 the Regulatory Committee gave no opinion, with seven Member States representing 7,84 % of the population voting against the draft Commission implementing decision, six Member States representing 46,26 % of the population abstaining, eleven Member States representing 36,29 % of the population voting in favour and four Member States not being represented;

([1]) OJ L 106, 17.4.2001, p. 1.
([2]) OJ L 55, 28.2.2011, p. 13.
([3]) GMO Panel (EFSA Panel on Genetically Modified Organisms), 2015. Scientific Opinion on a Part C notification (reference C/NL/13/01) from Suntory Holdings Limited for the import, distribution and retailing of carnation SHD-27531-4 cut flowers with modified petal colour for ornamental use. EFSA Journal 2015; 13(12):4358, 19 p. (doi:10.2903/j.efsa.2015.4358).
([4]) GMO Panel (EFSA Panel on Genetically Modified Organisms), 2014. Scientific Opinion on objections of a Member State to a notification (Reference C/NL/13/01) for the placing on the market of the genetically modified carnation SHD-27531-4 with a modified colour, for import of cut flowers for ornamental use, under Part C of Directive 2001/18/EC from Suntory Holdings Limited. EFSA Journal 2014; 12(11):3878, 9 p. (doi:10.2903/j.efsa.2014.3878).

Wednesday 8 June 2016

D. whereas the EFSA opinion states that the EFSA GMO Panel is aware of a food habit in certain populations to intentionally consume carnation petals as garnish;

E. whereas the EFSA GMO Panel did not, however, assess the possible consequences of the intentional consumption of GM carnations by humans;

F. whereas both intentional and accidental oral intake of GM carnation flowers by animals were excluded from the EFSA opinion;

G. whereas the carnation belongs to the species *Dianthus caryophyllus* of the widely cultivated genus *Dianthus*;

H. whereas members of the genus *Dianthus*, including wild and domesticated species, are fairly diverse, as their origins range from southern Russia to Alpine regions of Greece and the Auvergne mountains of France; whereas *Dianthus spp*. are adapted to the cooler Alpine regions of Europe and Asia, and are also found in Mediterranean coastal regions; whereas *D. caryophyllus* is a widely cultivated ornamental plant in Europe, both in glasshouses and outdoors (i.e. in Italy and Spain), and is occasionally naturalised in some Mediterranean countries but appears to be restricted to the coastal Mediterranean regions of Greece, Italy, Sicily, Corsica and Sardinia ([1]);

I. whereas the main carnation-producing countries are Italy, Spain and the Netherlands and whereas wild *Dianthus caryophyllus* are primarily found in France and Italy ([2]);

J. whereas Cyprus objected to the notification and the EFSA GMO Panel agreed with Cyprus that the propagation of carnation SHD-27531-4 (for example rooting) by individuals could not be excluded; whereas EFSA considers that cut stems with vegetative shoots could be propagated by rooting or by micropropagation and released into the environment (for example in gardens);

K. whereas in the wild, cross-pollination of *Dianthus spp*. is carried out by insect pollinators, in particular by *Lepidoptera*, which have probosces of sufficient length to reach the nectaries at the base of the flowers; whereas the EFSA GMO Panel is of the opinion that the potential spread of pollen of the GM carnation SHD-27531-4 by *Lepidoptera* to wild *Dianthus* species cannot be eliminated;

L. whereas once their ornamental value is over, the genetically modified *Dianthus caryophyllus L.*, line SHD-27531-4 will become waste that, according to circular economy principles, will possibly be managed through composting, but whereas EFSA did not analyse the impacts of such release into the environment;

M. whereas in the event of escape into the environment via viable seeds, pollen or rooted plants, the EFSA GMO Panel considers that carnation SHD-27531-4 would not show enhanced fitness characteristics, except when exposed to sulfonylurea herbicides;

N. whereas the genetically modified carnation contains the *SuRB* (*als*) gene coding for a mutant acetolactate synthase (ALS) derived from *Nicotiana tabacum*, which confers tolerance to sulfonylurea;

O. whereas, according to PAN UK, 'some herbicides are highly toxic to plants at very low doses, such as sulfonylureas, sulfonamides and imidazolinones. Sulfonylureas have replaced other herbicides which are more toxic to animals. Experts have warned that the wide-spread use of sulfonylureas "could have a devastating impact on the productivity of non-target crops and the make-up of natural plant communities and wildlife food chains"' ([3]);

([1]) Tutin et al., 1993.
([2]) http://gmoinfo.jrc.ec.europa.eu/csnifs/C-NL-13-01.pdf
([3]) http://www.pan-uk.org/pestnews/Issue/pn88/PN88_p4-7.pdf

P. whereas sulfonylureas are common second-line options for management of type 2 diabetes and are associated with a higher risk of cardiovascular events compared with other antidiabetic drugs ([1]);

Q. whereas creating a market for sulfonylurea-resistant plants will encourage the worldwide use of this medicine against diabetes as a herbicide;

R. whereas using a medicine for a purpose other than public health which leads to its uncontrolled spread in the ecosystems can have worldwide detrimental effects on biodiversity and cause chemical contamination of drinking water;

1. Considers that the draft Commission implementing decision does not fulfil the objective of health and environment protection provided for in Directive 2001/18/EC and therefore exceeds the implementing powers provided for in this Directive;

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

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

([1]) http://thelancet.com/journals/landia/article/PIIS2213-8587(14)70213-X/fulltext

Thursday 9 June 2016

P8_TA(2016)0274

Cambodia

European Parliament resolution of 9 June 2016 on Cambodia (2016/2753(RSP))

(2018/C 086/16)

The European Parliament,

— having regard to its previous resolutions on Cambodia, notably those of 26 November 2015 on the political situation in Cambodia ([1]), of 9 July 2015 on Cambodia's draft laws on NGOs and trade unions ([2]) and of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos ([3]),

— having regard to the local EU statement of 30 May 2016 on the political situation in Cambodia,

— having regard to the report of the UN Special Rapporteur on the situation of human rights in Cambodia of 20 August 2015,

— having regard to the UN Human Rights Council resolution of 2 October 2015 on Cambodia,

— having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report of Cambodia,

— having regard to the Universal Declaration of Human Rights of 10 December 1948,

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to the 2008 EU Guidelines on Human Rights Defenders,

— having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,

— having regard to the resolution adopted by the UN General Assembly on 8 March 1999 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,

— having regard to the statement of 1 April 2016 by the UN Special Rapporteur urging Cambodia to strengthen protection of women and indigenous peoples' rights,

— having regard to the joint statement by civil society organisations of 2 May 2016 condemning the charging of human rights defenders,

— having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,

— having regard to the Cambodian Constitution, in particular Article 41 thereof, in which the rights and freedoms of expression and assembly are enshrined, Article 35 on the right to political participation and Article 80 on parliamentary immunity,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas in the last few months there has been a steady increase in the number arrests of members of the political opposition, human rights activists and representatives of civil society;

([1]) Texts adopted, P8_TA(2015)0413.
([2]) Texts adopted, P8_TA(2015)0277.
([3]) Texts adopted, P7_TA(2014)0044.

B. whereas Prime Minister Hun Sen has been in power for over 30 years; whereas Sam Rainsy, the president of the leading opposition party, the CNRP, remains in self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges, and whereas acting CNRP president, Kem Sokha, is under investigation; whereas on 22 April 2016 a Phnom Penh court prosecutor announced that CNRP president Sam Rainsy would face trail in absentia on further politically motivated charges, starting on 28 July 2016;

C. whereas on 20 November 2015 Sam Rainsy was summoned by a court to appear for questioning in relation to a post published on his public Facebook page by an opposition senator, Hong Sok Hour, who has been under arrest since August 2015 on charges of forgery and incitement after posting a video on Sam Rainsy's Facebook page containing an allegedly false document relating to the 1979 border treaty with Vietnam;

D. whereas on 3 May 2016 the Phnom Penh Municipal Court summoned Kem Sokha regarding a charge of criminal defamation, along with MPs Pin Ratana and Tok Vanchan, notwithstanding the fact that they enjoy immunity;

E. whereas on 12 May 2016 the well-known political analyst Ou Virak was also summoned on charges of defamation after expressing his opinion about the Kem Sokha case;

F. whereas on 2 May 2016 politically motivated charges were brought against Ny Sokha, Nay Vanda and Yi Soksan (three senior human rights advocates from the Cambodian Human Rights and Development Association (ADHOC)), former ADHOC staffer Ny Chakrya, who is deputy secretary-general of the country's National Election Committee (NEC), and UN Office of the High Commissioner for Human Rights (UN OHCHR) staffer Soen Sally, and whereas they could receive sentences of up to 10 years' imprisonment;

G. whereas National Assembly opposition member Um Sam An was stripped of his parliamentary immunity and arrested on 11 April 2016 on trumped-up accusations of 'incitement to cause chaos in society' in connection with his non-violent views on Cambodia-Vietnam relations; whereas he was subsequently held by the Counter-Terrorism police, indicted for trial and remanded in detention on these charges;

H. whereas on 26 April 2016 the Phnom Penh court indicted Rong Chhun, a former trade union leader who is currently a member of the NEC, for trial on trumped-up politically motivated charges of incitement to violence provoked by the government security force's suppression of strikes by workers in late December 2013 and early January 2014; whereas two important elections are due to be held (communal elections in 2017 and parliamentary elections in 2018), and whereas applying pressure on the NEC is a method used by the government to influence these elections;

I. whereas on 9 May 2016 eight people protesting peacefully against the arrests of the ADHOC staff members, including Ee Sarom, director of the NGO Sahmakun Teang Tnaut, Thav Khimsan, deputy director of the NGO LICADHO, and a Swedish and German advisor to LICADHO, were arrested and set free shortly afterwards; whereas on 16 May 2016 the same happened to five peaceful demonstrators;

J. whereas the EU is Cambodia's largest partner in terms of development assistance, with a new allocation for the 2014-2020 period of EUR 410 million; whereas the EU supports a wide range of human rights initiatives carried out by Cambodian NGOs and other civil society organisations; whereas Cambodia is highly dependent on development assistance;

K. whereas on 26 October 2015 a group of pro-government protesters in Phnom Penh brutally assaulted two MPs from the opposition CNRP, Nhay Chamrouen and Kong Sakphea, and threatened the safety of the private residence of the National Assembly's First Vice-President; whereas reports suggested that police and other state security forces looked on while the attacks took place; whereas arrests have been made concerning these attacks, but whereas human rights NGOs in Cambodia have expressed their concerns that the actual assailants are still free;

Thursday 9 June 2016

L. whereas, despite widespread criticism from civil society and the international community, the promulgation of the Law on Associations and NGOs (LANGO) has given state authorities arbitrary powers to shut down and block the creation of organisations defending human rights, and has already begun to deter human rights defence work in Cambodia and to impede civil society action;

M. whereas, since the approval of the Law on Associations and NGOs (LANGO) in 2015, the authorities have refused permission for large-scale public advocacy events led by NGOs, and whereas in recent months events held in conjunction with World Habitat Day, International Human Rights Day, International Women's Day and International Labour Day have all been disrupted to varying extents by police forces, as have other demonstrations;

N. whereas the Cambodian Senate adopted the Law on Trade Unions on 12 April 2016, imposing new restrictions on workers' right to association and granting arbitrary new powers to government authorities to repress the exercise of that right by trade unions;

1. Expresses its deep concerns about the worsening climate for opposition politicians and human rights activists in Cambodia, and condemns all acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions in respect of these individuals;

2. Deplores the escalation of politically motivated charges and judicial harassment of human rights defenders and activists, and in particular the politically motivated charges, sentences and convictions relating to the legitimate work of activists, political critics and human rights defenders in Cambodia;

3. Urges the Cambodian authorities to revoke the arrest warrant for, and drop all charges against, opposition leader Sam Rainsy and CNRP members of the National Assembly and Senate, including Senator Hong Sok Hour; calls for the immediate release of the five human rights defenders still in preventive custody, namely Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakra, for these politicians, activists and human rights defenders to be allowed to work freely without fear of arrest or persecution, and for an end to political use of the courts to prosecute people on politically motivated and trumped-up charges; calls on the National Assembly to reinstate Sam Rainsy, Um Sam An and Hong Sok Hour immediately and to restore their parliamentary immunity;

4. Urges the Cambodian authorities to drop all politically motivated charges and other criminal proceedings against ADHOC and other Cambodian human rights defenders, to cease all threats to apply repressive LANGO provisions, together with all other attempts to intimidate and harass human rights defenders and national and international organisations, and to release immediately and unconditionally all those jailed on politically motivated and trumped-up charges;

5. Urges the Government of Cambodia to recognise the legitimate and useful role played by civil society, trade unions and the political opposition in contributing to Cambodia's overall economic and political development;

6. Encourages the government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression;

7. Recalls that a non-threatening environment of democratic dialogue is essential for political stability, democracy and a peaceful society in the country, and urges the government to take all necessary measures to ensure the security of all democratically elected representatives of Cambodia, irrespective of their political affiliation;

8. Welcomes the reform of the NEC through an amendment to the Constitution following the July 2014 agreement between the Cambodian People's Party) CPP and the CNRP on electoral reforms; highlights the fact that the NEC now consists of four CPP representatives, four CNRP representatives and one representative of civil society;

9. Calls on the government to ensure full and impartial investigations with the participation of the UN, leading to the prosecution of all those responsible for the recent brutal attack on the two CNRP members of the National Assembly by members of the armed forces and for military and police use of excessive force to suppress demonstrations, strikes and social unrest;

10. Calls on the Cambodian authorities to drop all charges against former trade union leader and NEC member Rong Chhun;

11. Calls on the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service (EEAS) and the Commission to set out clear benchmarks for the forthcoming elections in Cambodia, consistent with international law on freedom of expression, association and assembly, and to publicly communicate these benchmarks to the Cambodian authorities and the opposition; calls on the EEAS to make the amount of EU financial assistance dependent on improvements in the human rights situation in the country;

12. Expresses its concerns regarding the new Trade Union Law; urges the government to repeal the Trade Union Law, the LANGO and similar laws which are restricting fundamental freedoms and threatening the exercise of human rights; urges the government to ensure that all legislation relevant to human rights is in compliance with the Constitution of Cambodia and international standards;

13. Urges the Cambodian Government to cease all forced evictions and land grabbing and to ensure that any evictions are conducted in full accordance with international standards;

14. Highlights the importance of an EU Election Observation Mission and its contribution to fair and free elections; calls on the NEC and the relevant government authorities to ensure that all eligible voters, including migrant workers and detainees, have access to, and time to take advantage of, registration opportunities;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.

Thursday 9 June 2016

P8_TA(2016)0275

Tajikistan: situation of prisoners of conscience

European Parliament resolution of 9 June 2016 on Tajikistan: situation of prisoners of conscience (2016/2754(RSP))

(2018/C 086/17)

The European Parliament,

— having regard to Articles 7, 8 and 9 of the Universal Declaration of Human Rights,

— having regard to its resolution of 17 September 2009 on the conclusion of a Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part ([1]),

— having regard to its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia ([2]),

— having regard to the Council conclusions of 22 June 2015 on the EU Strategy for Central Asia,

— having regard to its resolution of 13 April 2016 on implementation and review of the EU-Central Asia Strategy ([3]),

— having regard to the EU statement of 18 February 2016 to the Organisation for Security and Cooperation in Europe on Islamic Renaissance Party of Tajikistan (IRPT) criminal proceedings in Tajikistan,

— having regard to the conclusions of the visit to Tajikistan by the EU Special Representative for Central Asia of 18 September 2015,

— having regard to the statement of 3 June 2016 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the Tajikistan Supreme Court's sentencing of deputy leaders of the Islamic Renaissance Party to life imprisonment,

— having regard to the preliminary observations issued by the UN Special Rapporteur on the right to freedom of opinion and expression on 9 March 2016 at the end of his visit to Tajikistan,

— having regard to the Universal Periodic Review recommendations made to Tajikistan at the 25th session of the UN Human Rights Council of 6 May 2016,

— having regard to the EU-Tajikistan annual Human Rights Dialogues,

— having regard to the International Covenant on Civil and Political Rights of 1966, guaranteeing freedom of expression, freedom of assembly, the right of individuals to respect for their personal, private and family life and the right of equality, and banning discrimination in the enjoyment of those rights,

— having regard to the Regional Conference on Torture Prevention of 27 to 29 May 2014 and to the Regional Conference on the Role of Society in the Prevention of Torture of 31 May to 2 June 2016,

([1]) OJ C 224 E, 19.8.2010, p. 12.
([2]) OJ C 168 E, 14.6.2013, p. 91.
([3]) Texts adopted, P8_TA(2016)0121.

— having regard to Tajikistan's Action Plan of August 2013 for the implementation of the recommendations issued by the Committee against Torture,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas on 17 September 2009 the European Parliament gave its assent to a Partnership and Cooperation Agreement (PCA) between the European Community and the Republic of Tajikistan; whereas the PCA was signed in 2004 and came into force on 1 January 2010; whereas, in particular, Article 2 thereof states that '[r]espect for democratic principles and fundamental and human rights […] underpin the internal and external policies of the Parties and constitute an essential element of this Agreement';

B. whereas since 1992 EU-Tajikistan cooperation has expanded to a wide range of areas, including human rights and democracy, which are the very basis of any partnership;

C. whereas the EU has a vital interest in stepping up political, economic and security cooperation as well as sustainable development and peace cooperation with the Central Asian region via a strong and open EU-Tajikistan relationship based on the rule of law, democracy and human rights;

D. whereas well-known businessman and government critic Abubakr Azizkhodzhaev has been detained since February 2016 after raising critical concerns about corrupt business practices; whereas he has been charged under Article 189 of Tajikistan's Criminal Code with inciting national, racial, regional or religious hatred;

E. whereas members of Tajikistan's political opposition have been systematically targeted; whereas in September 2015 the Islamic Renaissance Party of Tajikistan (IRPT) was banned after being linked to a failed coup earlier that month led by a general, Abdukhalim Nazarzoda, who was killed along with 37 of his supporters; whereas the authorities have already arrested approximately 200 IRPT members;

F. whereas in February 2016 the Supreme Court began hearing cases against 13 members of the Political Council of the IRPT, as well as four other individuals associated with the party, who had been charged with 'extremism' offences because of their alleged involvement in attacks of September 2015; whereas many IRPT members have been arrested and face criminal proceedings without the guarantee of a fair trial; whereas Zaid Saidov, a businessman and well-known opposition figure, was sentenced to 29 years in prison in prosecutions linked to his having run for office in the November 2013 presidential elections; whereas Umarali Kuvatov was killed in Istanbul in March 2015 and another activist, Maksud Ibragimov, was stabbed and kidnapped in Russia before being returned to Tajikistan and sentenced in July 2015 to 17 years' imprisonment;

G. whereas on 2 June 2016 the Supreme Court in Dushanbe sentenced Mahmadali Hayit and Saidumar Hussaini, deputy leaders of the banned IRPT, to life imprisonment on charges of having been behind an attempted coup in 2015; whereas 11 other IRPT members were sentenced to imprisonment; whereas three relatives of the leader of the IRPT, Muhiddin Kabiri, have been jailed for failure to report an unspecified crime; whereas the court proceedings were not transparent and violated the rights of the accused to a fair trial;

H. whereas several lawyers who applied to act as defence attorneys for IRPT defendants have received death threats and have been arrested, detained and imprisoned; whereas the arrests of Buzurgmehr Yorov, Nodira Dodajanova, Nuriddin Mahkamov, Shukhrat Kudratov and Firuz and Daler Tabarov raise major concerns about compliance with international standards relating to the independence of lawyers, closed trials and limited access to legal representation; whereas several journalists have also been detained, harassed and intimidated; whereas freedom of speech, access to the media, and political and ideological pluralism, including in the area of religion, must be recognised in accordance with the constitution of Tajikistan;

Thursday 9 June 2016

I. whereas the 2015 Law on the Advokatura has required a complete re-certification of the defence bar and has introduced a number of restrictions on who can practise law, and is thus conducive to possible interference in the independence of lawyers' work;

J. whereas recent amendments to the Law on Public Associations, which came into force in 2015, hinder the operation of civil society by imposing financial disclosure of NGOs' funding sources;

K. whereas in its statement the European Parliament election observation delegation for the parliamentary elections in Tajikistan of 2 March 2015 highlighted significant shortcomings;

L. whereas the press, websites, social media and internet providers in Tajikistan operate in a restrictive environment where self-censorship is widespread; whereas the government uses restrictive media legislation and regulations to curb independent reporting and frequently blocks online media outlets and social media networks;

M. whereas in February 2015 the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment raised concerns about ongoing torture, ill-treatment and impunity in the follow-up report to his February 2014 mission to Tajikistan;

N. whereas Tajikistan's corruption index ranking remains worryingly high;

O. whereas the European Instrument for Democracy and Human Rights (EIDHR) is an important financing tool aimed at supporting the rule of law, good governance and human rights in the country and the region;

P. whereas on 22 May 2016 Tajikistan held a referendum on constitutional changes that allow incumbent president Emomali Rahmon to run for re-election indefinitely;

1. Calls for the release of all those imprisoned on politically motived charges, including Abubakr Azizkhodzhaev, Zaid Saidov, Maksud Ibragimov, IRPT deputy leaders Mahmadali Hayit and Saidumar Hussaini, and 11 other IRPT members;

2. Urges the Tajik authorities to quash the convictions of, and to release, attorneys and lawyers, including Buzurgmehr Yorov, Nodira Dodajanova, Nuriddin Mahkamov, Shukhrat Kudratov and Firuz and Daler Tabarov;

3. Stresses the importance of relations between the EU and Tajikistan and of strengthening cooperation in all areas; highlights the EU's interest in a sustainable relationship with Tajikistan in terms of political and economic cooperation; stresses that political and economic relations with the EU are deeply linked to the sharing of values relating to respect for human rights and fundamental freedoms, as envisaged in the Partnership and Cooperation Agreement;

4. Is highly concerned about the increasing detention and arrest of human rights lawyers, political opposition members and their relatives, restrictions on media freedom and internet and mobile communications, and the limitation of religious expression;

5. Urges the authorities of Tajikistan to give defence attorneys and political figures fair, open and transparent trials, to provide substantive protections and procedural guarantees in accordance with Tajikistan's international obligations and to authorise the reinvestigation by international organisations of all reported violations of human rights and dignity; calls for all those imprisoned or detained to be granted access to independent legal services, together with the right to meet their family members regularly; recalls that, for every sentence issued, clear evidence must be presented to justify the criminal charges brought against the defendant;

6. Calls on the Tajik Government to allow opposition groups to operate freely and to exercise the freedoms of assembly, association, expression and religion, in accordance with international human rights norms and the constitution of Tajikistan;

7. Emphasises that the legitimate fight against terrorism and violent extremism should not be used as a pretext to suppress opposition activity, hinder freedom of expression or hamper the independence of the judiciary; recalls that the fundamental freedoms of all Tajik citizens must be guaranteed, and the rule of law upheld;

8. Calls on the Tajik parliament to take into account the views of independent media and of civil society in its consideration of the proposed amendments to the Law on the Media regarding media licences; calls on the Tajik authorities to cease blocking news websites;

9. Calls on the Tajik authorities to comply with international law, in particular with regard to the Law on Public Associations and the Law on the Bar and the Practice of Law; calls on the Tajik Government to ensure that all lawyers, including those defending human rights activists, IRPT members, victims of torture and clients accused of extremism, are able to conduct their work freely, without fear of threats or harassment;

10. Welcomes a number of positive steps taken by the Tajik Government, such as the decriminalisation of defamation and insult in 2012, and calls for proper implementation of the country's Criminal Code; welcomes the signing of the legislation introducing amendments to the Criminal Procedural Code (CPC) and the Law on Detention Procedures and Conditions for Suspects, Accused Persons and Defendants, and calls on the Tajik authorities to ensure that these legislative provisions are implemented without delay;

11. Welcomes the annual EU-Tajikistan Human Rights Dialogues, which should also address the content of this resolution; underlines the importance of effective and result-oriented human rights dialogues between the EU and the Tajik authorities as a tool to facilitate the relaxation of the political situation in the country and the launch of comprehensive reforms;

12. Calls for the EU, and in particular the European External Action Service, to monitor closely the implementation of the rule of law in Tajikistan, especially the right to association and the right to form political parties, in the context of the upcoming parliamentary elections in 2020, to raise concerns with the Tajik authorities where necessary, to offer assistance and to report regularly to Parliament; calls on the EU Delegation in Dushanbe to continue to play an active role;

13. Encourages the authorities of Tajikistan to ensure proper follow-up to, and implementation of, the Universal Periodic Review recommendations;

14. Expresses deep concern about the widespread use of torture, and urges the Tajik Government to implement its Action Plan of August 2013 for the implementation of the recommendations issued by the Committee against Torture;

15. Takes note of the conclusions of the observation mission sent by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe for the parliamentary elections of 1 March 2015 in Tajikistan, which state that those elections 'took place in a restricted political space and failed to provide a level playing field for candidates', and calls on the Tajik authorities to address in due time all the recommendations set out in those conclusions;

16. 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 European External Action Service, the Council, the Commission, the EU Special Representative for Human Rights, the EU Special Representative for Central Asia, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council, the Government of Tajikistan and the President of Tajikistan, Emomali Rahmon.

Thursday 9 June 2016

P8_TA(2016)0276

Vietnam

European Parliament resolution of 9 June 2016 on Vietnam (2016/2755(RSP))

(2018/C 086/18)

The European Parliament,

— having regard to its previous resolutions on the situation in Vietnam,

— having regard to the statement of 18 December 2015 by the Spokesperson of the European External Action Service on the arrest of lawyer Nguyễn Văn Đài,

— having regard to the statement of the EU Heads of State or Government of 7 March 2016,

— having regard to the press statement of the Spokesperson of the UN High Commissioner for Human Rights on 13 May 2016 in Geneva on Turkey, The Gambia and Vietnam,

— having regard to the declaration of 3 June 2016 by the UN Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, and the UN Special Rapporteur on torture, Juan E. Méndez, which has been endorsed by the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, the UN Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, and the Working Group on Arbitrary Detention,

— having regard to the Partnership and Cooperation Agreement between the EU and Vietnam signed on 27 June 2012 and to the annual EU-Vietnam human rights dialogue between the EU and the Government of Vietnam, which was last held on 15 December 2015,

— having regard to the EU guidelines on human rights,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam acceded in 1982,

— having regard to the International Convention on the Elimination of All Forms of Discrimination against Women, to which Vietnam has been a state party since 1982,

— having regard to the UN Convention against Torture, which was ratified by Vietnam in 2015,

— having regard to the Universal Periodic Review Outcome of Vietnam by the UN Human Rights Council of 28 January 2014,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the EU considers Vietnam to be an important partner in Asia; whereas 2015 marks the 25th anniversary of EU-Vietnam relations; whereas these relations have broadened rapidly from trade and aid to a more comprehensive relationship;

B. whereas Vietnam has been a one-party state since 1975, with the Communist Party of Vietnam (CPV) allowing no challenge to its leadership and having control of the National Assembly and the courts;

C. whereas the Vietnamese authorities have cracked down heavily in response to a series of demonstrations taking place throughout the country in May 2016, which were organised following an ecological catastrophe that decimated the nation's fish stocks;

D. whereas a Vietnamese lawyer and human rights activist, Lê Thu Hà, was arrested on 16 December 2015, at the same time as a prominent fellow human rights lawyer, Nguyễn Văn Đài, who was arrested for conducting propaganda against the state; whereas on 22 February 2016 human rights defender Trần Minh Nhật was attacked by a police officer at his home in Lâm Hà district, Lâm Đồng Province; whereas Trần Huỳnh Duy Thức, who was imprisoned in 2009 after a trial with no meaningful defence, received a sentence of 16 years followed by five years under house arrest; whereas there is serious concern for the deteriorating health of Buddhist dissident Thích Quảng Độ, who is currently under house arrest;

E. whereas independent political parties, labour unions and human rights organisations are banned in Vietnam, with official approval needed for public gatherings; whereas some peaceful protests have been heavily policed, with high-profile activists kept under house arrest, while other demonstrations were broken up or prohibited outright from taking place;

F. whereas wide-ranging police measures to prevent and punish participation in demonstrations have resulted in a range of human rights violations, including torture and other cruel, inhuman or degrading treatment and punishment, as well as violations of the rights to peaceful assembly and freedom of movement; whereas conditions of detention and treatment of prisoners are harsh, with reports of at least seven deaths in police custody in 2015 with suspicions of possible police torture or other forms of ill-treatment;

G. whereas, despite accepting 182 of the 227 recommendations put forward by the UN Human Rights Council at its June 2014 periodic review, Vietnam rejected recommendations such as the release of political prisoners and people detained without charge or trial, legal reform to end political imprisonment, the creation of an independent national human rights institution and other steps aimed at promoting public participation; whereas, however, Vietnam has recently allowed international human rights groups to meet with representatives of the opposition and government officials for the first time since the end of the Vietnam War;

H. whereas Vietnam persists in invoking vaguely worded 'national security' provisions in the criminal code such as 'anti-state propaganda', 'subversion' or 'abuse of democratic freedoms' in order to incriminate and silence political dissidents, human rights defenders and perceived government critics;

I. whereas in May 2016 a BBC correspondent, Jonathan Head, was allegedly prohibited from covering President Obama's visit to Vietnam and stripped of accreditation, without being given an official reason; whereas Kim Quốc Hoa, the former editor-in-chief of the newspaper Người Cao Tuổi, had his journalist's licence revoked in early 2015 and was later prosecuted under Article 258 of the criminal code for abusing democratic freedoms, after the newspaper exposed a number of corrupt officials;

J. whereas Vietnam ranks 175th out of 180 in Reporters without Borders' 2016 World Press Freedom Index of 2016, with the print and broadcast media being controlled by the CPV, the military or other government bodies; whereas Decree 72 of 2013 further restricts speech on blogs and social media, with Decree 174 of 2014 enforcing harsh penalties on social media and internet users who voice 'anti-state propaganda' or 'reactionary ideologies';

K. whereas freedom of religion or belief is repressed and many religious minorities suffer from severe religious persecution, including members of the Catholic Church and non-recognised religions such as the Unified Buddhist Church of Vietnam, several Protestant churches and members of the ethno-religious Montagnard minority, as observed by the UN Special Rapporteur on freedom of religion or belief during his visit to Vietnam;

Thursday 9 June 2016

L. whereas in April 2016 Vietnam adopted a Law on Access to Information and an amended Press Law which restrict freedom of expression and reinforce censorship, as well as regulations banning demonstrations outside courts during trials;

M. whereas Vietnam's ranking in the World Economic Forum's Gender Gap Index fell from 42nd in 2007 to 83rd in 2015, and whereas the UN Convention on the Elimination of Discrimination against Women criticised the Vietnamese authorities for failing to grasp the 'concept of substantive gender equality'; whereas despite some progress, domestic violence, trafficking in women and girls, prostitution, HIV/AIDS and violations of sexual and reproductive rights remain problems in Vietnam;

N. whereas the Comprehensive Partnership and Cooperation Agreement aims to establish a modern, broad-based and mutually beneficial partnership, based on shared interests and principles such as equality, mutual respect, the rule of law and human rights;

O. whereas the EU has commended Vietnam for continued progress in socio-economic rights, while expressing persisting concerns at the situation of political and civil rights; whereas, however, at the annual human rights dialogue the EU raised the issues of restrictions on freedom of expression, freedom of the media and freedom of assembly;

P. whereas the EU is Vietnam's biggest export market; whereas the EU together with its Member States is the largest provider of official development assistance to Vietnam, and whereas there will be an EU budget increase for this purpose of 30 % to EUR 400 million in 2014-2020;

1. Welcomes the strengthened partnership and the human rights dialogue between the EU and Vietnam; applauds Vietnam's ratification last year of the UN Convention against Torture;

2. Calls on the Government of Vietnam to put an immediate stop to all harassment, intimidation, and persecution of human rights, social and environmental activists; insists that the government respect these activists' right to peaceful protest and release anyone still wrongfully held; asks for the immediate release of all activists who have been unduly arrested and imprisoned such as Lê Thu Hà, Nguyễn Văn Đài, Trần Minh Nhật, Trần Huỳnh Duy Thức and Thích Quảng Độ;

3. Expresses strong concerns about the increasing levels of violence perpetrated against Vietnamese protesters expressing their anger over the mass deaths of fish along the country's central coast; asks for the publication of the results of the investigations into the environmental disaster and for those responsible to be held accountable; calls on the Government of Vietnam to respect the right to freedom of assembly in line with its international human rights obligations;

4. Condemns the conviction and harsh sentencing of journalists and bloggers in Vietnam such as Nguyễn Hữu Vinh and his colleague Nguyễn Thị Minh Thúy, and Đặng Xuân Diệu, and calls for their release;

5. Deplores the continuing violations of human rights in Vietnam, including political intimidation, harassment, assaults, arbitrary arrests, heavy prison sentences and unfair trials, perpetrated against political activists, journalists, bloggers, dissidents and human rights defenders, both on- and offline, in clear violation of Vietnam's international human rights obligations;

6. Expresses concerns at the consideration by the National Assembly of a Law on Associations and a Law on Belief and Religion which are incompatible with international norms of freedom of association and freedom of religion or belief;

7. Urges Vietnam to further strengthen cooperation with human rights mechanisms and improve compliance with treaty body reporting mechanisms; reiterates its calls for progress in the implementation of the Universal Periodic Review recommendations;

8. Repeats its calls for the revision of specific articles in the Vietnamese criminal code that are used to suppress freedom of expression; considers it regrettable that none of the 18 000 prisoners granted amnesty on 2 September 2015 were political prisoners; condemns Vietnam's detention and prison conditions, and demands that the Vietnamese authorities guarantee unrestricted access to legal counsel;

9. Urges the Government of Vietnam to establish effective accountability mechanisms for its police forces and security agencies, with a view to stopping abuse against prisoners or detainees;

10. Calls on the authorities to put an end to religious persecution and to amend their legislation on the status of religious communities in order to re-establish the legal status of non-recognised religions; calls on Vietnam to withdraw the fifth draft of the Law on Belief and Religion, which is currently under debate in the National Assembly, and to prepare a new draft that conforms to Vietnam's obligations under Article 18 of the International Covenant on Civil and Political Rights; calls for the release of religious leaders, including Pastor Nguyễn Công Chính, Trần Thị Hồng and Ngô Hào;

11. Requests that Vietnam combat discrimination against women by introducing anti-trafficking legislation and by taking effective steps toward curbing domestic violence and violations of reproductive rights;

12. Commends Vietnam for its leading role in Asia on the development of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights, in particular the recently adopted law on marriage and family which allows same-sex wedding ceremonies;

13. Calls on the ASEAN Intergovernmental Commission on Human Rights to examine the situation concerning the state of human rights in Vietnam, with a special focus on freedom of expression, and to make recommendations to the country;

14. Calls on the Vietnamese Government to issue a standing invitation to UN Special Procedures, and in particular invitations to the Special Rapporteur on freedom of expression and the Special Rapporteur on the situation of human rights defenders;

15. Calls for the EU to increase its political dialogue on human rights with Vietnam under the Comprehensive Partnership and Cooperation Agreement;

16. Asks the EU Delegation to use all appropriate tools and instruments to accompany the Government of Vietnam in these steps and to support and protect human rights defenders; underlines the importance of human rights dialogue between the EU and the Vietnamese authorities, especially if this dialogue is followed by real implementation; stresses that this dialogue should be effective and results-oriented;

17. Acknowledges the efforts of the Vietnamese Government in strengthening EU-ASEAN relations and its support for EU membership of the East Asia Summit;

18. Commends Vietnam's achievement of a significant number of Millennium Development Goals, and calls on the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign affairs and Security Policy to provide continued support to the Vietnamese authorities and to non-governmental organisations and civil society organisations in the country in the framework of the post-2015 Development Agenda;

19. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign affairs and Security Policy, the governments and parliaments of the Member States, the Government and National Assembly of Vietnam, the governments and parliaments of the ASEAN member states, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.

Thursday 9 June 2016

P8_TA(2016)0279

A regulation for an open, efficient and independent European Union administration

European Parliament resolution of 9 June 2016 for an open, efficient and independent European Union administration (2016/2610(RSP))

(2018/C 086/19)

The European Parliament,

— having regard to Article 225 of the Treaty on the Functioning of the European Union,

— having regard to Article 298 of the Treaty on the Functioning of the European Union,

— having regard to Article 41 of the Charter of Fundamental Rights of the European Union, which provides that the right to good administration is a fundamental right,

— having regard to the question to the Commission on an open, efficient and independent European Union administration (O-000079/2016 — B8-0705/2016),

— having regard to its resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union ([1]),

— having regard to Rules 128(5), 123(2) and 46(6) of its Rules of Procedure,

1. Recalls that, in its resolution of 15 January 2013, Parliament called pursuant to Article 225 of the Treaty on the Functioning of the European Union (TFEU) for the adoption of a regulation on an open, efficient and independent European Union administration under Article 298 TFEU, but despite the fact that the resolution was adopted by an overwhelming majority (572 in favour, 16 against, 12 abstentions), Parliament's request was not followed up by a Commission proposal;

2. Invites the Commission to consider the annexed proposal for a regulation;

3. Calls on the Commission to come forward with a legislative proposal to be included in its work programme for the year 2017;

4. Instructs its President to forward this resolution to the Commission.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

for an open, efficient and independent European Union administration

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 298 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

---

([1]) OJ C 440, 30.12.2015, p. 17.

Whereas:

(1) With the development of the competences of the European Union, citizens are increasingly confronted with the Union's institutions, bodies, offices and agencies, without always having their procedural rights adequately protected.

(2) In a Union under the rule of law it is necessary to ensure that procedural rights and obligations are always adequately defined, developed and complied with. Citizens are entitled to expect a high level of transparency, efficiency, swift execution and responsiveness from the Union's institutions, bodies, offices and agencies. Citizens are also entitled to receive adequate information regarding possibility to take any further action in the matter.

(3) The existing rules and principles on good administration are scattered across a wide variety of sources: primary law, secondary law, case-law of the Court of Justice of the European Union, soft law and unilateral commitments by the Union's institutions.

(4) Over the years, the Union has developed an extensive number of sectoral administrative procedures, in the form of both binding provisions and soft law, without necessarily taking into account the overall coherence of the system. This complex variety of procedures has resulted in gaps and inconsistencies in these procedures.

(5) The fact that the Union lacks a coherent and comprehensive set of codified rules of administrative law makes it difficult for citizens to understand their administrative rights under Union law.

(6) In April 2000, the European Ombudsman proposed to the institutions a Code of Good Administrative Behaviour in the belief that the same code should apply to all Union institutions, bodies, offices and agencies.

(7) In its resolution of 6 September 2001, Parliament approved the European Ombudsman's draft code with modifications and called on the Commission to submit a proposal for a regulation containing a Code of Good Administrative Behaviour based on Article 308 of the Treaty establishing the European Community.

(8) The existing internal codes of conduct subsequently adopted by the different institutions, mostly based on that Ombudsman's Code, have a limited effect, differ from one another and are not legally binding.

(9) The entry into force of the Treaty of Lisbon has provided the Union with the legal basis for the adoption of an Administrative Procedure Regulation. Article 298 of the Treaty on the Functioning of the European Union (TFEU) provides for the adoption of regulations to assure that in carrying out their mission, the institutions, bodies, offices and agencies of the Union have the support of an open, efficient and independent European administration. The entry into force of the Treaty of Lisbon also gave the Charter of Fundamental Rights of the European Union ('the Charter') the same legal value as the Treaties.

(10) Title V ('Citizens' Rights') of the Charter enshrines the right to good administration in Article 41, which provides that every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union. Article 41 of the Charter further indicates, in a non-exhaustive way, some of the elements included in the definition of the right to good administration such as the right to be heard, the right of every person to have access to their file, the right to be given reasons for a decision of the administration and the possibility of claiming damages caused by the institutions and its servants in the performance of their duties, and language rights.

(11) An efficient Union administration is essential for the public interest. An excess as well as a lack of rules and procedures can lead to maladministration, which may also result from the existence of contradictory, inconsistent or unclear rules and procedures.

(12) Properly structured and consistent administrative procedures support both an efficient administration and a proper enforcement of the right to good administration guaranteed as a general principle of Union law and under Article 41 of the Charter.

Thursday 9 June 2016

(13) In its Resolution of 15 January 2013 the European Parliament called for the adoption of a regulation on a European Law of Administrative Procedure to guarantee the right to good administration by means of an open, efficient and independent European administration. Establishing a common set of rules of administrative procedure at the level of the Union's institutions, bodies, offices and agencies should enhance legal certainty, fill gaps in the Union legal system and should thereby contribute to compliance with the rule of law.

(14) The purpose of this Regulation is to establish a set of procedural rules which the Union's administration should comply with when carrying out its administrative activities. These procedural rules aim at assuring both an open, efficient and independent administration and a proper enforcement of the right to good administration.

(15) In line with Article 298 TFEU this Regulation should not apply to the Member States' administrations. Furthermore, this Regulation should not apply to legislative procedures, judicial proceedings and procedures leading to the adoption of non-legislative acts directly based on the Treaties, delegated acts or implementing acts.

(16) This Regulation should apply to the Union's administration without prejudice to other Union's legal acts which provide for specific procedural administrative rules. However, sector-specific administrative procedures are not fully coherent and complete. With a view to ensuring overall coherence in the administrative activities of the Union's administration and full respect of the right to a good administration, legal acts providing for specific administrative procedural rules should, therefore, be interpreted in compliance with this Regulation and their gaps should be filled by the relevant provisions of this Regulation. This Regulation establishes rights and obligations as a default rule for all administrative procedures under Union law and therefore reduces the fragmentation of applicable procedural rules, which result from sector-specific legislation.

(17) The procedural administrative rules laid down in this Regulation aim at implementing the principles on good administration established in a large variety of legal sources in light of the case law of the Court of Justice of the European Union. Those principles are set out here below and their formulation should inspire the interpretation of the provisions of this Regulation.

(18) The principle of the rule of law, as recalled in Article 2 of the Treaty on European Union (TEU), is the heart and soul of the Union's values. In accordance with that principle, any action of the Union has to be based on the Treaties in compliance with the principle of conferral. Furthermore, the principle of legality, as a corollary to the rule of law, requires that activities of the Union's administration are carried out in full accordance with the law.

(19) Any legal act of Union law has to comply with the principle of proportionality. This requires any measure of the Union's administration to be appropriate and necessary for meeting the objectives legitimately pursued by the measure in question: where there is a choice among several potentially appropriate measures, the least burdensome option has to be taken and any charges imposed by the administration not be disproportionate to the aims pursued.

(20) The right to good administration requires that administrative acts be taken by the Union's administration pursuant to administrative procedures which guarantee impartiality, fairness and timeliness.

(21) The right to good administration requires that any decision to initiate an administrative procedure be notified to the parties and provide the necessary information enabling them to exercise their rights during the administrative procedure. In duly justified and exceptional cases where the public interest so requires, the Union's administration may delay or omit the notification.

(22) When the administrative procedure is initiated upon application by a party, the right to good administration imposes a duty on the Union's administration to acknowledge receipt of the application in writing. The acknowledgment of receipt should indicate the necessary information enabling the party to exercise his or her rights of defence during the administrative procedure. However, the Union's administration should be entitled to reject pointless or abusive applications as they might jeopardize administrative efficiency.

(23) For the purposes of legal certainty an administrative procedure should be initiated within a reasonable time after the event has occurred. Therefore, this Regulation should include provisions on a period of limitation.

(24) The right to good administration requires that the Union's administration exercise a duty of care, which obliges the administration to establish and review in a careful and impartial manner all the relevant factual and legal elements of a case taking into account all pertinent interests, at every stage of the procedure. To that end, the Union's administration should be empowered to hear the evidence of parties, witnesses and experts, request documents and records and carry out visits or inspections. When choosing experts, the Union's administration should ensure that they are technically competent and not affected by a conflict of interest.

(25) During the investigation carried out by the Union's administration the parties should have a duty to cooperate by assisting the administration in ascertaining the facts and circumstances of the case. When requesting the parties to cooperate, the Union's administration should give them a reasonable time-limit to reply and should remind them of the right against self-incrimination where the administrative procedure may lead to a penalty.

(26) The right to be treated impartially by the Union's administration is a corollary of the fundamental right to good administration and implies staff members' duty to abstain from taking part in an administrative procedure where they have, directly or indirectly, a personal interest, including, in particular, any family or financial interest, such as to impair their impartiality.

(27) The right to good administration might require that, under certain circumstances inspections be carried out by the administration, where this is necessary to fulfil a duty or achieve an objective under Union law. Those inspections should respect certain conditions and procedures in order to safeguard the rights of the parties.

(28) The right to be heard should be complied with in all proceedings initiated against a person which are liable to conclude in a measure adversely affecting that person. It should not be excluded or restricted by any legislative measure. The right to be heard requires that the person concerned receive an exact and complete statement of the claims or objections raised and is given the opportunity to submit comments on the truth and relevance of the facts and on the documents used.

(29) The right to good administration includes the right of a party to the administrative procedure to have access to its own file, which is also an essential requirement in order to enjoy the right to be heard. When the protection of the legitimate interests of confidentiality and of professional and business secrecy does not allow full access to a file, the party should at least be provided with an adequate summary of the content of the file. With a view to facilitating access to one's files and thus ensuring transparent information management, the Union's administration should keep records of its incoming and outgoing mail, of the documents it receives and measures it takes, and establish an index of the recorded files.

(30) The Union's administration should adopt administrative acts within a reasonable time-limit. Slow administration is bad administration. Any delay in adopting an administrative act should be justified and the party to the administrative procedure should be duly informed thereof and provided with an estimate of the expected date of the adoption of the administrative act.

(31) The right to good administration imposes a duty on the Union's administration to state clearly the reasons on which its administrative acts are based. The statement of reasons should indicate the legal basis of the act, the general situation which led to its adoption and the general objectives which it intends to achieve. It should disclose clearly and unequivocally the reasoning of the competent authority which adopted the act in such a way as to enable the parties concerned to decide if they wish to defend their rights by an application for judicial review.

(32) In accordance with the right to an effective remedy, neither the Union nor Member States can render virtually impossible or excessively difficult the exercise of rights conferred by Union law. Instead, they are obliged to guarantee real and effective judicial protection and are barred from applying any rule or procedure which might prevent, even temporarily, Union law from having full force and effect.

Thursday 9 June 2016

(33) In order to facilitate the exercise of the right to an effective remedy, the Union's administration should indicate in its administrative acts the remedies that are available to the parties whose rights and interests are affected by those acts. In addition to the possibility of bringing judicial proceedings or lodging a complaint with the European Ombudsman, the party should be granted the right to request an administrative review and should be provided with information about the procedure and the time-limit for submitting such a request.

(34) The request for administrative review does not prejudice the party's right to a judicial remedy. For the purpose of the time-limit for an application for judicial review, an administrative act is to be considered final if the party does not submit a request for administrative review within the relevant time-limit or, if the party submits a request for administrative review, the final administrative act is the act which concludes that administrative review.

(35) In accordance with the principles of transparency and legal certainty, parties to an administrative procedure should be able to clearly understand their rights and duties that derive from an administrative act addressed to them. For these purposes, the Union's administration should ensure that its administrative acts are drafted in a clear, simple and understandable language and take effect upon notification to the parties. When carrying out that obligation it is necessary for the Union's administration to make proper use of information and communication technologies and to adapt to their development.

(36) For the purposes of transparency and administrative efficiency, the Union's administration should ensure that clerical, arithmetic or similar errors in its administrative acts are corrected by the competent authority.

(37) The principle of legality, as a corollary to the rule of law, imposes a duty on the Union's administration to rectify or withdraw unlawful administrative acts. However, considering that any rectification or withdrawal of an administrative act may conflict with the protection of legitimate expectations and the principle of legal certainty, the Union's administration should carefully and impartially assess the effects of the rectification or withdrawal on other parties and include the conclusions of such an assessment in the reasons of the rectifying or withdrawing act.

(38) Citizens of the Union have the right to write to the Union's institutions, bodies, offices and agencies in one of the languages of the Treaties and to have an answer in the same language. The Union's administration should respect the language rights of the parties by ensuring that the administrative procedure is carried out in one of the languages of the Treaties chosen by the party. In the case of an administrative procedure initiated by the Union's administration, the first notification should be drafted in one of the languages of the Treaty corresponding to the Member State in which the party is located.

(39) The principle of transparency and the right of access to documents have a particular importance under an administrative procedure without prejudice of the legislative acts adopted under Article 15(3) TFEU. Any limitation of those principles should be narrowly construed to comply with the criteria set out in Article 52(1) of the Charter and therefore should be provided for by law and should respect the essence of the rights and freedoms and be subject to the principle of proportionality.

(40) The right to protection of personal data implies that without prejudice of the legislative acts adopted under Article 16 TFEU, data used by the Union's administration should be accurate, up-to-date and lawfully recorded.

(41) The principle of protection of legitimate expectations derives from the rule of law and implies that actions of public bodies should not interfere with vested rights and final legal situations except where it is imperatively necessary in the public interest. Legitimate expectations should be duly taken into account where an administrative act is rectified or withdrawn.

(42) The principle of legal certainty requires Union rules to be clear and precise. That principle aims at ensuring that situations and legal relationships governed by Union law remain foreseeable in that individuals should be able to

ascertain unequivocally what their rights and obligations are and be able to take steps accordingly. In accordance with the principle of legal certainty, retroactive measures should not be taken except in legally justified circumstances.

(43) With a view to ensuring overall coherence in the activities of the Union's administration, administrative acts of general scope should comply with the principles of good administration referred to in this Regulation.

(44) In the interpretation of this Regulation, regard should be had especially to equal treatment and non-discrimination, which apply to administrative activities as a prominent corollary to the rule of law and the principles of an efficient and independent European administration,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and objective

1. This Regulation lays down the procedural rules which shall govern the administrative activities of the Union's administration.

2. The objective of this Regulation is to guarantee the right to good administration enshrined in Article 41 of the Charter of Fundamental Rights of the European Union by means of an open, efficient and independent administration.

Article 2

Scope

1. This Regulation applies to the administrative activities of the Union's institutions, bodies, offices and agencies.

2. This Regulation shall not apply to the activities of the Union's administration in the course of:

(a) legislative procedures;

(b) judicial proceedings;

(c) procedures leading to the adoption of non-legislative acts directly based on the Treaties, delegated acts or implementing acts.

3. This Regulation shall not apply to the administration of the Member States.

Article 3

Relationship between this Regulation and other legal acts of the Union

This Regulation shall apply without prejudice to other legal acts of the Union providing for specific administrative procedural rules. This Regulation shall supplement such legal acts of the Union, which shall be interpreted in coherence with its relevant provisions.

Article 4

Definitions

For the purposes of this Regulation, the following definitions apply:

(a) 'Union's administration' means the administration of the Union's institutions, bodies, offices and agencies;

(b) 'administrative activities' means those carried out by the Union's administration for the implementation of Union law, with the exception of the procedures referred to Article 2(2);

(c) 'administrative procedure' means the process by which the Union's administration prepares, adopts, implements and enforces administrative acts;

(d) 'member of staff' means an official within the meaning of Article 1a of the Staff Regulations and a servant as defined in indents 1 to 3 of Article 1 of the Conditions of Employment of Other Servants of the European Union.

(e) 'competent authority' means the Union institution, body, office or agency or the entity therein or the holder of a position within the Union's administration which according to the applicable law is responsible for the administrative procedure;

(f) 'party' means any natural or legal person whose legal position may be affected by the outcome of an administrative procedure.

CHAPTER II

INITIATION OF THE ADMINISTRATIVE PROCEDURE

Article 5

Initiation of the administrative procedure

Administrative procedures may be initiated by the Union's administration on its own initiative or by an application of a party.

Article 6

Initiation by the Union's administration

1. Administrative procedures may be initiated by the Union's administration on its own initiative, pursuant to a decision of the competent authority. The competent authority shall examine the particular circumstances of the case before taking the decision whether to initiate the procedure.

2. The decision to initiate an administrative procedure shall be notified to the parties. The decision shall not be made public before the notification has taken place.

3. The notification may be delayed or omitted only when it is strictly necessary in the public interest. The decision to delay or to omit the notification shall be duly reasoned.

4. The decision to initiate an administrative procedure shall indicate:

(a) a reference number and the date;

(b) the subject matter and purpose of the procedure;

(c) the description of the main procedural steps;

(d) the name and contact details of the responsible member of staff;

(e) the competent authority;

(f) the time-limit for the adoption of the administrative act and the consequences of any failure to adopt the administrative act within the time-limit;

(g) the remedies available;

(h) the address of the website referred to in Article 28, if such a website exists.

5. The decision to initiate an administrative procedure shall be drafted in the languages of the Treaties corresponding to the Member States in which the parties are located.

6. An administrative procedure shall be initiated within a reasonable time after the date of the event that would be the basis of the procedure. It shall in no case be initiated later than 10 years after the date of that event.

Article 7

Initiation by application

1. Administrative procedures may be initiated by a party.

2. Applications shall not be subject to unnecessary formal requirements. They shall clearly indicate the name of the party, an address for notification, the object of the application, the relevant facts and reasons for the application, a date and place and the competent authority to which they are addressed. They shall be submitted in writing, either on paper or by electronic means. They shall be drafted in one of the languages of the Treaties.

3. Applications shall be acknowledged in writing. The acknowledgement of receipt shall be drafted in the language of the application and shall indicate:

(a) a reference number and the date;

(b) the date of receipt of the application;

(c) a description of the main procedural steps;

(d) the name and contact details of the responsible member of staff;

(e) the time-limit for the adoption of the administrative act and the consequences of any failure to adopt the administrative act within the time-limit;

(f) the address of the website referred to in Article 28, if such a website exists.

4. Where an application does not comply with the one or more of requirements set out in paragraph (2), the acknowledgment of receipt shall indicate a reasonable deadline for remedying the error or producing any missing document. Pointless or manifestly unfounded applications may be rejected as inadmissible by means of a briefly reasoned acknowledgement of receipt. No acknowledgement of receipt shall be sent in cases where successive applications are abusively submitted by the same applicant.

5. If the application is addressed to an authority which is not competent to deal with it, that authority shall transmit it to the competent authority and shall indicate in the acknowledgment of receipt the competent authority to which the request has been transmitted or that the matter does not fall within the competence of the Union's administration.

6. When the competent authority proceeds with an administrative procedure, Article 6(2) to (4) shall apply where appropriate.

CHAPTER III

MANAGEMENT OF THE ADMINISTRATIVE PROCEDURE

Article 8

Procedural rights

The parties shall have the following rights related to the management of the procedure:

(a) to be given all relevant information related to the procedure in a clear and understandable manner;

(b) to communicate and to complete, where possible and appropriate, all procedural formalities at a distance and by electronic means;

(c) to use any of the languages of the Treaties and to be addressed in the language of the Treaties of their choice;

(d) to be notified of all procedural steps and decisions that may affect them;

(e) to be represented by a lawyer or some other person of their choice;

(f) to pay only charges that are reasonable and proportionate to the cost of the procedure in question.

Article 9

Duty of careful and impartial investigation

1. The competent authority shall investigate the case carefully and impartially. It shall take into consideration all relevant factors and gather all necessary information to adopt a decision.

2. With the purpose of gathering the necessary information, the competent authority may, where relevant:

(a) hear the evidence of parties, witnesses and experts,

(b) request documents and records,

(c) carry out visits and inspections.

3. Parties may produce evidence that they deem appropriate.

Article 10

Duty to cooperate

1. The parties shall assist the competent authority in ascertaining the facts and circumstances of the case.

2. The parties shall be given a reasonable time-limit to reply to any request of cooperation, taking into account the length and complexity of the request and the requirements of the investigation.

3. Where the administrative procedure may lead to a penalty, the parties shall be reminded of the right against self-incrimination.

Article 11

Witnesses and experts

Witnesses and experts may be heard at the initiative of the competent authority or proposed by the parties. The competent authority shall ensure that it chooses experts that are technically competent and not affected by a conflict of interest.

Article 12

Inspections

1. Inspections may be carried out where a legislative act of the Union establishes a power to inspect and where this is necessary to fulfil a duty or achieve an objective under Union law.

2. The inspections shall be carried out in accordance with the specifications laid down and within the limits set by the act that mandates or authorises the inspection as regards the measures that can be taken and the premises which can be searched. Inspectors shall exercise their power only on production of a written authorisation showing their identity and position.

3. The authority responsible for the inspection shall give notice to the party subject to the inspection of the date and starting time of that inspection. That party shall have the right to be present during the inspection and to express opinions and ask questions related to the inspection. Where it is strictly necessary in the public interest, the authority responsible for the inspection may delay or omit such notification on duly reasoned grounds.

4. During the inspection, parties present shall be informed, insofar as possible, of the subject matter and purpose of the inspection, the procedure and rules governing the inspection and the follow-up measures and possible consequences of the inspection. The inspection shall be carried out without causing undue inconvenience to the object of the inspection or the person possessing it.

5. Inspectors shall draw up without delay a report of the inspection, summarising the contribution of the inspection to achieving the purpose of the investigation and noting the essential observations made. The authority responsible for the inspection shall send a copy of that inspection report to the parties entitled to be present during the inspection.

6. The authority responsible for the inspection shall prepare and conduct the inspection in close cooperation with the competent authorities of the Member State in which the inspection takes place, unless the Member State itself is the subject of the inspection, or this would endanger the purpose of the inspection.

7. In carrying out an inspection and when drawing up the inspection report, the authority responsible for the inspection shall take account of any procedural requirements laid down in the national law of the Member State concerned which specify the admissible evidence in administrative or judicial proceedings of the Member State in which the inspection report is intended to be used.

Article 13

Conflict of interests

1. A member of staff shall not take part in an administrative procedure, in which he or she has, directly or indirectly, a personal interest, including, in particular, any family or financial interest, such as to impair his or her impartiality.

2. Any conflict of interests shall be communicated by the member of staff concerned to the competent authority, which shall take the decision whether to exclude such person from the administrative procedure, having regard to the particular circumstances of the case.

3. Any party may request that a member of staff be excluded from taking part in an administrative procedure on the ground of conflict of interests. A reasoned request to that effect shall be submitted in writing to the competent authority, which shall take a decision after hearing the member of staff concerned.

Article 14

Right to be heard

1. The parties shall have the right to be heard before any individual measure which would adversely affect them is taken.

2. The parties shall receive sufficient information and they shall be given adequate time to prepare their case.

3. The parties shall be given the opportunity to express their views in writing or orally, if necessary, and if they so choose, with the assistance of a person of their choice.

Article 15

Right of access to the file

1. The parties concerned shall be granted full access to the file, while respecting the legitimate interests of confidentiality and of professional and business secrecy. Any limitation to this right shall be duly reasoned.

2. Where no full access to the entire file can be granted, the parties shall be given an adequate summary of the content of those documents.

Article 16

Duty to keep records

1. For each file, the Union's administration shall keep records of its incoming and outgoing mail, of the documents it receives and of the measures it takes. It shall establish an index of the files it keeps.

2. Records shall be kept with full respect to the right to data protection.

Article 17

Time-limits

1. Administrative acts shall be adopted and administrative procedures shall be concluded within a reasonable time-limit and without undue delay. The time-limit for the adoption of an administrative act shall not exceed three months from the date of:

(a) the notification of the decision to initiate the administrative procedure if it was initiated by the Union's administration, or

(b) the acknowledgment of receipt of the application if the administrative procedure was initiated by application.

2. If no administrative act can be adopted within the relevant time-limit, the parties concerned shall be informed thereof and of the reasons justifying the delay and they shall be provided with an estimate of the expected date of adoption of the administrative act. Upon request, the competent authority shall respond to questions concerning the progress of the consideration of the matter.

3. If the Union's administration does not acknowledge receipt of the application within three months, the application shall be deemed to be rejected.

4. Time-limits shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council [1].

CHAPTER IV

CONCLUSION OF THE ADMINISTRATIVE PROCEDURE

Article 18

Form of administrative acts

Administrative acts shall be in writing and shall be signed by the competent authority. They shall be drafted in a clear, simple and understandable manner.

Article 19

Duty to state reasons

1. Administrative acts shall clearly state the reasons on which they are based.

2. Administrative acts shall indicate their legal basis, the relevant facts and the way in which the different relevant interests have been taken into account.

3. Administrative acts shall contain an individual statement of reasons relevant to the parties' situation. If that is not possible due to the fact that a large number of persons are concerned, a general statement of reasons shall be sufficient. In that case, however, any party who expressly requests an individual statement of reasons shall be provided with it.

Article 20

Remedies

1. Administrative acts shall clearly state that an administrative review is possible.

2. Parties shall have the right to request an administrative review against administrative acts adversely affecting their rights and interests. Requests for administrative reviews shall be submitted to the hierarchical superior authority and, where that is not possible, to the same authority which adopted the administrative act.

---

[1] Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

3. Administrative acts shall describe the procedure to be followed for the submission of a request for administrative review, as well as the name and office address of the competent authority or the responsible member of staff with whom the request for review has to be submitted. The act shall also indicate the time-limit for submitting such request. If no request is submitted within the time-limit, the administrative act shall be deemed final.

4. Administrative acts shall clearly refer, where Union law so provides, to the possibility of bringing judicial proceedings or lodging a complaint with the European Ombudsman.

Article 21

Notification of administrative acts

Administrative acts which affect the rights and interests of the parties shall be notified in writing to them as soon as they are adopted. Administrative acts shall take effect for a party upon notification to that party.

CHAPTER V

RECTIFICATION AND WITHDRAWAL OF ACTS

Article 22

Correction of errors in administrative acts

1. Clerical, arithmetic or similar errors shall be corrected by the competent authority on its own initiative or following a request by the party concerned.

2. The parties shall be informed before any correction is implemented and the correction shall take effect upon notification. If this is not possible due to the large number of parties concerned, the necessary measures shall be taken to ensure that all parties are informed without undue delay.

Article 23

Rectification or withdrawal of administrative acts which adversely affect a party

1. The competent authority shall rectify or withdraw, on its own initiative or following a request by the party concerned, an unlawful administrative act which adversely affects a party. Rectification or withdrawal shall have retroactive effect.

2. The competent authority shall rectify or withdraw, on its own initiative or following a request by the party concerned, a lawful administrative act which adversely affects a party if the reasons that led to the adoption of that specific act no longer exist. Rectification or withdrawal shall not have retroactive effect.

3. Rectification or withdrawal shall take effect upon notification to the party.

4. Where an administrative act adversely affects a party and at the same time is beneficial to other parties, an assessment of the possible impact upon all the parties shall be drawn up and the conclusions included in the reasons of the rectifying or withdrawing act.

Article 24

Rectification or withdrawal of administrative acts which are beneficial to a party

1. The competent authority shall, on its own initiative or following a request by another party, rectify or withdraw an unlawful administrative act which is beneficial to a party.

2. Due account shall be taken of the consequences of the rectification or withdrawal on parties who legitimately could expect the act to be lawful. If such parties would incur losses due to reliance on the lawfulness of the decision, the competent authority shall evaluate if those parties are entitled to compensation.

3. Rectification or withdrawal shall have retroactive effect only if done within a reasonable time. If a party could legitimately expect the act to be lawful and has argued that it should be upheld, the rectification or withdrawal shall not have retroactive effect with regard to that party.

4. The competent authority may rectify or withdraw a lawful administrative act which is beneficial to a party on its own initiative or following a request by another party if the reasons that lead to the specific act no longer exist. Due account shall be taken of legitimate expectations of other parties.

5. Rectification or withdrawal shall take effect upon notification to the party.

Article 25

Management of corrections of errors, rectification and withdrawal

The relevant provisions in Chapters III, IV and VI of this Regulation shall also apply to the correction of errors, rectification and withdrawal of administrative acts.

CHAPTER VI

ADMINISTRATIVE ACTS OF GENERAL SCOPE

Article 26

Respect for procedural rights

Administrative acts of general scope adopted by the Union's administration shall comply with the procedural rights provided for in this Regulation.

Article 27

Legal basis, statement of reasons and publication

1. Administrative acts of general scope adopted by the Union's administration shall indicate their legal basis and shall clearly state the reasons on which they are based.

2. They shall enter into force as from the date of publication by means directly accessible to those concerned.

CHAPTER VII

INFORMATION AND FINAL PROVISIONS

Article 28

Online information on rules on administrative procedures

1. The Union's administration shall promote the provision of updated online information on the existing administrative procedures in an ad-hoc website, wherever possible and reasonable. Priority shall be given to application procedures.

2. The online information shall include:

(a) a link to the applicable legislation,

(b) a brief explanation of the main legal requirements and their administrative interpretation,

(c) a description of the main procedural steps,

(d) the indication of the authority competent to adopt the final act,

(e) the indication of the time-limit for the adoption of the act,

(f) the indication of remedies available,

(g) a link to standard forms that may be used by parties in their communications with the Union's administration within the procedure.

3. The online information set out in paragraph (2) shall be presented in a clear and simple way. Access to that information shall be free of charge.

Article 29

Evaluation

The Commission shall submit a report on the evaluation of the functioning of this Regulation to the European Parliament and the Council before [xx years after the entry into force].

Article 30

Entry into force

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

This Regulation shall be binding in its entirety.

Done at,

For the European Parliament *For the Council*

The President *The President*

Thursday 9 June 2016

P8_TA(2016)0280

Competitiveness of the European rail supply industry

European Parliament resolution of 9 June 2016 on the competitiveness of the European rail supply industry (2015/2887(RSP))

(2018/C 086/20)

The European Parliament,

— having regard to the communication from the Commission 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

— having regard to the communication from the Commission 'A stronger European industry for growth and economic recovery' (COM(2012)0582),

— having regard to the communication from the Commission 'For a European industrial renaissance' (COM(2014)0014),

— having regard to the communication from the Commission 'Trade for All — Towards a more responsible trade and investment policy' (COM(2015)0497),

— having regard to the Commission White Paper 'Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system' (COM(2011)0144),

— having regard to the Study from the Commission 'Sector Overview and Competitiveness Survey of the Railway Supply Industry' (ENTR 06/054),

— having regard to the European Parliament study 'Freight on Road: Why EU shippers prefer truck to train',

— having regard to the question to the Commission on the competitiveness of the European rail supply industry (O-000067/2016 — B8-0704/2016),

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

The specific nature and strategic relevance of the European rail supply industry for a European industrial renaissance

1. Stresses that the European rail supply industry (RSI), which encompasses the manufacture of locomotives and rolling stock, and track, electrification, signalling and telecommunication equipment, as well as maintenance and parts services, and which includes numerous SMEs, as well as major industrial leaders, employs 400 000 employees, invests 2,7 % of its annual turnover in R&D and accounts for 46 % of the world RSI market; stresses that the railway sector overall, including operators and infrastructure, is responsible for more than 1 million direct and 1,2 million indirect jobs in the EU; points out that these figures are a clear indication of the importance of RSI for European industrial growth, jobs and innovation, and of its contribution to the achievement of the 20 % reindustrialisation target;

2. Emphasises the specific nature of this sector, which is characterised in particular by the manufacture of equipment with a lifespan of up to 50 years, high capital intensity, a significant dependence on public procurement and the obligation to comply with very high safety standards;

3. Recalls the essential contribution of rail in mitigating climate change and in coping with other mega-trends such as urbanisation and demographic change; urges the Commission, therefore, to support the targets for a modal shift to rail, for both passenger and freight, as formulated in the 2011 White Paper on transport with concrete policy steps and targeted investment; points out that, in line with the results of COP 21 and the EU's 2030 climate and energy targets, a shift towards rail and other types of sustainable, energy-efficient, electrified transport is necessary in order to achieve the targeted

decarbonisation of transport; asks the Commission against this background to take advantage of the upcoming Communication on Transport Decarbonisation to propose new measures to support the development of energy-efficient technologies for the RSI;

4. Observes that, as a world market leader in technology and innovation, the rail supply industry has a key role to play in attaining the Commission's 20 % industrialisation target;

5. Notes that the European rail supply industry can rely on a number of favourable factors — not only the good environmental performance of this mode of transport, but also a large market and the ability to facilitate mass transport; notes, however, that today the sector is facing triple competition: intermodal, international, and sometimes even intra-company;

Maintaining global leadership of the European rail supply industry

6. Points out that the annual growth rate of the accessible RSI international markets is expected to be 2,8 % until 2019; stresses that while the EU is largely open to competitors from third countries, third countries have several barriers in place that discriminate against the European RSI; stresses that third-country competitors, especially from China, are expanding rapidly and aggressively into Europe and other world regions, often with strong political and financial support from their country of origin (e.g. generous export credits outside the scope of OECD rules); stresses that such practices may constitute unfair competition which threatens jobs in Europe; highlights, therefore, the need for a fair and level playing field in global competition and for reciprocal market access in order to avert the risk of job losses and to safeguard industrial know-how in Europe;

7. Stresses that even within the European rail market, many EU companies, especially SMEs, find it difficult and costly to operate across borders because of the fragmentation of the market, both administratively and technically; believes that achieving the objective of establishing a single European railway area will be crucial to maintaining the European RSI's global dominance;

A renewed European rail industry innovation agenda

8. Recognises the rail supply industry as a key industry for Europe's competitiveness and capacity for innovation; urges that measures be taken to ensure that Europe maintains a technological and innovative advantage in this sector;

9. Welcomes the decision to establish the 'Shift2Rail' (S2R) Joint Undertaking and the recent launch of the first calls for proposals; asks for swift and timely implementation of all S2R R&D activities as soon as possible; criticises the fact that SME participation in S2R is low, which is partly due to the high cost and complexity of the instrument; urges the governing board to analyse the involvement of SMEs in the second call for Associated Members and to improve on it and consider specific calls for SMEs; asks the Commission to ensure that the provisions of the regulation regarding balanced SME and regional representation are complied with;

10. Stresses that capacity for innovation, investment in research and development, defragmentation of the market and clustering are essential bases for preserving the international competitiveness of Europe's rail supply industry;

11. Asks the Commission to fully mobilise the various EU funding instruments, to explore and exploit additional sources of financing for S2R and to seek for synergies between different EU funds and with private investments; in this context calls on the Commission to exploit additional EU funding instruments for rail technology outside of S2R (e.g. dedicated rail research calls in Horizon 2020 outside of S2R, InnovFin, CEF, Structural Funds, EFSI), including via an S2R pilot scheme that matches EU funding with structural and other EU innovation funds;

Thursday 9 June 2016

12. Asks the Commission to work with the sector to ensure the best use of the European Structural and Investment Funds (ESIF) — and in particular the European Regional Development Fund (ERDF) — for supporting rail R&D projects at regional level; encourages it also to focus on the future of RSI beyond 2020;

13. Stresses that clusters are an important tool for bringing together relevant stakeholders at local and regional level, including public authorities, universities, research institutes, the RSI, the social partners and other mobility industries; calls on the Commission to come up with a Cluster Strategy for Growth by December 2016; asks the Commission and the Member States to increase their support for innovation projects developed by rail clusters and other initiatives that bring together RSI SMEs, larger companies and research institutes at local, regional, national and European level; observes that there will need to be scope for public financing of clustering; notes in this connection the possibilities afforded by new financing instruments (EFSI etc.);

14. Believes that the Commission should consider the setting up of a forum at European level that would bring together established companies, start-ups and spin-offs which have innovative ideas for the rail sector, especially in the field of digitalisation, with a view to exchanging best practice and facilitating partnerships; believes that the Commission should consider ways to incentivise collaboration between large companies and SMEs in RSI-relevant research projects;

15. Believes that one focus of research activities should be digitalisation to increase the performance of rail and to lower its operational costs (e.g. automation, sensors and monitoring tools, interoperability, for example through ERTMS/ETCS, use of space technologies, including in cooperation with the ESA, use of big data and cybersecurity); believes that a second focus should be on increasing resource- and energy-efficiency, for instance through more lightweight materials and alternative fuels; believes that a third focus should be on advancements which make rail transport more attractive and accepted (e.g. improved reliability and noise reduction, seamless multimodal transport, integrated ticketing); stresses that innovation efforts must not neglect the infrastructure, which is a vital element of rail competitiveness;

16. Calls for swift implementation of an integrated e-ticketing system coordinated with other transport modes and other potential services provided by single-ticket operators;

17. Draws attention to the pressing need to produce modern rail, tram and other track within the single market, together with all the necessary ancillary equipment;

18. Asks the Commission to ensure the protection of the intellectual property rights of European rail suppliers internationally — in accordance with the recommendations of the European Parliament's resolution of 9 June 2015 on a strategy for the protection and enforcement of intellectual property rights in third countries ([1]);

Getting the right skills for a future-proof rail supply industry

19. Calls for a European training and education strategy that brings together RSI companies, research institutes and social partners to jointly investigate which skills are needed for a sustainable and innovative RSI; believes that a feasibility study towards a potential European Sectoral Skills Council on Rail should be launched in this context; calls on the Member States or regional bodies concerned to create a framework for providing ongoing training, in the form of an individual right to training which ensures that their skills pool is aligned with growing demand in the sector and is adaptable to a new market or, in the event of redundancies, transferable to another industrial sector;

([1]) Texts adopted, P8_TA(2015)0219.

20. Points out that, owing to an ageing workforce, the RSI lacks skilled labour; welcomes, therefore, every effort to promote lifelong learning and technical skills; calls for a campaign to increase the visibility and attractiveness of the RSI with young engineers (e.g. through ESF funding); highlights the fact that the sector has a particularly low rate of female employment, and stresses, therefore, that such a campaign should pay special attention to redressing this imbalance; calls on the Commission to encourage social dialogue in order to facilitate social innovation and foster quality long-term employment in order to contribute to the attractiveness of the sector for skilled personnel;

21. Considers that the teaching of appropriately selected skills is an indispensable investment for the purpose of maintaining the global leadership in technology, and capacity for innovation, of the European rail supply industry in the long term;

Supporting SMEs

22. Considers that access to finance is one of the main challenges for SMEs in the RSI; stresses the added value of COSME and the Structural Funds in helping SMEs gain access to funding, including in the form of guarantee and equity facilities, and highlights the need for a strengthened promotion of these instruments; welcomes the focus of EFSI on SMEs and mid-caps, but stresses that the fund now has to deliver on its promise, and points out that alternative sources of financing should be explored as well; welcomes the SME instrument under Horizon 2020, but stresses the problem of over-subscription and a low success rate; asks the Commission to tackle this problem during the midterm review of Horizon 2020; calls on the Commission to promote better absorption of EU financial instruments and funds available to SMEs;

23. Highlights that SMEs in the RSI often depend on one company; stresses that SMEs refrain from expansion because of a lack of resources and increased risks involved in cross-border business; calls on the Commission to develop Sector Groups on Rail in the framework of the Enterprise Europe Network, which could advise and train RSI SMEs on different innovation funding schemes, grants, internationalisation and on how to find and address potential business partners and partners with whom to apply for EU-funded joint research projects;

24. Asks the Commission to exploit further the existing support programmes for SME internationalisation and to give them more visibility among European RSI SMEs in the context of synergies between different EU funds; calls on the Commission to further develop training programmes on accessing specific foreign markets and to communicate such programmes widely to RSI SMEs;

25. Calls on the Commission and the Member States to consider all options for support to RSI SMEs, including in the framework of a possible targeted review of the Small Business Act, paying special attention to the needs of industrial sub-sectors such as the RSI, where the involvement of high added value SMEs is particularly important;

26. Is concerned about slow payments to SMEs in the RSI; asks the Commission to monitor the correct implementation of the Late Payment Directive (2011/7/EU);

Improving the European market environment for suppliers and encouraging the demand for rail products

27. Welcomes the adoption of the technical pillar of the fourth Railway Package and asks for its speedy implementation as a key enabler for a real single market for rail products; stresses that increased interoperability and a stronger role for the European Railway Agency (ERA) will facilitate the harmonisation of the network and therefore have the potential to bring down costs for the development and authorisation of rolling stock and the European Railway Traffic Management System

(ERTMS) trackside; points out the need to provide the ERA with sufficient human and financial resources to realise its new extended tasks; considers that the political pillar of the fourth Railway Package will determine the competitiveness of transport operators and, more generally, of buyers;

28. Stresses the need for a full, effective and uniform implementation of the rail network for competitive freight regulation, benefiting both passengers and industry;

29. Asks the Commission to re-evaluate the market definitions and the current set of EU competition rules to take into account the evolution of the global rail supply market; calls on the Commission to identify how these definitions and rules would need to be updated to address the problems of mergers on the global market, such as the CNR-CSR merger, and to allow for strategic partnerships and alliances on the part of the European RSI;

30. Calls for further European standardisation in the railway sector driven by stakeholders (including the European RSI) under the leadership of CEN/CENELEC; hopes that the new Joint Initiative on Standardisation proposed by the Commission will play a key role in this respect; emphasises the importance of getting more SMEs involved in European standardisation;

31. Calls for swift implementation of the 2014 EU public procurement directives; reminds Member States and the Commission that these directives oblige contracting authorities to base tendering decisions on the most economically advantageous tender (MEAT) principle, focusing on life-cycle costs and environmentally and socially sustainable products and thus contributing to preventing wage and social dumping, as well as potentially strengthening the regional economic structure; calls on the Commission and the Member States to generally promote the whole life-cycle cost analysis as standard practice in long-term investments, to give guidance to contracting authorities and to monitor its application; calls on the Commission and the Member States to remind contracting authorities of the existence of a provision, in the context of the revised European Framework on Public Procurement, which makes it possible to reject bids if more than 50 % of the value is added outside the EU (Article 85 of Directive 2014/25/EU);

32. Calls on the Commission to monitor non-European rail investment in EU Member States and to guarantee compliance with European public procurement legislation, for example the legislation on abnormally low tenders and unfair competition; invites the Commission to make inquiries concerning potential non-European candidates who submit tenders in the EU while receiving government subsidies from third countries;

Boosting investment in rail projects

33. Expects existing EU funding instruments (e.g. CEF, Structural Funds) to be used to the full so that demand is stimulated for rail projects (including EU funding instruments for investment outside the EU such as the Pre-accession Assistance and European Neighbourhood Instrument); highlights the importance of a successful implementation of the European Fund for Strategic Investments (EFSI) as one tool to mobilise private capital for the rail sector, and calls for further exploration of how private investments can be put in motion for rail projects; sees an important role for public development banks at national and European levels in supporting the RSI; asks the Commission to work with the multilateral development banks to help public authorities and private agencies to invest in the most sustainable and energy-efficient railway equipment around the world; asks the Commission and the EIB to intensify advisory support to rail projects through the newly established European Advisory Hub under EFSI, in order to help them attract investment; believes that the railway sector in Europe will continue to depend heavily on public investment; urges the Member States and public authorities, therefore, to invest significantly in their mainline and urban railway systems and, where possible, to increase absorption rates of cohesion funds for rail projects; calls, however, in view of this dependence and the strain on public finances in many European countries, for all means possible — whether regulatory or budgetary — to be put in motion to mobilise private capital on behalf of the railway sector;

34. Points out that the complexities in the rail sector make it difficult for lenders to understand risk and hence to lend cheaply; asks the Commission to develop a Rail Supply Industry Finance Forum with the aim of increasing engagement and knowledge-sharing by the RSI with the financial sector, thus improving banks' understanding of the sector and thereby their comprehension of risk and of reducing the cost of finance;

35. Believes that maintenance and modernisation of existing rail equipment should not be neglected; asks the Commission and the Member States to encourage the replacement of old equipment with modern and sustainable products on a larger scale;

36. Welcomes the EU support for the online platform 'Urban Mobility Observatory' (Eltis) enabling best-practice exchange on urban systems in metropolitan areas; asks the Commission to strengthen exchange of best practices on different financing options for sustainable urban mobility systems and to promote them via its forthcoming European Platform on Sustainable Urban Mobility Plans;

37. Asks the Commission to help with further harmonised deployment of the ERTMS, in cooperation with the ERA, within the EU and to promote ERTMS outside the EU;

38. Welcomes efforts in deploying Galileo and European Geostationary Navigation Overlay Service (EGNOS) services and applications in the rail sector; recognises in this context the role of European GNSS Agency and its successful management of the projects under the FP7 and Horizon 2020 programmes;

Strengthening the global competitiveness of the rail supply industry

39. Calls on the Commission to ensure that future trade agreements (including the ongoing negotiations with Japan, China and the USA) and the revisions of existing trade agreements include specific provisions which significantly improve market access for the European RSI, especially with respect to public procurement, including tackling the problem of increased localisation requirements and ensuring reciprocal access to foreign markets for the RSI; calls on the Commission to ensure a level playing field for market operators from inside and outside Europe;

40. Calls on the Commission to ensure that EU trade policy is more consistent with industrial policy, so that trade policy takes account of the needs of European industry and the new generation of trade agreements does not lead to fresh relocations and further deindustrialisation in the EU;

41. Urges the Commission to strive to lift the major non-tariff barriers impeding access by the European rail industry to foreign markets, including barriers to investment (particularly obligations related to joint ventures), and discrimination and lack of transparency in public procurement procedures (particularly increasingly onerous requirements concerning local content);

42. Stresses the relevance and the impact that the negotiations on the 'international public procurement instrument' and the revision of the regulations on trade defence instruments are having on the European RSI, and calls on the Council and the Commission to take this into consideration and to work closely with the European Parliament to reach a swift agreement on these instruments; asks the Commission to take into consideration the impacts which the recognition of market economy status for state-run or other non-market economies could have on the functioning of trade defence instruments and the competitiveness of the European RSI;

43. Asks the Commission for a coherent EU trade strategy which ensures compliance with the principle of reciprocity, particularly in relation to Japan, China and the USA, and support for further internationalisation of RSI, especially SMEs, including through the promotion of European standards and technologies at international level, such as the ERTMS, and by looking into how to better protect the intellectual property rights (IPRs) of the European RSI (e.g. through a broader promotion of the IPR Helpdesk);

44. Asks the Commission to help eliminate all tariff and non-tariff barriers, simplify business procedures for SMEs in the RSI and ensure the phasing-out of all restrictive business practices in third-country markets; asks the Commission to take action to facilitate the issuance of work visas for European SME employees temporarily seconded to third countries so as to reduce the number of business transactions that SMEs must carry out;

45. Points out that certain third countries are creating unacceptable trade distortions by providing disproportionate levels of support to their exporters via the financial conditions provided to potential customers; calls on the Commission in this regard to persuade the Chinese Government to sign up to the OECD Arrangement on Officially Supported Export Credits and its specific chapter on rail infrastructure; asks the Commission to step up work at the same time on new global guidelines on export credits within the International Working Group on Export Credits (IWG);

Improving strategic political support for the sector

46. Calls on the Commission to publish a communication on a coherent EU industrial policy strategy aiming at the reindustrialisation of Europe and based on, inter alia, sustainability and energy- and resource-efficiency; asks the Commission to outline in its document its strategy on important industrial sectors, including the RSI; considers it important to include ideas on how to keep a high level of vertical manufacturing in the EU;

47. Asks the Commission to organise a high-level industrial dialogue on the RSI with the participation of the relevant Commissioners, Members of the European Parliament, Council, Member States, rail industry, trade unions, research institutions, the European Railway Agency and European Standardisation Organisations; points out that a regular RSI industrial dialogue would enable a structured discussion at European level on the horizontal challenges for the sector and the effects of EU policies on the competitiveness of the RSI;

48. Asks the Commission to ensure that policy that impacts the competitiveness of the EU RSI is the result of effective communication and coordination among the administrations of the different policy areas involved;

49. Believes that political support from the Council is necessary for the strengthening and development of European RSI; calls, therefore, on the Competitiveness Council to put the European RSI concretely on its agenda;

o

o o

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

Tuesday 7 June 2016

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2016)0238

Eliminating illicit trade in tobacco products: protocol to the WHO Framework Convention ***

European Parliament legislative resolution of 7 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union (14384/2015 — C8-0118/2016 — 2015/0101(NLE))

(Consent)

(2018/C 086/21)

The European Parliament,

— having regard to the draft Council decision (14384/2015),

— having regard to the draft Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control (15044/2013),

— having regard to the request for consent submitted by the Council in accordance with Articles 33, 113, 114, 207 and Article 218(6) second subparagraph, point (a), and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (C8-0118/2016),

— 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 International Trade (A8-0154/2016),

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 to the World Health Organisation.

Tuesday 7 June 2016

P8_TA(2016)0239

Uniform technical prescriptions for wheeled vehicles: UNECE agreement ***

European Parliament legislative resolution of 7 June 2016 on the draft Council decision on the conclusion of Revision 3 of the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (13954/2015 — C8-0112/2016 — 2015/0249(NLE))

(Consent)

(2018/C 086/22)

The European Parliament,

— having regard to the draft Council decision (13954/2015),

— having regard to the Revision 3 of the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (13954/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 207 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0112/2016),

— 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 International Trade (A8-0185/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the United Nations Economic Commission for Europe.

Tuesday 7 June 2016

P8_TA(2016)0240

EU-Colombia and Peru Trade Agreement (accession of Croatia) ***

European Parliament legislative resolution of 7 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of the Additional Protocol to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of the Republic of Croatia to the European Union (12594/2014 — C8-0180/2015 — 2014/0234(NLE))

(Consent)

(2018/C 086/23)

The European Parliament,

— having regard to the draft Council decision (12594/2014),

— having regard to the Additional Protocol to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of the Republic of Croatia to the European Union (12595/2014),

— having regard to the request for consent submitted by the Council in accordance with Articles 91, 100(2), 207 and Article 218 (6), second subparagraph, point (a) (v) of the Treaty on the Functioning of the European Union (C8-0180/2015),

— 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 International Trade (A8-0155/2016),

1. Gives its consent to conclusion of the additional 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 Republic of Colombia and the Republic of Peru.

Tuesday 7 June 2016

P8_TA(2016)0241

Enhanced cooperation in the area of property regimes of international couples ***

European Parliament legislative resolution of 7 June 2016 on the draft Council decision authorising enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships (08112/2016 — C8-0184/2016 — 2016/0061(NLE))

(Consent)

(2018/C 086/24)

The European Parliament,

— having regard to the draft Council decision (08112/2016),

— having regard to the request for consent submitted by the Council in accordance with Article 329(1) of the Treaty on the Functioning of the European Union (C8-0184/2016),

— having regard to the conditions laid down in Article 20 of the Treaty on European Union and in Articles 326 and 327 of the Treaty on the Functioning of the European Union,

— having regard to Rule 85 and Rule 99(1), first and third subparagraphs, of its Rules of Procedure,

— having regard to the recommendation of the Committee on Legal Affairs (A8-0192/2016),

1. Consents to the draft Council decision authorising enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships;

2. Instructs its President to forward its position to the Council and the Commission.

Tuesday 7 June 2016

P8_TA(2016)0242

Eliminating illicit trade in tobacco products: protocol to the WHO Framework Convention (judicial cooperation in criminal matters) ***

European Parliament legislative resolution of 7 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, as regards its provisions on obligations related to judicial cooperation in criminal matters and the definition of criminal offences (14387/2015 — C8-0119/2016 — 2015/0100(NLE))

(Consent)

(2018/C 086/25)

The European Parliament,

— having regard to the draft Council decision (14387/2015),

— having regard to the draft Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control (15044/2013),

— having regard to the request for consent submitted by the Council in accordance with Article 82(1) and Article 83, and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0119/2016) ,

— having regard to its resolution of 9 March 2016 on the tobacco agreement (PMI agreement) ([1]),

— 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 Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgetary Control (A8-0198/2016),

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, Europol, Eurojust and OLAF.

([1]) Texts adopted, P8_TA(2016)0082.

Tuesday 7 June 2016

P8_TA(2016)0243

Markets in financial instruments ***I

European Parliament legislative resolution of 7 June 2016 on the proposal for a directive of the European Parliament and of the Council amending Directive 2014/65/EU on markets in financial instruments as regards certain dates (COM(2016)0056 — C8-0026/2016 — 2016/0033(COD))

(Ordinary legislative procedure: first reading)

(2018/C 086/26)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0056),

— having regard to Article 294(2) and Article 53(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0026/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Central Bank of 29 April 2016 ([1]),

— having regard to the opinion of the European Economic and Social Committee of 26 May 2016 ([2]),

— having regard to the undertaking given by the Council representative by letter of 18 May 2016 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 (A8-0126/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0033

Position of the European Parliament adopted at first reading on 7 June 2016 with a view to the adoption of Directive (EU) 2016/… of the European Parliament and of the Council amending Directive 2014/65/EU on markets in financial instruments

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2016/1034.)

([1]) Not yet published in the Official Journal.
([2]) Not yet published in the Official Journal.

Tuesday 7 June 2016

P8_TA(2016)0244

Markets in financial instruments, market abuse and securities settlement ***I

European Parliament legislative resolution of 7 June 2016 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories as regards certain dates (COM(2016)0057 — C8-0027/2016 — 2016/0034(COD))

(Ordinary legislative procedure: first reading)

(2018/C 086/27)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0057),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0027/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Central Bank of 29 April 2016 ([1]),

— having regard to the opinion of the European Economic and Social Committee of 26 May 2016 ([2]),

— having regard to the undertaking given by the Council representative by letter of 18 May 2016 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 (A8-0125/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0034

Position of the European Parliament adopted at first reading on 7 June 2016 with a view to the adoption of Regulation (EU) 2016/… of the European Parliament and of the Council amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1033.)

([1]) Not yet published in the Official Journal.
([2]) Not yet published in the Official Journal.

Tuesday 7 June 2016

P8_TA(2016)0245

Nomination of a member of the Court of Auditors — Rimantas Šadžius

European Parliament decision of 7 June 2016 on the nomination of Rimantas Šadžius as a Member of the Court of Auditors (C8-0126/2016 — 2016/0805(NLE))

(Consultation)

(2018/C 086/28)

The European Parliament,

— having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0126/2016),

— having regard to Rule 121 of its Rules of Procedure,

— having regard to the report of the Committee on Budgetary Control (A8-0183/2016),

A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;

B. whereas at its meeting of 23 May 2016 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;

1. Delivers a favourable opinion on the Council's nomination of Rimantas Šadžius as a Member of the Court of Auditors;

2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.

Wednesday 8 June 2016

P8_TA(2016)0253

Setting up of a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion, its powers, numerical strength and term of office

European Parliament decision of 8 June 2016 on setting up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion, its powers, numerical strength and term of office (2016/2726(RSO))

(2018/C 086/29)

The European Parliament,

— having regard to the request presented by 337 Members for a committee of inquiry to be set up to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion,

— having regard to the proposal by the Conference of Presidents,

— having regard to Article 226 of the Treaty on the Functioning of the European Union,

— having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry ([1]),

— having regard to Article 4(3) of the Treaty on European Union,

— having regard to Articles 107 and 108 of the Treaty on the Functioning of the European Union,

— having regard to Article 325 of the Treaty on the Functioning of the European Union,

— having regard to Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing ([2]),

— having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC ([3]),

— having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ([4]),

([1]) OJ L 113, 19.5.1995, p. 1.
([2]) OJ L 309, 25.11.2005, p. 15.
([3]) OJ L 141, 5.6.2015, p. 73.
([4]) OJ L 176, 27.6.2013, p. 338.

Wednesday 8 June 2016

— having regard to Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ([1]),

— having regard to Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation ([2]),

— having regard to Directive 2014/91/EU of the European Parliament and of the Council of 23 July 2014 amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depositary functions, remuneration policies and sanctions ([3]),

— having regard to Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 ([4]),

— having regard to Commission Delegated Regulation (EU) No 231/2013 of 19 December 2012 supplementing Directive 2011/61/EU of the European Parliament and of the Council with regard to exemptions, general operating conditions, depositaries, leverage, transparency and supervision ([5]),

— having regard to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ([6]),

— having regard to Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC ([7]),

— having regard to Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC ([8]),

— having regard to Directive 2014/56/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts ([9]),

— having regard to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ([10]),

— having regard to Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers ([11]),

— having regard to Commission Recommendation 2012/771/EU of 6 December 2012 regarding measures intended to encourage third countries to apply minimum standards of good governance in tax matters ([12]) and Commission Recommendation 2012/772/EU of 6 December 2012 on aggressive tax planning ([13]),

---

([1]) OJ L 64, 11.3.2011, p. 1.
([2]) OJ L 359, 16.12.2014, p. 1.
([3]) OJ L 257, 28.8.2014, p. 186.
([4]) OJ L 174, 1.7.2011, p. 1.
([5]) OJ L 83, 22.3.2013, p. 1.
([6]) OJ L 335, 17.12.2009, p. 1.
([7]) OJ L 157, 9.6.2006, p. 87.
([8]) OJ L 158, 27.5.2014, p. 77.
([9]) OJ L 158, 27.5.2014, p. 196.
([10]) OJ L 182, 29.6.2013, p. 19.
([11]) OJ L 156, 16.6.2012, p. 1.
([12]) OJ L 338, 12.12.2012, p. 37.
([13]) OJ L 338, 12.12.2012, p. 41.

— having regard to the Commission communication of 28 January 2016 to the European Parliament and the Council on an External Strategy for Effective Taxation (COM(2016)0024),

— having regard to Rule 198 of its Rules of Procedure,

1. Decides to set up a Committee of Inquiry to investigate alleged contraventions, and maladministration in the application, of Union law in relation to money laundering, tax avoidance and tax evasion;

2. Decides that the Committee of Inquiry shall:

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce effectively Directive 2005/60/EC, taking into account the obligation of timely and effective implementation of Directive (EU) 2015/849;

— investigate the alleged failure of Member States authorities to apply administrative penalties and other administrative measures to institutions found liable of serious breach of the national provisions adopted pursuant to Directive 2005/60/EC, as required by the Directive 2013/36/EU;

— investigate the alleged failure of the Commission to enforce and of Member States authorities to implement effectively Directive 2011/16/EU especially Article 9(1) thereof on spontaneous communication of tax information to another Member State in cases where there are grounds for supposing that there may be a loss of tax, taking into account the obligation of timely and effective implementation and enforcement of Directive 2014/107/EU; for this purpose and for investigations on other legal bases regarding alleged contraventions or maladministration mentioned, make use of access to all relevant documents, including to all relevant documents of the Code of Conduct Group which have been obtained by the TAXE 1 and TAXE 2 special committees;

— investigate the alleged failure of the Member States to enforce Articles 107 and 108 of the Treaty on the Functioning of the European Union, relevant to the scope of the inquiry provided for in this decision;

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce Directive 2014/91/EU;

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce Directive 2011/61/EU and Commission Delegated Regulation (EU) No 231/2013;

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce Directive 2009/138/EC;

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce effectively Directive 2006/43/EC, taking into account the obligation of timely and effective implementation of Regulation (EU) No 537/2014 and Directive 2014/56/EU;

— investigate the alleged failure of Member States to transpose Directive 2013/34/EU;

— investigate the alleged failure of the Commission to enforce and of Member States to implement and to enforce effectively Directive 2012/17/EU;

— investigate potential breach of the duty of sincere cooperation enshrined in Article 4(3) of the Treaty on European Union by any Member State and their associate and dependent territories in so far as it is relevant to the scope of the inquiry provided for in this decision; to that end, assess in particular whether any such breach may arise from the alleged failure to take the appropriate measures to prevent the operation of vehicles that allow their ultimate beneficial owners to be hidden from financial institutions and other intermediaries, lawyers, trust and company service providers or the operation of any other vehicles and intermediaries that allow the facilitation of money laundering, as well as tax evasion and tax avoidance in other Member States (including looking at the role of trusts, single-member private limited

liability companies and virtual currencies), while also taking into account current ongoing work programmes that are taking place at Member State level which seek to address these issues and mitigate their effect;

— make any recommendations that it deems necessary in this matter, including on the implementation by Member States of the abovementioned Commission Recommendations of 6 December 2012 regarding measures intended to encourage third countries to apply minimum standards of good governance in tax matters and aggressive tax planning, as well as assess latest developments of the Commission's External strategy for effective taxation and assess the links between the legal framework of the Union and Member States and the tax systems of third countries (e.g. Double Taxation Agreements and Information Exchange Agreements, Free Trade Agreements) as well as efforts made to promote, at international level (Organisation for Economic Co-operation and Development, G20, Financial Action Task Force and United Nations), the transparency of beneficial ownership information;

3. Decides that the Committee of Inquiry shall submit its final report within 12 months of the adoption of this decision;

4. Decides that the Committee of Inquiry should take account in its work of any relevant developments within the remit of the Committee that emerge during its term;

5. Decides that any recommendations drawn up by the Committee of Inquiry and by the TAXE 2 special committee should be dealt with by the relevant standing committees;

6. Decides that the Committee of Inquiry shall have 65 members;

7. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union*.

Wednesday 8 June 2016

P8_TA(2016)0254

EU-Palau Agreement on the short-stay visa waiver ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Palau on the short-stay visa waiver (12080/2015 — C8-0400/2015 — 2015/0193(NLE))

(Consent)

(2018/C 086/30)

The European Parliament,

— having regard to the draft Council decision (12080/2015),

— having regard to the draft Agreement between the European Union and the Republic of Palau on the short-stay visa waiver (12077/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0400/2015),

— 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 Civil Liberties, Justice and Home Affairs (A8-0177/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Palau.

Wednesday 8 June 2016

P8_TA(2016)0255

EU-Tonga Agreement on the short-stay visa waiver ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Kingdom of Tonga on the short-stay visa waiver (12089/2015 — C8-0374/2015 — 2015/0196(NLE))

(Consent)

(2018/C 086/31)

The European Parliament,

— having regard to the draft Council decision (12089/2015),

— having regard to the draft Agreement between the European Union and the Kingdom of Tonga on the short-stay visa waiver (12087/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0374/2015),

— 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 Civil Liberties, Justice and Home Affairs (A8-0179/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Kingdom of Tonga.

Wednesday 8 June 2016

P8_TA(2016)0256

EU-Colombia Agreement on the short-stay visa waiver ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver (12095/2015 — C8-0390/2015 — 2015/0201(NLE))

(Consent)

(2018/C 086/32)

The European Parliament,

— having regard to the draft Council decision (12095/2015),

— having regard to the draft Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver (12094/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0390/2015),

— 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 Civil Liberties, Justice and Home Affairs (A8-0178/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Colombia.

Wednesday 8 June 2016

P8_TA(2016)0257

Expansion of trade in Information Technology Products (ITA) ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on conclusion, on behalf of the European Union, of an agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products (ITA) (06925/2016 — C8-0141/2016 — 2016/0067(NLE))

(Consent)

(2018/C 086/33)

The European Parliament,

— having regard to the draft Council decision (06925/2016),

— having regard to the WTO Ministerial declaration of 16 December 2015, on the expansion of trade in information technology products (06926/2016),

— having regard to the request for consent submitted by the Council in accordance with the first subparagraph of Article 207(4) and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0141/2016),

— 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 International Trade (A8-0186/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the World Trade Organization.

Wednesday 8 June 2016

P8_TA(2016)0258

Subjecting α-PVP to control measures *

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on subjecting the new psychoactive substance 1-phenyl-2-(1-pyrrolidin-1-yl) pentan-1-one (α-pyrrolidinovalerophenone, α-PVP) to control measures (15386/2015 — C8-0115/2016 — 2015/0309(CNS))

(Consultation)

(2018/C 086/34)

The European Parliament,

— having regard to the Council draft (15386/2015),

— having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0115/2016),

— having regard to Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances [1], and in particular Article 8(3) thereof,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0175/2016),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and the Commission.

[1] OJ L 127, 20.5.2005, p. 32.

Wednesday 8 June 2016

P8_TA(2016)0259

Ratification and accession to the 2010 Protocol to the Hazardous and Noxious Substances Convention with the exception of aspects related to judicial cooperation in civil matters

European Parliament resolution of 8 June 2016 on the draft Council decision on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with the exception of the aspects related to judicial cooperation in civil matters (13806/2015 — C8-0410/2015 — 2015/0135(NLE))

(2018/C 086/35)

The European Parliament,

— having regard to the draft Council decision (13806/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6) point (a) (v) of the Treaty on the Functioning of the European Union (C8-0410/2015),

— having regard to Article 3(2) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the Court of Justice of 14 October 2014 ([1]),

— having regard to the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the '1996 HNS Convention'),

— having regard to the Protocol of 2010 to the 1996 HNS Convention (the '2010 HNS Convention'),

— having regard to the proposal for a Council decision (COM(2015)0304),

— having regard to Council decision 2002/971/EC of 18 November 2002 authorising Member States, in the interest of the Community to ratify or accede to the 1996 HNS Convention ([2]),

— having regard to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage ([3]) (the 'Environmental Liability Directive' or 'ELD'),

— having regard to the Statement by the Commission to the minutes of the Permanent Representatives Committee and of the Council of 20 November and of 8 December 2015 ([4]),

— having regard to the paper of 18 September 2015 of the shipping industry urging Member States to ratify or accede to the Protocol of 2010 to the HNS Convention soonest in line with the Commission's proposed approach ([5]),

— having regard to the final report prepared for the European Commission by BIO Intelligence Service, entitled 'Study on ELD Effectiveness: scope and exceptions' of 19 February 2014 ([6]),

([1]) Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.
([2]) OJ L 337, 13.12.2002, p. 55.
([3]) OJ L 143, 30.4.2004, p. 56.
([4]) Item note 13142/15.
([5]) Available online at: http://www.ics-shipping.org/docs/default-source/Submissions/EU/hazardous-and-noxious-substances.pdf
([6]) Available online at: http://ec.europa.eu/environment/legal/liability/pdf/BIO%20ELD%20Effectiveness_report.pdf

— having regard to the note by the Legal Service of the Parliament of 11 February 2016 on the legal basis for the above mentioned proposal for a Council decision (SJ-0066/16) and the subsequent opinion in letter form on the appropriate legal basis for the said proposed decision adopted by the Committee on Legal Affairs on 19 February 2016 ([1]) and annexed to report A8-0191/2016,

— having regard to Rule 99(3) of its Rules of Procedure,

— having regard to the interim report of the Committee on Legal Affairs (A8-0191/2016),

A. whereas the aim of the 2010 HNS Convention is to ensure accountability and the payment of adequate, prompt and effective compensation for loss or damage to persons, property and the environment arising from the carriage of hazardous and noxious substances by sea through the specialised International HNS compensation Fund;

B. whereas therefore on the one hand it aims to provide for the 'polluter pays' principle and for the principles of prevention and precaution to the effect that preventive action should be taken in case of possible environmental damage, and thus falls within the Union policy and general principles regarding the environment, and on the other hand it aims to regulate issues arising from damage caused by maritime transport and to prevent and minimise such damage, and thus falls within the Union policy on transport;

C. whereas according to the Commission proposal (COM(2015)0304), the conclusion of the 2010 HNS Convention would thus overlap with the scope of the rules of the Environmental Liability Directive;

D. whereas the 2010 HNS Convention overlaps in scope with the Environmental Liability Directive in so far as environmental damage caused to the territory and marine waters under the jurisdiction of a state party, damage by contamination of the environment caused in the exclusive economic zone (EEZ) or equivalent area of a state party (up to 200 nautical miles from baselines) and preventive measures to prevent or minimise such damage are concerned;

E. whereas the 2010 HNS Convention establishes strict liability of the shipowner for any damages resulting from the carriage of hazardous and noxious substances by sea covered by the Convention as well as the obligation to take out insurance or other financial security to cover its liability for damage under the Convention, prohibiting for that purpose any other claim being made against the shipowner except in accordance with the said Convention (Article 7(4)(5));

F. whereas there is thus a risk for a potential conflict between the ELD and 2010 HNS Convention, this risk can be averted via Article 4(2) of the ELD, which provides that the Directive 'shall not apply to environmental damage or to any imminent threat of such damage arising from an incident in respect of which liability or compensation falls within the scope of any of the International Conventions listed in Annex IV, including any future amendments thereof, which is in force in the Member State concerned';

G. whereas the ELD thus excludes from its scope of application environmental damages or imminent threats of such damages which are covered by the 2010 HNS Convention once the latter enters into force, unless all Member States ratify or accede to the 2010 HNS Convention within the same timeframe, there is a risk that a fragmented legal landscape will emerge with some Member States being subject to the 2010 HNS Convention and others to the Environmental Liability Directive; this will create a disparity for the victims of pollution, such as coastal communities, fishermen, etc. and would also be against the spirit of the 2010 HNS Convention;

H. whereas the basic principles underlying International Maritime Organisation conventions also provide the basis for the 2010 HNS Convention, these principles being strict liability of the shipowner, mandatory insurance to cover damages

([1]) PE576.992.

to third parties, a right of direct recourse of persons suffering damages against the insurer, limitation of liability and, in the case of oil and hazardous and noxious substances, a special compensation fund that pays for damages when these exceed the liability limits of the shipowner;

I. whereas it is in the interest of the Union as a whole to have a homogenous liability regime applicable to damage arising from the carriage of hazardous and noxious substances at sea;

J. whereas it is not absolutely clear whether Article 4(2) of the ELD means that application of the ELD is barred in a Member State that has ratified the 2010 HNS Convention, or that the bar is limited to the extent to which liability or compensation falls within the scope of the said Convention;

K. whereas the 2010 HNS Convention constitutes a compensation regime and is thus less far-reaching than the ELD in establishing a regime that requires operators, and directs competent authorities to require operators, to prevent or remediate an imminent threat of, or actual, environmental damage, respectively;

L. whereas contrary to what is the case under the ELD, no compensation can be awarded under the 2010 HNS Convention for damage of a non-economic nature;

M. whereas the ELD does not impose mandatory financial security on operators so as to secure that they have funding to ensure the prevention and remedying of environmental damage, unless a Member State has adopted more stringent provisions than the ELD;

N. whereas the 2010 HNS Convention establishes a clear obligation for the owner to take out insurance or other financial security to cover his liability for damage under the Convention;

O. whereas the other International Maritime Organisation Conventions contained in Annex IV of the ELD have proved effective, as they have managed to strike a balance between environmental and commercial interests through the clear channelling of liability whereby there is normally no uncertainty as to who the liable party is, as well as through the establishment of compulsory insurance and swift compensation mechanisms, which are not limited to environmental damage only;

1. Asks the Council and the Commission to take into account the following recommendations:

(i) Guarantee respect for the principle of conferral of Union competences under Article 5(1) TEU and the settled case law of the Court of Justice which provides that 'the choice of legal basis for a Community measure must rest on objective factors amenable to judicial review, including in particular the aim and the content of the measure' ([1]);

(ii) Embrace therefore the opinion in letter form of 19 February 2016 adopted by the Committee on Legal Affairs according to which:

'since the proposed Council decision is aimed at authorising Member States to ratify, or accede to, on behalf of the Union, the 2010 HNS Protocol and subsequently to be bound by the 2010 HNS Convention and considering that the latter covers not only cases of environmental damage (giving effect to the principles that preventive action should be taken and that the polluter should pay), but also cases of non-environmental damage, both caused by carriage of certain substances by sea, Articles 100(2), 192(1) and 218(6)(a)(v) TFEU constitute the appropriate legal bases for the proposal.'

(iii) Ensure that the uniformity, integrity and effectiveness of common Union rules will not be adversely affected by the international commitments undertaken by the ratification of or accession to the 2010 HNS Convention in accordance with the settled case law of the Court of Justice ([2]);

([1]) Judgment of the Court of Justice of 19 July 2012, *European Parliament* v *Council of the European Union*, C-130/10, ECLI:EU:C:2012:472, paragraph 42.

([2]) Opinion of the Court of Justice of 19 March 1993, 2/91, ECLI:EU:C:1993:106, paragraph 25; Judgment of the Court of Justice of 5 November 2002, *Commission of the European Communities* v *Kingdom of Denmark*, C-467/98, ECLI:EU:C:2002:625, paragraph 82; Opinion of the Court of Justice of 7 February 2006, 1/03, ECLI:EU:C:2006:81, paragraphs 120 and 126; Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.

(iv) Pay increased attention in this regard to the overlap between the Environmental Liability Directive and the 2010 HNS Convention in so far as environmental damage caused to the territory and marine waters under the jurisdiction of a state party, damage by contamination of the environment caused in the EEZ or equivalent area (up to 200 nautical miles from baselines) of a state party and preventive measures to prevent or minimise such damage (preventive measures, primary remediation, and complementary remediation) are concerned;

(v) Ensure that the possibility for a conflict between the Environmental Liability Directive and the 2010 HNS Convention is minimised by taking all appropriate action to ensure that the exclusivity clause under Article 7(4) and (5) of the 2010 HNS Convention, whereby no other claim can be made against the shipowner except in accordance with the said Convention, is fully respected by the ratifying or acceding Member States in accordance with Article 4(2) and Annex IV of the Environmental Liability Directive;

(vi) Ensure that the risk is diminished of creating and consolidating a competitive disadvantage for the states that are ready to accede to the 2010 HNS Convention, compared to those who might wish to delay this process and continue to be bound by the ELD only;

(vii) Ensure the removal of the permanent co-existence of two maritime liability regimes — a Union-based one and an international one — which would result in the fragmentation of Union legislation and, moreover, compromise the clear channelling of liability and could lead to lengthy and costly legal proceedings to the detriment of victims and the shipping industry;

(viii) Ensure in that regard that a clear obligation is imposed on Member States to take all necessary steps to achieve a concrete result, namely to ratify or accede to the 2010 HNS Convention within a reasonable timeframe, which should be no longer than two years from the date of entry into force of the Council decision;

2. Concludes that this resolution would be a further possibility for the Council and the Commission to address the recommendations set out in paragraph 1;

3. Instructs its President to request further discussion with the Commission and the Council;

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

Wednesday 8 June 2016

P8_TA(2016)0260

Ratification and accession to the 2010 Protocol to the Hazardous and Noxious Substances Convention with regard to aspects related to judicial cooperation in civil matters

European Parliament resolution of 8 June 2016 on the draft Council decision on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with regard to the aspects related to judicial cooperation in civil matters (14112/2015 — C8-0409/2015 — 2015/0136(NLE))

(2018/C 086/36)

The European Parliament,

— having regard to the draft Council decision (14112/2015),

— having regard to the request for consent submitted by the Council in accordance with Article 81 and Article 218(6) point (a) (v) of the Treaty on the Functioning of the European Union (C8-0409/2015),

— having regard to Article 3(2) of the Treaty on the Functioning of the European Union,

— having regard to Protocol No 22 on the position of Denmark annexed to the Treaties,

— having regard to the opinion of the Court of Justice of 14 October 2014 ([1]),

— having regard to the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the '1996 HNS Convention'),

— having regard to the Protocol of 2010 to the 1996 HNS Convention (the '2010 HNS Convention'),

— having regard to the proposal for a Council decision (COM(2015)0305),

— having regard to Council decision 2002/971/EC of 18 November 2002 authorising Member States, in the interest of the Community, to ratify or accede to the 1996 HNS Convention ([2]),

— having regard to the proposal for a Council decision authorizing the Member States to ratify in the interest of the European Community the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the 'HNS Convention') (COM(2001)0674),

— having regard to Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ([3]) (the 'recast of Brussels I Regulation'),

— having regard to the Statement by the Commission to the minutes of the Permanent Representatives Committee and of the Council of 20 November and of 8 December 2015 ([4]),

— having regard to the paper of 18 September 2015 of the shipping industry urging Member States to ratify or accede to the Protocol of 2010 to the HNS Convention soonest in line with the Commission's proposed approach ([5]),

([1]) Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.
([2]) OJ L 337, 13.12.2002, p. 55.
([3]) OJ L 351, 20.12.2012, p. 1.
([4]) Item note 13142/15.
([5]) Available online at: http://www.ics-shipping.org/docs/default-source/Submissions/EU/hazardous-and-noxious-substances.pdf

— having regard to Rule 99(3) of its Rules of Procedure,

— having regard to the interim report of the Committee on Legal Affairs (A8-0190/2016),

A. whereas the aim of the 2010 HNS Convention is to ensure accountability and the payment of adequate, prompt and effective compensation for loss or damage to persons, property and the environment arising from the carriage of hazardous and noxious substances by sea through the specialised International HNS compensation fund;

B. whereas the basic principles underlying International Maritime Organisation conventions, including the 2010 HNS Convention, are strict liability of the shipowner, mandatory insurance to cover damages to third parties, a right of direct recourse of persons suffering damages against the insurer, limitation of liability and, in the case of oil and hazardous and noxious substances, a special compensation fund that pays for damages when these exceed the liability limits of the shipowner;

C. whereas therefore on the one hand it aims to provide for the 'polluter pays' principle and the principles of prevention and precaution to the effect that preventive action should be taken in case of possible environmental damage, and thus falls within the Union policy and general principles regarding the environment, and on the other hand it aims to regulate issues arising from damage caused by maritime transport and to prevent and minimise such damage, and thus falls within the Union policy on transport;

D. whereas the 2010 HNS Convention contains rules on the jurisdiction of courts of state parties over claims made by persons suffering damage covered by the convention against the owner or its insurer, or against the specialised HNS compensatory fund, also containing rules on the recognition and enforcement of judgments by courts in state parties;

E. whereas according to the Commission proposal (COM(2015)0305), the conclusion of the 2010 HNS Convention would thus overlap with the scope of the rules of the recast of Brussels I Regulation;

F. whereas the recast of Brussels I Regulation allows for multiple grounds of jurisdiction, when at the same time Chapter IV of the 2010 HNS Convention establishes a very restrictive jurisdiction, recognition and enforcement regime in order to ensure a level playing field for claimants and ensure uniform application of the rules regarding liability and compensation;

G. whereas on the one hand the specific nature of the jurisdiction regime of the 2010 HNS Convention, which is aimed at ensuring that victims of accidents can benefit from clear procedural rules and legal certainty, thus leading to more effective claims before courts, and on the other hand the anticipated legal and practical difficulties involved in applying a separate jurisdiction regime with the Union as compared to that applying for other parties to the 2010 HNS Convention, justify an exception to the general application of the recast of Brussels I Regulation;

H. whereas Denmark is exempt from the application of Title V of Part Three TFEU and does not take part in the adoption of the proposed Council decision with regard to aspects related to judicial cooperation in civil matters;

I. whereas the overlap between the 2010 HNS Convention and the Union rules on judicial cooperation in civil and commercial matters has formed the legal basis for decision 2002/971/EC, since the 2010 HNS Protocol amended the 1996 HNS Convention, the effect of the 2010 HNS Convention on Union rules should be assessed in the light of the scope and the rules of Directive 2004/35/EC of the European Parliament and of the Council (the 'ELD') ([1]) that has become part of the EU legal order since decision 2002/971/EC was adopted;

([1]) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

Wednesday 8 June 2016

J. whereas the ELD excludes from its scope of application environmental damages or imminent threats of such damages that are covered by the 2010 HNS Convention once the latter enters into force (Article 4(2) and Annex IV of the ELD);

K. whereas the 2010 HNS Convention establishes strict liability of the shipowner for any damages resulting from the carriage of hazardous and noxious substances by sea covered by the Convention as well as the obligation to take out insurance or other financial security to cover its liability for damage under the Convention prohibiting for that purpose any other claim being made against the shipowner except in accordance with the said Convention (Article 7(4)(5));

L. whereas unless all Member States ratify or accede to the 2010 HNS Convention within the same timeframe, there is a risk that the shipping industry be subjected to two different legal regimes at the same time, a Union one and an international one, which could also create a disparity for the victims of pollution, such as coastal communities, fishermen, etc. and would also be against the spirit of the 2010 HNS Convention;

M. whereas the other International Maritime Organisation Conventions contained in Annex IV of the ELD have proved effective, as they have managed to strike a balance between environmental and commercial interests through the clear channelling of liability whereby there is normally no uncertainty as to who the liable party is, as well as through the establishment of compulsory insurance and swift compensation mechanisms, which are not limited to environmental damage only;

1. Asks the Council and the Commission to take into account the following recommendations:

(i) Ensure that the uniformity, integrity and effectiveness of common Union rules will not be adversely affected by the international commitments undertaken by the ratification of or accession to the 2010 HNS Convention in accordance with the settled case law of the Court of Justice ([1]);

(ii) Pay greater attention in this regard to the overlap between the recast of Brussels I Regulation and the 2010 HNS Convention in so far as rules of procedure applicable to claims and actions under the said Convention before courts of state parties are concerned;

(iii) Ensure that the possibility for a conflict between the ELD and the 2010 HNS Convention is minimised by taking all appropriate action to ensure that the exclusivity clause under Article 7(4) and (5) of the 2010 HNS Convention, whereby no other claim can be made against the shipowner except in accordance with the said Convention, is fully respected by the ratifying or acceding Member States;

(iv) Ensure that the risk is diminished of creating and consolidating a competitive disadvantage for the states that are ready to accede to the 2010 HNS Convention, compared to those who might wish to delay this process and continue to be bound by the ELD only;

(v) Ensure the removal of the permanent co-existence of two maritime liability regimes — a Union-based one and an international one — which would result in the fragmentation of Union legislation and, moreover, compromise the clear channelling of liability and could lead to lengthy and costly legal proceedings to the detriment of victims and the shipping industry;

(vi) Ensure in that regard that a clear obligation is imposed on Member States to take all necessary steps to achieve a concrete result, namely to ratify or accede to the 2010 HNS Convention within a reasonable timeframe, which should be no longer than two years from the date of entry into force of the Council decision;

([1]) Opinion of the Court of Justice of 19 March 1993, 2/91, ECLI:EU:C:1993:106, paragraph 25; Judgment of the Court of Justice of 5 November 2002, *Commission of the European Communities* v *Kingdom of Denmark*, C-467/98, ECLI:EU:C:2002:625, paragraph 82; Opinion of the Court of Justice of 7 February 2006, 1/03, ECLI:EU:C:2006:81, paragraphs 120 and 126; Opinion of the Court of Justice of 14 October 2014, 1/13, ECLI:EU:C:2014:2303.

2. Concludes that this resolution would be a further possibility for the Council and the Commission to address the recommendations set out in paragraph 1;

3. Instructs its President to request further discussion with the Commission and the Council;

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

Wednesday 8 June 2016

P8_TA(2016)0261

EU-Philippines Framework Agreement on Partnership and Cooperation (accession of Croatia) ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part, to take account of the accession of the Republic of Croatia to the European Union (13085/2014 — C8-0009/2015 — 2014/0224(NLE))

(Consent)

(2018/C 086/37)

The European Parliament,

— having regard to the draft Council decision (13085/2014),

— having regard to the draft Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part, to take account of the accession of the Republic of Croatia to the European Union (13082/2014),

— having regard to request for consent submitted by the Council in accordance with Articles 207 and 209 and Article 218 (6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0009/2015),

— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs (A8-0148/2016),

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 Republic of the Philippines.

Wednesday 8 June 2016

P8_TA(2016)0262

EU-Philippines Framework Agreement on Partnership and Cooperation (Consent) ***

European Parliament legislative resolution of 8 June 2016 on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part (05431/2015 — C8-0061/2015 — 2013/0441(NLE))

(Consent)

(2018/C 086/38)

The European Parliament,

— having regard to the draft Council decision (05431/2015),

— having regard to the draft Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part (15616/2010),

— having regard to the request for consent submitted by the Council in accordance with Articles 207 and 209 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0061/2015),

— having regard to its non-legislative resolution of 8 June 2016 ([1]) on the draft decision,

— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs (A8-0149/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of the Philippines.

([1]) Texts adopted of that date, P8_TA(2016)0263.

Wednesday 8 June 2016

P8_TA(2016)0264

Macro-financial assistance to Tunisia ***I

European Parliament legislative resolution of 8 June 2016 on the proposal for a decision of the European Parliament and of the Council providing further macro-financial assistance to Tunisia (COM(2016)0067 — C8-0032/2016 — 2016/0039(COD))

(Ordinary legislative procedure: first reading)

(2018/C 086/39)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0067),

— having regard to Article 294(2) and Article 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0032/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the undertaking given by the Council representative by letter of 1 June 2016 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 International Trade (A8-0187/2016),

1. Adopts its position at first reading, hereinafter set out;

2. Approves the joint statement by Parliament and the Council annexed to this resolution;

3. 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;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0039

Position of the European Parliament adopted at first reading on 8 June 2016 with a view to the adoption of Decision (EU) 2016/… of the European Parliament and of the Council providing further macro-financial assistance to Tunisia

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2016/1112.)

Wednesday 8 June 2016

ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

This Decision is adopted without prejudice to the Joint Declaration adopted together with Decision 778/2013/EU of the European Parliament and of the Council providing further macro-financial assistance to Georgia, which is to continue to be regarded as the basis for all decisions of the European Parliament and Council providing macro-financial assistance to third countries and territories.

Wednesday 8 June 2016

P8_TA(2016)0265

Rules against certain tax avoidance practices *

European Parliament legislative resolution of 8 June 2016 on the proposal for a Council directive laying down rules against tax avoidance practices that directly affect the functioning of the internal market (COM(2016)0026 — C8-0031/2016 — 2016/0011(CNS))

(Special legislative procedure — consultation)

(2018/C 086/40)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2016)0026),

— having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0031/2016),

— 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 Maltese Parliament and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0189/2016),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Wednesday 8 June 2016

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission	*Amendment*
(1) The current political priorities in international taxation highlight the need for ensuring that tax is paid where profits and value ***are generated***. It is thus imperative to restore trust in the fairness of tax systems and allow governments to effectively exercise their tax sovereignty. These new political objectives have been translated into concrete action recommendations in the context of the initiative against Base Erosion and Profit Shifting (BEPS) by the Organisation for Economic Cooperation and Development (OECD). In response to the need for fairer taxation, the Commission, in its Communication of 17 June 2015 sets out an Action Plan for Fair and Efficient Corporate Taxation in the European Union ([3]) (the Action Plan).	(1) The current political priorities in international taxation highlight the need for ensuring that tax is paid where profits ***are generated*** and value ***is created***. It is thus imperative to restore trust in the fairness of tax systems and allow governments to effectively exercise their tax sovereignty. These new political objectives have been translated into concrete action recommendations in the context of the initiative against Base Erosion and Profit Shifting (BEPS) by the Organisation for Economic Cooperation and Development (OECD). In response to the need for fairer taxation, the Commission, in its Communication of 17 June 2015 sets out an Action Plan for Fair and Efficient Corporate Taxation in the European Union ([3]) (the Action Plan) ***in which it recognises that a fully-fledged Common Consolidated Corporate Tax Base (CCCTB), with an appropriate and fair distribution key, would be the genuine 'game changer' in the fight against artificial BEPS strategies. In light of this, the Commission should publish an ambitious proposal for a CCCTB as soon as possible, and the legislative branch should conclude negotiations on that crucial proposal as soon as possible. Due regard should be had to the European Parliament position of 19 April 2012 on the proposal for a Council directive on a Common Consolidated Corporate Tax Base (CCCTB).***
([3]) Communication from the Commission to the European Parliament and the Council on a Fair and Efficient Corporate Tax System in the European Union: 5 Key Areas for Action COM (2015) 302 final of 17 June 2015.	([3]) Communication from the Commission to the European Parliament and the Council on a Fair and Efficient Corporate Tax System in the European Union: 5 Key Areas for Action COM(2015)0302 final of 17 June 2015.

Amendment 2

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) The Union believes that combatting fraud, tax evasion and tax avoidance are overriding political priorities, as aggressive tax planning practices are unacceptable from the point of view of the integrity of the internal market and social justice.

Wednesday 8 June 2016

Amendment 3

Proposal for a directive

Recital 2

Text proposed by the Commission	*Amendment*
(2) Most Member States, in their capacity as OECD members, have committed to implement the output of the 15 Action Items against base erosion and profit shifting, released to the public on 5 October 2015. It is therefore essential for the good functioning of the internal market that, as a minimum, Member States implement their commitments under BEPS and more broadly, take action to discourage tax avoidance practices and ensure fair and effective taxation in the Union in a sufficiently coherent and coordinated fashion. In a market of highly integrated economies, there is a need for common strategic approaches and coordinated action, to improve the functioning of the internal market and maximise the positive effects of the initiative against BEPS. Furthermore, only a common framework could prevent a fragmentation of the market and put an end to currently existing mismatches and market distortions. Finally, national implementing measures which follow a common line across the Union would provide taxpayers with legal certainty in that those measures would be compatible with Union law.	(2) Most Member States, in their capacity as OECD members, have committed to implement the output of the 15 Action Items against ***genuine*** base erosion and profit shifting, released to the public on 5 October 2015. It is therefore essential for the good functioning of the internal market that, as a minimum, Member States implement their commitments under BEPS and more broadly, take action to discourage tax avoidance practices and ensure fair and effective taxation in the Union in a sufficiently coherent and coordinated fashion. In a market of highly integrated economies, there is a need for common strategic approaches and coordinated action, to improve the functioning of the internal market and maximise the positive effects of the initiative against ***genuine*** BEPS ***strategies, whilst at the same time taking adequate care of the competitiveness of the companies operating within that internal market***. Furthermore, only a common framework could prevent a fragmentation of the market and put an end to currently existing mismatches and market distortions. Finally, national implementing measures which follow a common line across the Union would provide taxpayers with legal certainty in that those measures would be compatible with Union law. ***In a Union characterised by very diverse national markets, an encompassing impact assessment of all anticipated measures remains crucial to ensure that this common line finds widespread support among Member States.***

Amendment 4

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) Given that tax havens can be classified as transparent by the OECD, proposals should be brought forward to increase the transparency of trust funds and foundations.

Amendment 5

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) It is essential to give tax authorities the appropriate means to fight effectively against BEPS, and, in so doing, improve transparency in respect of the activities of large multinationals, in particular with regard to profits, tax paid on profits, subsidies received, tax rebates, numbers of employees and assets held.

Amendment 6

Proposal for a directive

Recital 4 b (new)

Text proposed by the Commission	*Amendment*
	(4b) To ensure consistency with regard to the treatment of permanent establishments, it is essential that Member States apply, both in relevant legislation and bilateral tax treaties, a common definition of permanent establishments in accordance with Article 5 of the OECD Model Tax Convention on Income and on Capital.

Amendment 7

Proposal for a directive

Recital 4 c (new)

Text proposed by the Commission	*Amendment*
	(4c) To avoid inconsistent allocation of profits to permanent establishments, Member States should follow rules for profits attributable to permanent establishment which are in accordance with Article 7 of the OECD Model Tax Convention on Income and on Capital and should align their applicable law and bilateral treaties to those rules, when such rules are reviewed.

Wednesday 8 June 2016

Amendment 8

Proposal for a directive

Recital 5

Text proposed by the Commission	*Amendment*
(5) It is necessary to lay down rules against the erosion of tax bases in the internal market and the shifting of profits out of the internal market. Rules in the following areas are necessary in order to contribute to achieving that objective: limitations to the deductibility of interest, exit taxation, a switch-over clause, a general anti-abuse rule, controlled foreign company rules and a framework to tackle hybrid mismatches. Where the application of those rules gives rise to double taxation, taxpayers should receive relief through a deduction for the tax paid in another Member State or third country, as the case may be. Thus, the rules should not only aim to counter tax avoidance practices but also avoid creating other obstacles to the market, such as double taxation.	(5) It is necessary to lay down rules against the erosion of tax bases in the internal market and the shifting of profits out of the internal market. Rules in the following areas are necessary in order to contribute to achieving that objective: limitations to the deductibility of interest***, basic defence measures against the use of secrecy or low tax jurisdictions for BEPS***, exit taxation, ***a clear definition of permanent establishment, precise rules governing transfer pricing, a framework for patent box systems,*** a switch-over clause ***in the absence of a sound tax treaty of similar effect with a third country***, a general anti-abuse rule, controlled foreign company rules and a framework to tackle hybrid mismatches. Where the application of those rules gives rise to double taxation, taxpayers should receive relief through a deduction for the tax paid in another Member State or third country, as the case may be. Thus, the rules should not only aim to counter tax avoidance practices but also avoid creating other obstacles to the market, such as double taxation. ***To correctly apply those rules, tax authorities in Member States must be properly resourced. Nevertheless, it is also necessary to urgently lay down a single set of rules for calculating the taxable profits of cross-border companies in the Union by treating corporate groups as a single entity for tax purposes, in order to strengthen the internal market and eliminate many of the weaknesses in the current corporate tax framework enabling aggressive tax planning.***

Wednesday 8 June 2016

Amendment 9

Proposal for a directive

Recital 6

Text proposed by the Commission	*Amendment*
(6) In an effort to reduce their global tax liability, cross-border groups of companies have increasingly engaged in shifting profits, often through inflated interest payments, out of high tax jurisdictions into countries with lower tax regimes. The interest limitation rule ***is*** necessary to discourage such practices by limiting the deductibility of taxpayers' net financial costs (i.e. the amount by which financial expenses exceed financial revenues). It is therefore necessary to fix a ratio for deductibility which refers to a taxpayer's earnings before interest, tax, depreciation and amortisation (EBITDA). Tax exempt financial revenues should not be set off against financial expenses. This is because only taxable income should be taken into account in determining up to how much of interest may be deducted. To facilitate taxpayers which run reduced risks related to base erosion and profit shifting, net interest should always be deductible up to a fixed maximum amount, which is triggered where it leads to a higher deduction than the EBITDA-based ratio. Where the taxpayer is part of a group which files statutory consolidated accounts, the indebtedness of the overall group should be considered for the purpose of granting taxpayers entitlement to deduct higher amounts of net financial costs. The interest limitation rule should apply in relation to a taxpayer's net financial costs without distinction of whether the costs originate in debt taken out nationally, cross-border within the Union or with a third country. ***Although*** it is generally accepted that financial undertakings, i.e. financial institutions and insurance undertakings, should also be subject to limitations to the deductibility of interest, ***it is equally acknowledged that these two sectors present special features which call for*** a more customised approach. ***As the discussions in this field are not yet sufficiently conclusive in the international and Union context, it is not yet possible to provide specific rules in the financial and insurance sectors.***	(6) In an effort to reduce their global tax liability, cross-border groups of companies have increasingly engaged in shifting profits, often through inflated interest payments, out of high tax jurisdictions into countries with lower tax regimes. The interest limitation rule is necessary to discourage such ***genuine BEPS*** practices by limiting the deductibility of taxpayers' net financial costs (i.e. the amount by which financial expenses exceed financial revenues). ***With respect to interest costs,*** it is therefore necessary to fix a ratio for deductibility which refers to a taxpayer's earnings before interest, tax, depreciation and amortisation (EBITDA). Tax exempt financial revenues should not be set off against financial expenses. This is because only taxable income should be taken into account in determining up to how much of interest may be deducted. To facilitate taxpayers which run reduced risks related to base erosion and profit shifting, net interest should always be deductible up to a fixed maximum amount, which is triggered where it leads to a higher deduction than the EBITDA-based ratio. Where the taxpayer is part of a group which files statutory consolidated accounts, the indebtedness of the overall group should be considered for the purpose of granting taxpayers entitlement to deduct higher amounts of net financial costs. The interest limitation rule should apply in relation to a taxpayer's net financial costs without distinction of whether the costs originate in debt taken out nationally, cross-border within the Union or with a third country. It is generally accepted that financial undertakings, i.e. financial institutions and insurance undertakings, should also be subject to limitations to the deductibility of interest, ***perhaps with*** a more customised approach.

Wednesday 8 June 2016

Amendment 10

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6a) In the event of the funding of long- term infrastructure projects that are in public interest by debt to a third party, where that debt is higher than the threshold for exemption established by this Directive, it should be possible for Member States to grant an exemption to third party loans funding public infrastructure projects under certain conditions, as the application of the proposed provisions on interest limitation in such cases would be counterproductive.

Amendment 11

Proposal for a directive

Recital 6 b (new)

Text proposed by the Commission	*Amendment*
	(6b) Profit shifting into secrecy or low tax jurisdictions poses a particular risk to Member States' tax proceeds as well as to fair and equal treatment between tax avoiding and tax compliant firms, large and small. In addition to the generally applicable measures proposed in this Directive for all jurisdictions, it is essential to deter secrecy and low tax jurisdictions from basing their corporate tax and legal environment on sheltering profits from tax avoidance while at the same time not adequately implementing global standards as regards tax good governance, such as the automatic exchange of tax information, or engaging in tacit non-compliance by not properly enforcing tax laws and international agreements, despite political commitments to implementation. Specific measures are therefore proposed to use this Directive as a tool to ensure compliance by current secrecy or low tax jurisdictions with the international push for tax transparency and fairness.

Amendment 13

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) Too often, multinational companies make arrangements to transfer their profits to tax havens without paying any tax or paying very low rates of tax. The concept of permanent establishment will provide a precise, binding definition of the criteria which must be met if a multinational company is to prove that it is situated in a given country. This will compel multinational companies to pay their taxes fairly.

Amendment 14

Proposal for a directive

Recital 7 b (new)

Text proposed by the Commission	*Amendment*
	(7b) The term 'transfer pricing' refers to the conditions and arrangements surrounding transactions effected within a multinational company, including subsidiaries and shell companies whose profits are divested to a parent multinational. It denotes the prices charged between associated undertakings established in different countries for their intra-group transactions, such as the transfer of goods and services. As the prices are set by non-independent associates within the same multinational undertaking, they might not reflect the objective market price. The Union must satisfy itself that the taxable profits generated by multinational undertakings are not being transferred outside the jurisdiction of the Member State concerned and that the tax base declared by multinational undertakings in their country reflects the economic activity undertaken there. In the interests of taxpayers, it is essential to limit the risk of double non-taxation which might result from a difference of opinion between two countries regarding the determination of the arm's length charge for their international transactions with associated undertakings. This system does not rule out the use of a range of artificial arrangements, in particular involving products for which there is no market price (for example a franchise or services provided to undertakings).

Wednesday 8 June 2016

Amendment 101/rev

Proposal for a directive

Recital 7 c (new)

Text proposed by the Commission	*Amendment*
	(7c) Tax schemes linked to intellectual property, patents and research and development (R&D) are widely used across the Union. Several studies from the Commission have however clearly shown that the link between patent boxes and promotion of R&D is in many cases arbitrary. The OECD has developed the modified nexus approach in an effort to regulate the patent box system. This method guarantees that, under the patent box system, a favourable rate of tax is charged only on revenue directly linked to spending on research and development. However, the difficulty for Member States in applying the concepts of 'nexus' and 'economic substance' to their innovation boxes can already be seen. If, by January 2017, the Member States have still not fully implemented the modified nexus approach in a uniform manner in order to eliminate current harmful patent box regimes, the Commission should submit a new, binding legislative proposal under Article 116 of the Treaty on the Functioning of the European Union to advance to 30 June 2017 the abolition of the old harmful regimes by shortening the period during which the grandfathering rule applies. The CCCTB should eliminate the issue of profit shifting through tax planning as regards intellectual property.

Amendment 16

Proposal for a directive

Recital 7 d (new)

Text proposed by the Commission	*Amendment*
	(7d) Exit tax should not be charged where the transferred assets are tangible assets generating active income. Transfers of such assets are an inevitable part of effective allocation of resources by an enterprise and are not primarily intended for tax optimisation and tax avoidance, and should therefore be exempt from such provisions.

Wednesday 8 June 2016

Amendment 17

Proposal for a directive

Recital 8

Text proposed by the Commission	*Amendment*
(8) Given the inherent difficulties in giving credit relief for taxes paid abroad, States tend to increasingly exempt from taxation foreign income in the State of residence. The unintended negative effect of this approach is however that it encourages situations whereby untaxed or low-taxed income enters the internal market and then, circulates — in many cases, untaxed — within the Union, making use of available instruments within the Union law. Switch-over clauses are commonly used against such practices. It is therefore necessary to provide for a switch-over clause which is targeted against some types of foreign income, for example, profit distributions, proceeds from the disposal of shares and permanent establishment profits which are tax exempt in the Union ***and originate in third countries***. This income should be taxable in the Union, if it has been taxed below a certain level in the ***third*** country***. Considering that the switch-over clause does not require control over the low-taxed entity and therefore access to statutory accounts of the entity may be unavailable, the computation of the effective tax rate can be a very complicated exercise. Member States should therefore use the statutory tax rate when applying the switch-over clause***. Member States that apply the switch-over clause should give a credit for the tax paid abroad, in order to prevent double taxation.	(8) Given the inherent difficulties in giving credit relief for taxes paid abroad, States tend to increasingly exempt from taxation foreign income in the State of residence. The unintended negative effect of this approach is however that it encourages situations whereby untaxed or low-taxed income enters the internal market and then, circulates — in many cases, untaxed — within the Union, making use of available instruments within the Union law. Switch-over clauses are commonly used against such practices. It is therefore necessary to provide for a switch-over clause which is targeted against some types of foreign income, for example, profit distributions, proceeds from the disposal of shares and permanent establishment profits which are tax exempt in the Union. This income should be taxable in the Union, if it has been taxed below a certain level in the country ***of origin and in the absence of a sound tax treaty of similar effect with that country***. Member States that apply the switch-over clause should give a credit for the tax paid abroad, in order to prevent double taxation.

Wednesday 8 June 2016

Amendment 96

Proposal for a directive

Recital 9

Text proposed by the Commission	*Amendment*
(9) General anti-abuse rules (GAARs) feature in tax systems to tackle abusive tax practices that have not yet been dealt with through specifically targeted provisions. GAARs have therefore a function aimed to fill in gaps, which should not affect the applicability of specific anti-abuse rules. Within the Union, the application of GAARs should be ***limited*** to arrangements ***that are 'wholly artificial' (non-genuine);*** otherwise***, the taxpayer should have the right to choose*** the most tax efficient structure for its commercial affairs. It is furthermore important to ensure that the GAARs apply in domestic situations, within the Union and vis-à-vis third countries in a uniform manner, so that their scope and results of application in domestic and cross-border situations do not differ.	(9) General anti-abuse rules (GAARs) feature in tax systems to tackle abusive tax practices that have not yet been dealt with through specifically targeted provisions. GAARs have therefore a function aimed to fill in gaps, which should not affect the applicability of specific anti-abuse rules. Within the Union, the application of GAARs should be ***applied*** to arrangements ***put in place the main purpose or one of the main purposes of which is to obtain a tax advantage that defeats the object or purpose of the*** otherwise ***applicable tax provisions without preventing a taxpayer from choosing*** the most tax efficient structure for its commercial affairs. It is furthermore important to ensure that the GAARs apply in domestic situations, within the Union and vis-à-vis third countries in a uniform manner, so that their scope and results of application in domestic and cross-border situations do not differ.

Amendment 19

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) An arrangement or a series of arrangements can be regarded as non-genuine insofar as it leads to different taxation of certain types of income, such as those generated by patents.

Amendment 97

Proposal for a directive

Recital 9 b (new)

Text proposed by the Commission	*Amendment*
	(9b) Member states should implement detailed provisions that clarify what is meant by non-genuine arrangements and other activities in tax matters subject to sanctions. Sanctions should be set out in a clear way in order not to create legal uncertainty and to provide a strong incentive for full compliance with tax law.

Amendment 21

Proposal for a directive

Recital 9 c (new)

Text proposed by the Commission	*Amendment*
	(9c) Member States should have in place a system of penalties as provided for in national law and should inform the Commission thereof.

Amendment 22

Proposal for a directive

Recital 9 d (new)

Text proposed by the Commission	*Amendment*
	(9d) In order to prevent the creation of special purpose entities such as letterbox companies or shell companies with a lower tax treatment, enterprises should correspond to the definitions of permanent establishment and minimum economic substance laid down in Article 2.

Amendment 23

Proposal for a directive

Recital 9 e (new)

Text proposed by the Commission	*Amendment*
	(9e) The use of letterbox companies by taxpayers operating in the Union should be prohibited. Taxpayers should communicate to tax authorities evidence demonstrating the economic substance of each of the entities in their group, as part of their annual country-by-country reporting obligations.

Wednesday 8 June 2016

Amendment 24

Proposal for a directive

Recital 9 f (new)

Text proposed by the Commission	*Amendment*
	(9f) In order to improve the current mechanisms to resolve cross-border taxation disputes in the Union, focusing not only on cases of double taxation but also on double non-taxation, a dispute resolution mechanism with clearer rules and more stringent timelines should be introduced by January 2017.

Amendment 25

Proposal for a directive

Recital 9 g (new)

Text proposed by the Commission	*Amendment*
	(9 g) Proper identification of taxpayers is essential for the effective exchange of information between tax administrations. The creation of a harmonised, common European taxpayer identification number (TIN) would provide the best means for this identification. It would allow any third party to quickly, easily and correctly identify and record TINs in cross-border relations and serve as a basis for effective automatic exchange of information between Member States tax administrations. The Commission should also actively work for the creation of a similar identification number on a global level, such as the Regulatory Oversight Committee's global Legal Entities Identifier (LEI).

Wednesday 8 June 2016

Amendment 26

Proposal for a directive

Recital 10

Text proposed by the Commission	*Amendment*
(10) Controlled Foreign Company (CFC) rules have the effect of re-attributing the income of a low-taxed controlled subsidiary to its parent company. Then, the parent company becomes taxable to this attributed income in the State where it is resident for tax purposes. Depending on the policy priorities of that State, CFC rules may target an entire low-taxed subsidiary or be limited to income which has artificially been diverted to the subsidiary. It is desirable to address situations both in third-countries and in the Union. ***To comply with the fundamental freedoms,*** the impact of the rules within the Union should ***be limited to*** arrangements which ***result in*** the artificial shifting of profits out of the Member State of the parent company towards the CFC. In this case, the amounts of income attributed to the parent company should be adjusted by reference to the arm's length principle, so that the State of the parent company only taxes amounts of CFC income to the extent that they do not comply with this principle. ***CFC rules should exclude financial undertakings from their scope where those are tax resident in the Union, including permanent establishments of such undertakings situated in the Union. This is because the scope for a legitimate application of CFC rules within the Union should be limited to artificial situations without economic substance, which would imply that the heavily regulated financial and insurance sectors would be unlikely to be captured by those rules.***	(10) Controlled Foreign Company (CFC) rules have the effect of re-attributing the income of a low-taxed controlled subsidiary to its parent company. Then, the parent company becomes taxable to this attributed income in the State where it is resident for tax purposes. Depending on the policy priorities of that State, CFC rules may target an entire low-taxed subsidiary or be limited to income which has artificially been diverted to the subsidiary. It is desirable to address situations both in third-countries and in the Union. The impact of the rules within the Union should ***cover all*** arrangements ***of*** which ***one of the principal purposes is*** the artificial shifting of profits out of the Member State of the parent company towards the CFC. In this case, the amounts of income attributed to the parent company should be adjusted by reference to the arm's length principle, so that the State of the parent company only taxes amounts of CFC income to the extent that they do not comply with this principle. ***Overlaps between CFC rules and the switch over clause should be avoided.***

Wednesday 8 June 2016

Amendment 27

Proposal for a directive

Recital 11

Text proposed by the Commission	*Amendment*
(11) Hybrid mismatches are the consequence of differences in the legal characterisation of payments (financial instruments) or entities and those differences surface in the interaction between the legal systems of two jurisdictions. The effect of such mismatches is often a double deduction (i.e. deduction in both states) or a deduction of the income in one state without inclusion in the tax base of the other. To prevent such an outcome, it is necessary to lay down rules whereby one of the two jurisdictions in a mismatch should give a legal characterisation to the hybrid instrument or entity and the other jurisdiction should accept it. Although Member States have agreed guidance, in the framework of the Group of the Code of Conduct on Business Taxation, on the tax treatment of hybrid entities ([4]) and hybrid permanent establishments ([5]) within the Union as well as on the tax treatment of hybrid entities in relations with third countries, it is still necessary to enact binding rules. ***Finally, it is necessary to limit the scope of these rules to hybrid mismatches between Member States. Hybrid mismatches between Member States and third countries still need to be further examined.***	(11) Hybrid mismatches are the consequence of differences in the legal characterisation of payments (financial instruments) or entities and those differences surface in the interaction between the legal systems of two jurisdictions. The effect of such mismatches is often a double deduction (i.e. deduction in both states) or a deduction of the income in one state without inclusion in the tax base of the other. To prevent such an outcome, it is necessary to lay down rules whereby one of the two jurisdictions in a mismatch should give a legal characterisation to the hybrid instrument or entity and the other jurisdiction should accept it. ***Where such a mismatch arises between a Member State and a third country, proper taxation of such operation must be safeguarded by the Member State.*** Although Member States have agreed guidance, in the framework of the Group of the Code of Conduct on Business Taxation, on the tax treatment of hybrid entities ([4]) and hybrid permanent establishments ([5]) within the Union as well as on the tax treatment of hybrid entities in relations with third countries, it is still necessary to enact binding rules.

([4]) Code of Conduct (Business Taxation) — Report to Council, 16553/14, FISC 225, 11.12.2014.

([5]) Code of Conduct (Business Taxation) — Report to Council, 9620/15, FISC 60, 11.6.2015.

Amendment 28

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission	*Amendment*
	(11a) A Union-wide definition and an exhaustive 'black list' should be drawn up of the tax havens and countries, including those in the Union, which distort competition by granting favourable tax arrangements. The black list should be complemented with a list of sanctions for non-cooperative jurisdictions and for financial institutions that operate within tax havens.

Amendment 29

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) One of the main problems encountered by the tax authorities is the impossibility of gaining access in due time to comprehensive and relevant information about Multinational Enterprises' tax planning strategies. Such information should be made available, in order for tax authorities to react quickly to tax risks, by assessing those risks more effectively, targeting checks and highlighting changes required to the laws in force.

Wednesday 8 June 2016

Amendment 30

Proposal for a directive

Recital 14

Text proposed by the Commission	*Amendment*
(14) Considering that a key objective of this Directive is to improve the resilience of the internal market as a whole against cross-border tax avoidance practices, this cannot be sufficiently achieved by the Member States acting individually. National corporate tax systems are disparate and independent action by Member States would only replicate the existing fragmentation of the internal market in direct taxation. It would thus allow inefficiencies and distortions to persist in the interaction of distinct national measures. The result would be lack of coordination. Rather, by reason of the fact that much inefficiency in the internal market primarily gives rise to problems of a cross-border nature, remedial measures should be adopted at Union level. It is therefore critical to adopt solutions that function for the internal market as a whole and this can be better achieved at Union level. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. By setting a minimum level of protection for the internal market, this Directive only aims to achieve the essential minimum degree of coordination within the Union for the purpose of materialising its objectives.	(14) Considering that a key objective of this Directive is to improve the resilience of the internal market as a whole against cross-border tax avoidance practices, this cannot be sufficiently achieved by the Member States acting individually. National corporate tax systems are disparate and independent action by Member States would only replicate the existing fragmentation of the internal market in direct taxation. It would thus allow inefficiencies and distortions to persist in the interaction of distinct national measures. The result would be lack of coordination. Rather, by reason of the fact that much inefficiency in the internal market primarily gives rise to problems of a cross-border nature, remedial measures should be adopted at Union level. It is therefore critical to adopt solutions that function for the internal market as a whole and this can be better achieved at Union level. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. By setting a minimum level of protection for the internal market, this Directive only aims to achieve the essential minimum degree of coordination within the Union for the purpose of materialising its objectives. ***However, overhauling the legal framework for tax in order to address practices which erode the tax base by means of regulation would have made it possible to secure a better outcome as regards guaranteeing equal conditions throughout the internal market.***

Amendment 31

Proposal for a directive

Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) The Commission should carry out a cost-benefit analysis and assess the possible impact of high levels of tax on the repatriation of capital from third countries with low tax rates.

Amendment 32

Proposal for a directive

Recital 14 b (new)

Text proposed by the Commission	*Amendment*
	(14b) All trade agreements and economic partnership agreements to which the Union is party should include provisions on the promotion of good governance in tax matters, with the aim of increasing transparency and of combating harmful tax practises.

Amendment 33

Proposal for a directive

Recital 15

Text proposed by the Commission	*Amendment*
(15) The Commission should evaluate the implementation of this Directive three years after its entry into force and report to the Council thereon. Member States should communicate to the Commission all information necessary for this evaluation,	(15) The Commission should ***put in place a specific monitoring mechanism to ensure the proper implementation of this Directive and the homogeneous interpretation of its measures by Member States. It should*** evaluate the implementation of this Directive three years after its entry into force and report to the ***European Parliament and the*** Council thereon. Member States should communicate to the ***European Parliament and the*** Commission all information necessary for this evaluation.

Wednesday 8 June 2016

Amendment 34

Proposal for a directive

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

Text proposed by the Commission	*Amendment*
	(1a) 'taxpayer' means a corporate entity within the scope of this Directive;

Amendment 35

Proposal for a directive

Article 2 — paragraph 1 — point 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) 'royalty cost' means costs arising from payments of any kind made as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work, including cinematograph films and software, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience, or any other intangible asset; payments for the use of, or the right to use, industrial, commercial or scientific equipment shall be regarded as royalty costs;

Wednesday 8 June 2016

Amendment 36

Proposal for a directive

Article 2 — paragraph 1 — point 4 b (new)

Text proposed by the Commission	*Amendment*
	(4b) 'secrecy or low tax jurisdiction' means any jurisdiction which, from 31 December 2016, meets any of the following criteria:
	(a) a lack of automatic exchange of information with all signatories of the multilateral competent authority agreement in line with the standards of OECD published on 21 July 2014 entitled 'Standard for Automatic Exchange of Financial Account Information in Tax Matters';
	(b) no register of the ultimate beneficial owners of corporations, trusts and equivalent legal structures at least compliant with the minimum standard defined in the Directive (EU) 2015/849 of the European Parliament and of the Council [1a]***;***
	(c) laws or administrative provisions or practices which grant favourable tax treatment to undertakings irrespective of whether they engage in genuine economic activity or have a significant economic presence in the country in question.

[1a] ***Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).***

Amendment 37

Proposal for a directive

Article 2 — paragraph 1 — point 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) 'permanent establishment' means a fixed place of business situated in a Member State through which the business of a company of another Member State is wholly or partly carried on; this definition covers situations in which companies which engage in fully dematerialised digital activities are considered to have a permanent establishment in a Member State if they maintain a significant presence in the economy of that Member State;

Wednesday 8 June 2016

Amendment 38

Proposal for a directive

Article 2 — paragraph 1 — point 7 b (new)

Text proposed by the Commission	*Amendment*
	(7b) 'tax haven' means a jurisdiction characterised by one or several of the following criteria:
	(a) no or only nominal taxation for non-residents;
	(b) laws or administrative practices preventing the effective exchange of tax information with other jurisdictions;
	(c) laws or administrative provisions preventing tax transparency or the absence of requirement of a substantial economic activity to be carried out.

Amendment 39

Proposal for a directive

Article 2 — paragraph 1 — point 7 c (new)

Text proposed by the Commission	*Amendment*
	(7c) 'minimum economic substance' means factual criteria, including in the context of the digital economy, which can be used to define an undertaking, such as the existence of human and physical resources specific to the entity, its management autonomy, its legal reality and, where appropriate, the nature of its assets;

Amendment 40

Proposal for a directive

Article 2 — paragraph 1 — point 7 d (new)

Text proposed by the Commission	*Amendment*
	(7d) 'European tax identification number' or 'TIN' means a number as defined in the Commission's Communication of 6 December 2012 containing an Action plan to strengthen the fight against tax fraud and tax evasion;

Wednesday 8 June 2016

Amendment 41

Proposal for a directive

Article 2 — paragraph 1 — point 7 e (new)

Text proposed by the Commission	*Amendment*
	(7e) 'transfer pricing' means the pricing at which an undertaking transfers tangible goods or intangible assets or provides services to associated undertakings;

Amendment 42

Proposal for a directive

Article 2 — paragraph 1 — point 7 f (new)

Text proposed by the Commission	*Amendment*
	(7f) 'patent box' means a system used to calculate the income deriving from intellectual property (IP) which is eligible for tax benefits by establishing a link between the eligible expenditure effected when the IP assets were created (expressed as a proportion of the overall expenditure linked to the creation of the IP assets) and the income deriving from those IP assets; this system restricts the IP assets to patents or intangible goods with an equivalent function and provides the basis for the definition of 'eligible expenditure', 'overall expenditure' and 'income deriving from IP assets';

Amendment 43

Proposal for a directive

Article 2 — paragraph 1 — point 7 g (new)

Text proposed by the Commission	*Amendment*
	(7 g) 'letterbox company' means any type of legal entity which has no economic substance and which is set up purely for tax purposes;

Wednesday 8 June 2016

Amendment 44

Proposal for a directive

Article 2 — paragraph 1 — point 7 h (new)

Text proposed by the Commission	*Amendment*
	(7h) 'a person or enterprise associated to a taxpayer' means a situation where the first person holds a participation of more than 25 % in the second, or there is a third person that holds a participation of more than 25 % in both;

Amendment 45

Proposal for a directive

Article 2 — paragraph 1 — point 7 i (new)

Text proposed by the Commission	*Amendment*
	(7i) 'hybrid mismatch' means a situation between a taxpayer in one Member State and an associated enterprise, as defined under the applicable corporate tax system, in another Member State or a third country where the following outcome is attributable to differences in the legal characterisation of a financial instrument or entity:
	(a) a deduction of the same payment, expenses or losses occurs both in the Member State in which the payment has its source, the expenses are incurred or the losses are suffered and in the other Member State or third country (double deduction); or
	(b) there is a deduction of a payment in the Member State or third country in which the payment has its source without a corresponding inclusion of the same payment in the other Member State or third country (deduction without inclusion).

Amendment 46

Proposal for a directive

Article 4 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Exceeding borrowing costs shall be deductible in the tax year in which they are incurred only up to ***30 percent*** of the taxpayer's earnings before interest, tax, depreciation and amortisation (EBITDA) or up to an amount of EUR ***1 000 000***, whichever is higher. The EBITDA shall be calculated by adding back to taxable income the tax-adjusted amounts for net interest expenses and other costs equivalent to interest as well as the tax-adjusted amounts for depreciation and amortisation.	2. Exceeding borrowing costs shall be deductible in the tax year in which they are incurred only up to ***20*** % of the taxpayer's earnings before interest, tax, depreciation and amortisation (EBITDA) or up to an amount of EUR ***2 000 000***, whichever is higher. The EBITDA shall be calculated by adding back to taxable income the tax-adjusted amounts for net interest expenses and other costs equivalent to interest as well as the tax-adjusted amounts for depreciation and amortisation.

Wednesday 8 June 2016

Amendment 47

Proposal for a directive

Article 4 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States may exclude from the scope of paragraph 2 excessive borrowing costs incurred on third party loans used to fund a public infrastructure project that lasts at least 10 years and is considered to be in the general public interest by a Member State or the Union.

Amendment 48

Proposal for a directive

Article 4 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The EBITDA of a tax year which is not fully absorbed by the borrowing costs incurred by the taxpayer in that or previous tax years may be carried forward for future tax years.	4. The EBITDA of a tax year which is not fully absorbed by the borrowing costs incurred by the taxpayer in that or previous tax years may be carried forward for future tax years ***for a period of five years***.

Amendment 49

Proposal for a directive

Article 4 — paragraph 5

Text proposed by the Commission	*Amendment*
5. Borrowing costs which cannot be deducted in the current tax year under paragraph 2 shall be deductible up to the ***30 percent*** of the EBITDA in ***subsequent*** tax years in the same way as the borrowing costs for those years.	5. Borrowing costs which cannot be deducted in the current tax year under paragraph 2 shall be deductible up to the ***20 %*** of the EBITDA in ***the five following*** tax years in the same way as the borrowing costs for those years.

Amendment 50

Proposal for a directive

Article 4 — paragraph 6

Text proposed by the Commission	*Amendment*
6. Paragraphs 2 to 5 shall not apply to financial undertakings.	6. Paragraphs 2 to 5 shall not apply to financial undertakings. ***The Commission must review the scope of this Article if and when an agreement is reached at OECD level and when the Commission determines that the OECD agreement can be implemented at Union level.***

Wednesday 8 June 2016

Amendment 51

Proposal for a directive

Article 4 a (new)

Text proposed by the Commission	*Amendment*
	Article 4a
	Permanent establishment
	1. A fixed place of business that is used or maintained by a taxpayer shall be deemed to give rise to a permanent establishment if the same taxpayer or a closely related person carries out business activities at the same place or at another place in the same State and:
	(a) that place or the other place constitutes a permanent establishment for the taxpayer or the closely related person under the provisions of this Article; or
	(b) the overall activity resulting from the combination of the activities carried out by the taxpayer and the closely related person at the same place, or by the same taxpayer or closely related persons at both places, is not of a preparatory or auxiliary character, provided that the business activities carried on by the taxpayer and the closely related person at the same place, or by the same taxpayer or closely related persons at both places, constitute complementary functions that are part of a cohesive business operation.
	2. Where a person is acting in a State on behalf of a taxpayer and, in doing so, habitually concludes contracts, or habitually plays the principal role leading to the conclusion of contracts that are routinely concluded without material modification by the taxpayer, and these contracts are:
	(a) in the name of the taxpayer;
	(b) for the transfer of the ownership of, or for the granting of the right to use, property owned by that taxpayer or that the taxpayer has the right to use; or

Text proposed by the Commission	*Amendment*
	(c) for the provision of services by that taxpayer, that taxpayer shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the taxpayer, unless the activities of such person are of auxiliary or preparatory character so that, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of this paragraph.
	3. Member States shall align their applicable legislation and any bilateral double tax treaties to this Article.
	4. The Commission is empowered to adopt delegated acts concerning the notions of preparatory or auxiliary character.

Amendment 52

Proposal for a directive

Article 4 b (new)

Text proposed by the Commission	*Amendment*
	Article 4b
	Profits attributable to permanent establishment
	1. Profits in a Member State that are attributable to the permanent establishment referred to in Article 4a are also the profits it might be expected to make, in particular in its dealing with other parts of the enterprise, if they were separate and independent enterprises engaged in the same activity and similar conditions, taking into account the assets and risks of the permanent establishments involved.
	2. Where a Member State adjusts the profit attributable to the permanent establishment referred to in paragraph 1 and taxes it accordingly, the profit and tax in other Member States should be adjusted accordingly, in order to avoid double taxation.
	3. As part of the OECD BEPS Action 7, the OECD is currently reviewing the rules defined in Article 7 of the OECD Model Tax Convention on Income and on Capital dealing with profits attributable to permanent establishments and, once those rules are updated, the Member states shall align their applicable legislation accordingly.

Wednesday 8 June 2016

Amendment 53

Proposal for a directive

Article 4 c (new)

Text proposed by the Commission	*Amendment*
	Article 4c
	Secrecy or low tax jurisdictions
	1. A Member State may impose withholding tax on payments from an entity in that Member State to an entity in a secrecy or low tax jurisdiction.
	2. Payments which are not directly made to an entity in a secrecy or low tax jurisdiction, but which can be reasonably assumed to be made to an entity in a secrecy or low tax jurisdiction indirectly, e.g. by means of mere intermediaries in other jurisdictions, shall also be covered by paragraph 1.
	3. In due course, Member States shall update any Double Tax Agreements which currently preclude such a level of withholding tax with a view to removing any legal barriers to this collective defence measure.

Amendment 54

Proposal for a directive

Article 5 — paragraph 1 — introductory part

Text proposed by the Commission	*Amendment*
1. A taxpayer shall be subject to tax at an amount equal to the market value of the transferred assets, at the time of exit, less their value for tax purposes, in any of the following circumstances:	1. A taxpayer shall be subject to tax at an amount equal to the market value of the transferred assets, at the time of exit ***of assets***, less their value for tax purposes, in any of the following circumstances:

Wednesday 8 June 2016

Amendment 55

Proposal for a directive

Article 5 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) a taxpayer transfers assets from its head office to its permanent establishment in another Member State or in a third country;	(a) a taxpayer transfers assets from its head office to its permanent establishment in another Member State or in a third country ***insofar as the Member State of the head office no longer has the right to tax the transferred assets due to the transfer***;

Amendment 56

Proposal for a directive

Article 5 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) a taxpayer transfers assets from its permanent establishment in a Member State to its head office or another permanent establishment in another Member State or in a third country;	(b) a taxpayer transfers assets from its permanent establishment in a Member State to its head office or another permanent establishment in another Member State or in a third country ***insofar as the Member State of the permanent establishment no longer has the right to tax the transferred assets due to the transfer***;

Amendment 57

Proposal for a directive

Article 5 — paragraph 1 — point d

Text proposed by the Commission	*Amendment*
(d) a taxpayer transfers its permanent establishment ***out of a*** Member State.	(d) a taxpayer transfers its permanent establishment ***to another Member State or to a third country insofar as the*** Member State ***of the permanent establishment no longer has the right to tax the transferred assets due to the transfer***.

Wednesday 8 June 2016

Amendment 63

Proposal for a directive

Article 5 — paragraph 7

Text proposed by the Commission	*Amendment*
7. This article shall not apply to asset transfers of a temporary nature where the assets are intended to revert to the Member State of the transferor.	7. This article shall not apply to asset transfers of a temporary nature where the assets are intended to revert to the Member State of the transferor***, nor to transfers of tangible assets transferred in order to generate income from active business. In order to benefit from the exemption, the taxpayer will have to prove to its tax authorities that the foreign income arises from an active business, for example through a certificate from the foreign tax authorities.***

Amendment 64

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission	*Amendment*
	Article 5a
	Transfer pricing
	1. In accordance with the OECD guidelines published on 18 August 2010 entitled 'Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations', the profits that would have been made by an enterprise but have not been made as a result of the following conditions may be included in the profits of that enterprise and taxed accordingly:
	(a) an enterprise of a State participates directly or indirectly in the management, control or capital of an enterprise of the other State; or
	(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one State and an enterprise of the other State; and

Text proposed by the Commission	*Amendment*
	(c) in either case, the two enterprises are linked, in their commercial or financial relations, by agreed or imposed conditions that differ from those that would be agreed between independent enterprises.
	2. Where a State includes in the profits of an enterprise of that State — and taxes accordingly — profits on which an enterprise of the other State has been charged to tax in that other State and the profits so included are profits which the enterprise of the first-mentioned State would have made if the conditions between the two enterprises had been those which would have existed between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Directive and the tax authorities of the States shall, if necessary, consult each other.

Amendment 102

Proposal for a directive

Article 6 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall not exempt a taxpayer from tax on foreign income which the taxpayer received as a profit distribution from an entity in a third country or as proceeds from the disposal of shares held in an entity in a third country or as income from a permanent establishment situated in a third country where the entity or the permanent establishment is subject, in the entity's country of residence or the country in which the permanent establishment is situated, to a tax on profits at a statutory corporate tax rate ***lower than 40*** percent ***of the statutory tax rate that would have been charged under the applicable corporate tax system in the Member State of the taxpayer***. In those circumstances, the taxpayer shall be subject to tax on the foreign income with a deduction of the tax paid in the third country from its tax liability in its state of residence for tax purposes. The deduction shall not exceed the amount of tax, as computed before the deduction, which is attributable to the income that may be taxed.	1. Member States shall not exempt a taxpayer from tax on foreign income***, that does not arise from active business,*** which the taxpayer received as a profit distribution from an entity in a third country or as proceeds from the disposal of shares held in an entity in a third country or as income from a permanent establishment situated in a third country where the entity or the permanent establishment is subject, in the entity's country of residence or the country in which the permanent establishment is situated, to a tax on profits at a statutory corporate tax rate ***lower than 15*** percent. In those circumstances, the taxpayer shall be subject to tax on the foreign income with a deduction of the tax paid in the third country from its tax liability in its state of residence for tax purposes. The deduction shall not exceed the amount of tax, as computed before the deduction, which is attributable to the income that may be taxed. ***In order to benefit from the exemption, the taxpayer will have to prove to its tax authorities that the foreign income arises from an active business, supported by commensurate staff, equipment, assets and premises which justify the income attributed to it.***

Wednesday 8 June 2016

Amendment 68

Proposal for a directive

Article 7 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Non-genuine arrangements or a series thereof ***carried out*** for the ***essential*** purpose of obtaining a tax advantage that defeats the object or purpose of the otherwise applicable tax provisions shall be ignored for the purposes of calculating the corporate tax liability. An arrangement may comprise more than one step or part.	1. Non-genuine arrangements, or a series thereof, ***which, having been put into place*** for the ***main*** purpose ***or one of the main purposes*** of obtaining a tax advantage that defeats the object or purpose of the otherwise applicable tax provisions***, are not genuine taking into consideration all relevant facts and circumstances,*** shall be ignored for the purposes of calculating the corporate tax liability. An arrangement may comprise more than one step or part.

Amendment 103

Proposal for a directive

Article 7 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Where arrangements or a series thereof are ignored in accordance with paragraph 1, the tax liability shall be calculated by reference to economic substance in accordance with national law.	3. Where arrangements or a series thereof are ignored in accordance with paragraph 1, the tax liability shall be calculated by reference to economic substance ***as defined in Article 2*** in accordance with national law.

Amendment 70

Proposal for a directive

Article 7 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall allocate adequate staff, expertise and budget resources to their national tax administrations, in particular tax audit staff, as well as resources for the training of tax administration staff focusing on cross-border cooperation on tax fraud and avoidance, and on automatic exchange of information in order to ensure full implementation of this Directive.

Wednesday 8 June 2016

Amendment 98

Proposal for a directive

Article 7 — paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. The Commission shall establish a BEPS Control and Monitoring Unit within its structure as a strong tool against base erosion and profit shifting that will evaluate and advise on the implementation of this Directive and other forthcoming legislative acts addressing the issue of base erosion and profit shifting, in close cooperation with Member States. That BEPS Control and Monitoring Unit will report back to the European Parliament.

Amendment 104

Proposal for a directive

Article 8 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) under the general regime in the country of the entity, profits are subject to an effective corporate tax rate lower than ***40*** percent of the ***effective tax rate that would have been charged under the applicable corporate tax system in the Member State of the taxpayer***;	(b) under the general regime in the country of the entity, profits are subject to an effective corporate tax rate lower than ***15*** percent***; that rate shall be revised each year in line with economic developments in world trade***;

Amendment 73

Proposal for a directive

Article 8 — paragraph 1 — point c — introductory part

Text proposed by the Commission	*Amendment*
(c) more than ***50*** percent of the income accruing to the entity falls within any of the following categories:	(c) more than ***25*** percent of the income accruing to the entity falls within any of the following categories:

Wednesday 8 June 2016

Amendment 74

Proposal for a directive

Article 8 — paragraph 1 — point c — point vii a (new)

Text proposed by the Commission	*Amendment*
	(viia) income from goods traded with the taxpayer or its associated enterprises except such standardised goods that are regularly traded between independent parties and for which publicly observable prices exist.

Amendment 105

Proposal for a directive

Article 8 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
2. Member States shall ***not*** apply paragraph 1 where an entity is tax resident in a Member State or in a third country that is party to the EEA Agreement or in respect of a permanent establishment of a third country entity which is situated in a Member State, unless the ***establishment of the entity is wholly artificial or to the extent that the entity engages, in the course of its*** activity***, in non-genuine arrangements*** which ***have been put in place for the essential purpose of obtaining a tax advantage***.	2. Member States shall apply paragraph 1 where an entity is tax resident in a Member State or in a third country that is party to the EEA Agreement or in respect of a permanent establishment of a third country entity which is situated in a Member State, unless the ***taxpayer can establish that the controlled foreign company has been set up for valid commercial reasons and carries on an economic*** activity ***supported by commensurate staff, equipment, assets and premises*** which ***justify the income attributed to it. In the specific case of insurance companies, the fact that a parent company reinsures its risks through its own subsidiaries shall be considered as non-genuine***.

Amendment 77

Proposal for a directive

Article 10 — title

Text proposed by the Commission	*Amendment*
Hybrid mismatches	Hybrid mismatches ***between Member States***

Amendment 80

Proposal for a directive

Article 10 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	Member States shall update their Double Tax Agreements with third countries or negotiate collectively equivalent agreements in order to make the provisions of this Article applicable in cross-border relations between Member States and third countries.

Amendment 81

Proposal for a directive

Article 10 a (new)

Text proposed by the Commission	*Amendment*
	Article 10a
	Hybrid mismatches related to third countries
	Where a hybrid mismatch between a Member State and a third country results in a double deduction, the Member State shall deny the deduction of such a payment, unless the third country has already done so.
	Where a hybrid mismatch between a Member State and a third country results in a deduction without inclusion, the Member State shall deny the deduction or non-inclusion of such a payment, as appropriate, unless the third country has already done so.

Amendment 82

Proposal for a directive

Article 10 b (new)

Text proposed by the Commission	*Amendment*
	Article 10b
	Effective tax rate
	The Commission shall develop a common method of calculation of the effective tax rate in each Member State, so as to make it possible to draw up a comparative table of the effective tax rates across the Member States.

Wednesday 8 June 2016

Amendment 83

Proposal for a directive

Article 10 c (new)

Text proposed by the Commission	*Amendment*
	Article 10c
	Measures against tax treaty abuses
	1. Member States shall amend their bilateral tax treaties to include the following provisions:
	(a) a clause ensuring that both parties to the treaties commit that tax will be paid where economic activities are taking place and value is created;
	(b) an addendum to clarify that the objective of bilateral treaties, beyond avoiding double taxation is to fight tax evasion and tax avoidance;
	(c) a clause for a principal purpose test based general anti-avoidance rule, as defined in Commission recommendation (EU) 2016/136 of 28 January 2016 on the implementation of measures against tax treaty abuse ([1a]);
	(d) a definition of permanent establishment, as defined in Article 5 of the OECD Model Tax Convention on Income and on Capital.
	2. The Commission shall make a proposal by 31 December 2017 for a 'European approach to tax treaties' in order to set up a European model of tax treaty which could ultimately replace the thousands bilateral treaties concluded by each Member State.
	3. Member States shall denounce or refrain from signing bilateral treaties with jurisdictions not respecting minimum standards of Union agreed principles of good governance in tax matters.

([1a]) ***OJ L 25, 2.2.2016, p. 67.***

Amendment 84

Proposal for a directive

Article 10 d (new)

Text proposed by the Commission	*Amendment*
	Article 10d
	Good governance in tax matters
	The Commission shall include provisions on the promotion of good governance in tax matters, with the aim of increasing transparency and of combating harmful tax practises, in international trade agreements and economic partnership agreements to which the Union is party.

Amendment 85

Proposal for a directive

Article 10 e (new)

Text proposed by the Commission	*Amendment*
	Article 10e
	Penalties
	Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it of any subsequent amendment affecting them.

Amendment 86

Proposal for a directive

Article 11 — title

Text proposed by the Commission	*Amendment*
Review	Review ***and monitoring***

Wednesday 8 June 2016

Amendment 87

Proposal for a directive

Article 11 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall evaluate the implementation of this Directive three years after its entry into force and report to the Council thereon.	1. The Commission shall evaluate the implementation of this Directive three years after its entry into force and report to the ***European Parliament and the*** Council thereon.

Amendment 88

Proposal for a directive

Article 11 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall communicate to the Commission all information necessary for evaluating the implementation of this Directive.	2. Member States shall communicate to the ***European Parliament and the*** Commission all information necessary for evaluating the implementation of this Directive.

Amendment 89

Proposal for a directive

Article 11 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Commission shall put into place a specific monitoring mechanism to ensure the full and adequate transposition of this Directive and the correct interpretation of all definitions provided and actions required by Member States, in order to have a coordinated European approach on the fight against BEPS.

Amendment 90

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission	*Amendment*
	Article 11a
	European tax identification number
	The Commission shall present a legislative proposal for a harmonised, common European taxpayer identification number by 31 December 2016, in order to make automatic exchange of tax information more efficient and reliable within the Union.

Wednesday 8 June 2016

Amendment 91

Proposal for a directive

Article 11 b (new)

Text proposed by the Commission	*Amendment*
	Article 11b
	Mandatory automatic exchange of information on tax matters
	In order to guarantee full transparency and the proper implementation of the provisions of this Directive, the exchange of information on tax matters shall be automatic and mandatory, as laid down by Council Directive 2011/16/EU [1a]***.***

[1a] ***Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).***

Thursday 9 June 2016

P8_TA(2016)0273

Non-objection to a delegated act: regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings

European Parliament decision to raise no objections to the Commission delegated regulation of 17 May 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings (C(2016)02859 — 2016/2735(DEA))

(2018/C 086/41)

The European Parliament,

— having regard to the Commission delegated regulation (C(2016)02859),

— having regard to the Commission's letter of 18 May 2016 asking Parliament to declare that it will raise no objections to the delegated regulation,

— having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 31 May 2016,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ([1]) ('the Market Abuse Regulation'), and in particular the third subparagraph of Article 11(9) thereof,

— having regard to the recommendation for a decision by the Committee on Economic and Monetary Affairs,

— having regard to Rule 105(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 8 June 2016,

A. whereas Article 39(2) of the Market Abuse Regulation provides that a number of its provisions, including Article 11(1) to (8), are to apply from 3 July 2016 and, in line with that, Article 7(1) of the delegated regulation also provides that it is to apply from the same date;

B. whereas Article 11(9) of the Market Abuse Regulation empowers ESMA to develop draft regulatory technical standards (RTS) to determine appropriate arrangements, procedures and record-keeping requirements for persons to comply with the requirements laid down in paragraphs 4, 5, 6 and 8 of that Article; whereas Article 11(9) of the Market Abuse Regulation empowers the Commission to adopt those RTS in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ([2]) ('the ESMA Regulation');

C. whereas the Commission adopted the delegated regulation on 17 May 2016 in order to satisfy the latter empowerment; whereas the delegated regulation contains important details on the procedures to be followed by market participants when carrying out market soundings;

([1]) OJ L 173, 12.6.2014, p. 1.

([2]) Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

D. whereas the delegated regulation may only enter into force at the end of the scrutiny period of the Parliament and the Council if no objection has been expressed either by the Parliament or the Council, or if, before the expiry of that period, both the Parliament and the Council have informed the Commission that they will not object;

E. whereas the scrutiny period provided for under Article 13(1) of the ESMA Regulation is three months from the date of notification of the RTS, unless the RTS adopted by the Commission are the same as the draft RTS adopted by ESMA, in which case the scrutiny period would be one month;

F. whereas some changes have been introduced into the draft RTS adopted by ESMA, such as the addition of two new recitals as well as a number of changes to Article 3 and Article 6(3) and to the provision on entry into force and application; whereas, in light of these changes, the delegated regulation cannot be considered to be the same as the draft RTS adopted by ESMA, within the meaning of the second subparagraph of Article 13(1) of the ESMA Regulation; whereas, therefore, the three-month period for objection applies, as provided for under the first subparagraph of Article 13(1) of the ESMA Regulation, meaning that such period would expire on 17 August 2016;

G. whereas the smooth and timely implementation of the market abuse framework by 3 July 2016 requires that the market participants and competent authorities make the necessary arrangements and put the appropriate systems in place as soon as possible, and in any event by 3 July 2016, and this should be done in accordance with the delegated regulation;

H. whereas the delegated regulation should therefore enter into force by 3 July 2016 at the latest, before the expiry of the scrutiny period on 17 August 2016;

I. whereas the provisions of the delegated regulation in substance are consistent with the objectives of Parliament as expressed in the Market Abuse Regulation and during the subsequent informal dialogue as part of the preparatory work for the adoption of the delegated regulation, and in particular with the Parliament's intention to provide competent authorities with a full set of records of all information revealed in the course of a market sounding;

1. Declares that it has no objections to the delegated regulation;

2. Instructs its President to forward this decision to the Council and the Commission.

Thursday 9 June 2016

P8_TA(2016)0277

Promoting free movement by simplifying the acceptance of certain public documents ***II

European Parliament legislative resolution of 9 June 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 promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (14956/2/2015 — C8-0129/2016 — 2013/0119(COD))

(Ordinary legislative procedure: second reading)

(2018/C 086/42)

The European Parliament,

— having regard to the Council position at first reading (14956/2/2015 — C8-0129/2016),

— 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 Romanian Senate, 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 ([1]),

— having regard to its position at first reading ([2]) on the Commission proposal to Parliament and the Council (COM(2013)0228),

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Rules 76 and 39 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Legal Affairs (A8-0156/2016),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 327, 12.11.2013, p. 52.
([2]) Texts adopted of 4.2.2014, P7_TA(2014)0054.

Thursday 9 June 2016

P8_TA(2016)0278

Transfer to the General Court of jurisdiction at first instance in EU civil service cases ***I

European Parliament legislative resolution of 9 June 2016 on the draft regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants (N8-0110/2015 — C8-0367/2015 — 2015/0906(COD))

(Ordinary legislative procedure: first reading)

(2018/C 086/43)

The European Parliament,

— having regard to the request from the Court of Justice submitted to Parliament and the Council (N8-0110/2015),

— having regard to the second subparagraph of Article 19(2) of the Treaty on European Union, Article 256(1), the first and second paragraphs of Article 257 and the second paragraph of Article 281 of the Treaty on the Functioning of the European Union, and Article 106a(1) of the Treaty establishing the European Atomic Energy Community, pursuant to which the draft act was submitted to Parliament (C8-0367/2015),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union and Article 256(1), the first and second paragraphs of Article 257 and the second paragraph of Article 281 of the Treaty on the Functioning of the European Union, and Article 106a(1) of the Treaty establishing the European Atomic Energy Community ,

— having regard to Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union ([1]), and in particular recital 9 thereof,

— having regard to the opinion of the Commission (COM(2016)0081) ([2]),

— having regard to the undertaking given by the Council representative by letter of 18 May 2016 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 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Constitutional Affairs (A8-0167/2016),

1. Adopts its position at first reading hereinafter set out;

2. Recalls the importance of gender balance among the judges at the Court of Justice of the European Union;

3. Instructs its President to forward its position to the Council, the Court of Justice, the Commission and the national parliaments.

([1]) OJ L 341, 24.12.2015, p. 14.
([2]) Not yet published in the Official Journal.

Thursday 9 June 2016

P8_TC1-COD(2015)0906

Position of the European Parliament adopted at first reading on 9 June 2016 with a view to the adoption of Regulation (EU, Euratom) 2016/… of the European Parliament and of the Council on the transfer to the General Court of jurisdiction at first instance in disputes between the European Union and its servants

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU, Euratom) 2016/1192.)

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN