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Information and Notices

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Key to symbols used

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

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

Amendments by Parliament:

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

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Tuesday 13 November 2018

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0441

EU development assistance in the field of education

European Parliament resolution of 13 November 2018 on EU development assistance in the field of education (2018/2081(INI))

(2020/C 363/01)

The European Parliament,

— having regard to Article 26 of the Universal Declaration of Human Rights (UDHR), which stipulates that '[e]veryone has the right to education. Education shall be free, at least in the elementary and fundamental stages',

— having regard to the document entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', adopted by the United Nations General Assembly on 25 September 2015, which recognises that equity, inclusion and gender equality are inextricably linked to the right to education for all,

— having regard to the Sustainable Development Goals (SDGs), in particular Goal 4: 'Ensure inclusive and quality education for all and promote lifelong learning', and to the 2015 Incheon Declaration and Framework for Action for the Implementation of SDG 4, which states that 'gender equality is inextricably linked to the right to education for all',

— having regard to Recommendation No 36 (2017) of the United Nations Committee on the Elimination of Discrimination against Women General on the Right of Girls and Women to Education,

— having regard to the Addis Ababa Action Agenda on Financing for Development adopted by the United Nations General Assembly on 27 July 2015,

— having regard to United Nations Human Rights Council resolution 35/L 2 of 22 June 2017, entitled 'The right to education: follow-up to Human Rights Council resolution 8/4',

— having regard to the 2002 Commission Communication entitled 'Education and training in the context of poverty reduction in developing countries' (COM(2002)0116),

— having regard to the 2010 Commission working document on strengthening and improving education in the developing countries, entitled 'More and Better Education in Developing Countries' (SEC(2010)0121),

— having regard to the 2018 Commission Communication entitled 'Education in Emergencies and Protracted Crises' (COM(2018)0304),

— having regard to the Charlevoix Declaration on quality education for girls, adolescent girls and women in developing countries, adopted by the G7 on 9 June 2018,

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— having regard to the European Consensus on Development and the EU Code of Conduct on Division of Labour in Development Policy (COM(2007)0072),

— having regard to its resolution of 31 May 2018 on the implementation of the Joint Staff Working Document (SWD (2015)0182) — Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020 ([1]),

— having regard to its resolution of 17 April 2018 on enhancing developing countries' debt sustainability ([2]),

— having regard to the UNESCO Global Education Monitoring Report published in 2017, entitled 'Accountability in education: Meeting our commitments',

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

— having regard to the report of the Committee on Development (A8-0327/2018),

A. whereas education is a fundamental human right and is central to the achievement of all the SDGs; whereas education prevents the transmission of poverty between generations and plays a pivotal role in achieving gender equality and women's empowerment; whereas the rights that should be respected in education go beyond mere arithmetical equality and include promotion of genuine gender equality in and through education;

B. whereas the Commission's latest communication on education in developing countries dates back to 2002 and was updated only in 2010 by a working document;

C. whereas education aid accounted for 8,3 % of total development aid in 2009; whereas this share had fallen to 6,2 % by 2015; whereas for the Union and its Member States this share fell from 11 to 7,6 % over the same period;

D. whereas the aid allocated to basic education by the Union and its Member States decreased by 33,9 % between 2009 and 2015, i.e. more than education aid in general (15,2 %);

E. whereas in 2015, 264 million children and young people of primary or secondary school age were not enrolled in school;

F. whereas at the end of 2017 there were more than 25,4 million refugees around the world, 7,4 million of whom were primary school-age children, and whereas 4 million of those children did not have access to any form of primary education; whereas in countries affected by fragility and conflicts there are 37 % more girls than boys out of primary school, and whereas young women are nearly 90 % more likely to be out of secondary school than their male counterparts in countries not affected by conflict;

G. whereas the UN Sustainable Development Goals Report (2017) states that, in 2011, only around one quarter of schools in sub-Saharan Africa had electricity and fewer than half had access to drinking water; whereas sub-Saharan Africa has the lowest percentage of trained teachers in both primary and secondary education;

H. whereas support for education in developing countries has previously focused too much on the quantity of students enrolled and not enough on the quality of the education provided; whereas the aim of SDG 4 is to deliver quality education for all by 2030;

I. having regard to the difficulties experienced by some businesses in developing countries in finding staff with the skills that they require;

([1]) Texts adopted, P8_TA(2018)0239.
([2]) Texts adopted, P8_TA(2018)0104.

J. whereas the efforts made since 2016, welcome though they are, have not been sufficient to clear the backlog and must therefore be continued over time and increased;

K. whereas, according to UNESCO, support for education in low-income countries and lower middle-income countries would need to be increased sixfold if SDG 4 is to be achieved by 2030; whereas, according to the International Commission on Financing Global Education Opportunity, education aid must reach USD 89 billion by 2030, as against USD 12 billion today;

Placing education at the centre of development

1. Is convinced that education aid must be a priority, because education is a fundamental right, but also because it is essential for the achievement of the other SDGs: for economic development and reducing inequalities, for gender equality, to help girls and women to become self-sufficient, for the social inclusion of persons with a disability and for health, democracy and the rule of law and conflict prevention;

2. Deplores, therefore, the fact that education aid is not a priority for international donors; urges that education be placed at the centre of the development policies of the European Union and its Member States;

3. Acknowledges that achieving SDG 4 calls for massive investment in education systems; takes the view that this investment will first have to be made by developing countries, but that international aid will continue to be indispensable to bridge the gap in funding;

4. Calls on the Commission to update its communication on education and training in the context of poverty reduction in developing countries, which dates back to 2002, and its working document of 2010; considers that the new communication will need to set out a plan for achieving SDG 4 by 2030;

5. Calls on the Union and its Member States to devote 10 % of their official development assistance (ODA) to education by 2024, and 15 % by 2030;

6. Observes that the greater efforts needed on the part of developing countries to promote fair tax systems and combat illegal financial flows and increases in ODA will not be sufficient to bridge the funding gap; calls, therefore, for the creation of innovative funding instruments which leverage and are aligned with existing funding mechanisms and initiatives, in order to bolster national education systems;

7. Is following with interest the proposal made by the International Commission on Financing Global Education Opportunity to set up an International Finance Facility for Education (IFFEd), provided that it genuinely complements and does not replace current efforts; considers that this initiative should be pursued in synergy with the work of the Global Partnership for Education; considers that particular attention should be paid to the creditworthiness of eligible countries before funding is granted;

8. Notes that the EU's 20 % ODA target for social inclusion and human development, which covers basic social services, including health and education, is imprecise and does not make proper monitoring of expenditure possible; calls for the quantified targets to be included in the next Multiannual Financial Framework;

Tackling the priorities

9. Recalls that basic learning, including digital literacy, is a prerequisite for skills development and induction into working life, that girls' education is a key lever for achieving the SDGs, for health and well-being and for the establishment of peaceful societies, and that the least developed countries (LDCs) are suffering most from a lack of funding, although they are the countries where investment generates the greatest human, social, economic and health benefits;

10. Recalls that empowering vulnerable groups is critical to ending poverty; insists that all persons, irrespective of sex, ethnicity, language, religion, political or other opinion, as well as persons with a disability, migrants and indigenous peoples, should have access to inclusive, equitable quality education and lifelong learning opportunities;

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11. Considers, therefore, that the European Union's education aid must first and foremost cater for two priorities: quality, inclusive basic education, and enhanced support for the LDCs;

12. Stresses, in particular, the importance of SDG 4.1, whose aim is a full, quality12-year primary and secondary education cycle, provided free of charge for all; reiterates that education should be a key pillar of the Africa-EU partnership, in keeping with the strategic priorities approved at the 2017 European Union-African Union summit; considers that the condition of being 'free of charge' should apply not only to schooling itself, but also to hidden costs, such as school supplies, transport and food; Takes the view that States should consider scholarship schemes to provide schooling for the most disadvantaged children; points out that it is important to guarantee pluralism and freedom of choice for parents; insists, nevertheless, that the European Union and the Member States, in accordance with SDG 4.1 and Article 26 of the UDHR, must not use ODA to support private, commercial educational establishments, which do not uphold the Union's principles and values;

13. Calls on the Union and its Member States to devote at least half of their education aid to basic education by 2030;

14. Calls, further, for at least 40 % of education aid from the EU and Member States to be channelled to the LDCs;

15. Calls for particular attention to be paid to equality between girls and boys in school, a vital factor in achieving sustainable development and the upholding the principle of leaving no one behind; calls on the EU to promote inclusive, quality education, in order to remove barriers to girls' access to, participation in and completion of education; recalls the objective that 85 % of new EU programmes should have gender equality as their primary objective, or as a significant objective, by 2020; calls, lastly, for support to shape education systems which address the needs of students with a disability and other minorities and vulnerable groups, taking account of specific local circumstances;

16. Welcomes the Commission's adoption of its communication on education in emergencies and protracted crises and the objective of devoting 10 % of the Union's humanitarian aid to education from 2019;

17. Recalls that the education of refugee or displaced children must be regarded as a priority from the very outset; emphasises the importance of supporting countries affected by fragility and conflict to improve the resilience of their education systems and guarantee access to quality education — including secondary education — for refugee children and young refugees, internally displaced children and their host communities;

18. Stresses the need for a more integrated — i.e. involving all stakeholders — rapid, systematic and effective response to education needs in emergencies, in line with the principle of linking emergency aid, rehabilitation and development;

19. Notes that some targeted countries are unable or unwilling to meet the basic needs of their population, including educational needs; calls for the most suitable civil society partner to be identified and for good practices employed in the field by NGOs and other actors to be enhanced and scaled up;

20. Recalls the importance of secondary and technical education and vocational training for youth employability and sustainable development; considers that the latter must lead to decent jobs and be geared to countries' development requirements and the needs of businesses, in coordination with them and, as far as possible, financed by them; draws attention to the existence of projects by means of which the private sector supports training centres, and calls on the Commission to consider how the development of such initiatives could be funded; points out that the EU's External Investment Plan could be used to achieve these objectives, and calls for the strategic involvement of civil society organisations (CSOs) in planning and implementation in this field;

21. Is concerned about the phenomenon of the 'brain drain'; notes that some Member States allocate more than half their education aid to meeting the costs of schooling on their territory; considers that increases in education aid must lead to this proportion being reduced; calls on Member States to explore and employ good practices and experiences, such as academic and professional exchanges; considers that multiple-entry visas would enable the students involved to update their knowledge and promote circular mobility; calls, at the same time, for incentives or measures to be introduced which encourage students to work in the economic or governmental sector of their home country after their return for a minimum period, so that the knowledge acquired primarily benefits the partner countries;

22. Notes that good teaching is critical for learning; notes with concern that the quality and availability of teacher training, the scarcity of textbooks and equipment and class size remain serious problems, particularly in sub-Saharan Africa; emphasises that efforts must be made to improve the initial and in-service training of teachers, with a focus on their pedagogical knowledge and skills, and their recruitment, remuneration and working conditions, not least in order to encourage them to stay and pass on their knowledge to future generations; calls for more exchange programmes between teachers from developing countries and from EU Member States, e.g. through Erasmus+;

23. Notes the massive investment needed in school infrastructure and equipment, in particular in rural or underpopulated areas, to ensure equal access to education for all, without discrimination;

24. Stresses the importance of new technologies as a way of improving access to education and its quality, particularly for the dissemination of knowledge, training, teacher development and pedagogy and the management of educational establishments; emphasises the need to seize the opportunity offered by digitalisation to bring knowledge and modern teaching methods to developing countries; draws attention to the fact that these new technologies must support educational efforts, rather than replacing them and lowering teaching standards; calls for better assessment of the impact of technological investment on learning outcomes; emphasises the need to improve digital skills in order to promote the empowerment of women and girls;

25. Calls for increased efforts to address the challenges of digital exclusion through education and training in essential digital skills and initiatives to facilitate the use of ICTs; calls, further, for digital literacy to be introduced in school curricula at all levels of education in developing countries, so that pupils can acquire the skills needed to improve access to information;

26. Points out that education must pave the way for the next generation to live fully productive lives in a world which will have been changed by robotisation and automation; takes the view that, in order to meet the expectations of both job-seekers and businesses, the training available must genuinely make people more employable and that, if that aim is to be achieved, partnerships with the private sector in the field of vocational education should not be ruled out; stresses, in that connection, the importance of flexibility and skills, and also of life skills and social skills, in education; is convinced that, in addition to academic knowledge, at school children need to acquire thinking skills, so that they can ask the right questions, and creative skills, so that they can put ideas into action, and that lifelong learning should prepare them for lifelong action;

27. Stresses the link between education and health; observes that school medicine and health education, in addition to promoting learning, are a way of reaching out to large sections of society; emphasises the need to develop a comprehensive, integrated approach to sex education for girls and boys that addresses health issues, such as HIV, family planning and pregnancy, and also helps to achieve broader outcomes, such as improving access to education for girls; stresses the importance of care providers in offering psycho-social support, especially in conflict-hit countries, in order to improve young children's resilience;

28. Encourages States to arrange for young children to receive at least one year of free pre-primary schooling, in accordance with SDG 4.2;

29. Reiterates that an enabling environment, including the involvement of parents, nutritional aspects, health and safety and access to electricity, water and proper sanitation, is a prerequisite for quality education, so that boys and girls can genuinely benefit from school and completion rates, especially in primary education, improve;

Improving the quality of aid

30. Considers that assessments of education systems, including education provided by non-State institutions, of the quality of teaching and of learning outcomes are a prerequisite for any improvement in the effectiveness of aid; calls on the Commission and the Member States to finance research, aggregation of data and reliable, technical, non-discriminatory and independent assessment tools;

31. Considers it vital to improve coordination of donors in local groups for education, in order to prevent duplication of and even conflict between aid efforts; calls on Member States to make more systematic use of joint programming and delegation; recalls that development aid must not be subordinated to a strategy geared to wielding influence;

32. Emphasises that governments have an obligation to ensure that their people enjoy the right to education; stresses, therefore, the need to ensure that duty bearers at all levels can deliver services for all and establish equitable, accessible and non-discriminatory national education institutions, strategies and plans with genuine ownership, and based on significant consultation and strategic involvement of key stakeholders, including civil society, with specific objectives and monitoring mechanisms, continuous assessments and inspections, a clear and transparent demarcation of responsibilities, and allocation of resources subject to independent monitoring; encourages the adoption of national regulatory frameworks for the establishment and operation of education services;

33. Emphasises the importance of the predictability of aid and its ownership by the partner States; points out, in that connection, that budget support and aid from multilateral organisations are the most effective ways of meeting these requirements;

34. Calls on the Commission and Member States to give priority to sectoral budget support where possible, subject to strict criteria, including good governance, and extensive checks, in particular to prevent corruption; recalls that beneficiary third countries undertake to reimburse payments in the event of serious irregularities; advocates involving civil society in the monitoring of financing agreements; stresses the need to establish a monitoring mechanism to determine whether development aid has been misused and impose penalties accordingly, including the reallocation of financial resources in order to increase support for countries which employ more effective practices in this field;

35. Encourages the Commission and Member States to promote the role of local authorities and CSOs in the preparation and implementation of education support programmes, including in the framework of budget support;

36. Notes that only one-third of education aid is channelled through multilateral bodies, as against two-thirds in the field of health; calls, therefore, on the Commission and Member States to increase their funding for the Global Partnership for Education and the Education Cannot Wait Fund; takes the view that, in its next Strategic Plan for the years after 2020, the Global Partnership should be put in a position to extend its programming period from three to six years to facilitate more stable and predictable funding, which is particularly necessary in order to strengthen national education systems;

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

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P8_TA(2018)0446

The rule of law in Romania

European Parliament resolution of 13 November 2018 on the rule of law in Romania (2018/2844(RSP))

(2020/C 363/02)

The European Parliament,

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

— having regard to the Charter of Fundamental Rights of the European Union,

— having regard to the European Convention on Human Rights (ECHR),

— having regard to the Constitution of Romania,

— having regard to the Commission communication of 11 March 2014 on a new EU framework to strengthen the rule of law (COM(2014)0158),

— having regard to its debate on democracy and justice in Romania held on 2 February 2017,

— having regard to its debate on threats to the rule of law arising from the reform of the Romanian justice system of 7 February 2018,

— having regard to its debate on the rule of law in Romania of 3 October 2018,

— having regard to the exchange of views held on 1 October 2018 with the Commission First Vice-President, Frans Timmermans, in the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to the hearing held on 22 March 2017 in the Committee on Civil Liberties, Justice and Home Affairs on democracy and justice in Romania,

— having regard to the joint statement of 24 January 2018 by Commission President Juncker and First Vice-President Timmermans on the latest developments in Romania,

— having regard to the joint opinion of the Venice Commission of 16 March 2018 on Romania's draft law No 140/2017 on amending Governmental Ordinance No 26/2000 on Associations and Foundations,

— having regard to the opinion of the Venice Commission of 20 October 2018 on amendments to Romania's law No 303/2004 on the statute of judges and prosecutors, law No 304/2004 on judicial organisation, and law No 317/2004 on the Superior Council of Magistracy,

— having regard to the opinion of the Venice Commission of 20 October 2018 on amendments to Romania's Criminal Code and Criminal Procedure Code, laws also affecting law No 78/2000 on preventing, detecting and sanctioning acts of corruption and law No 304/2004 on judicial organisation,

— having regard to the ad hoc report on Romania of 11 April 2018 by the Council of Europe's Group of States against Corruption (GRECO),

— having regard to the Commission's report of 15 November 2017 under the Cooperation and Verification Mechanism on progress in Romania,

— having regard to the adoption of three laws reforming the judiciary by the Romanian Parliament in December 2017, amending law No 303/2004 on the status of judges and prosecutors, law No 304/2004 on judicial organisation and law No 317/2004 on the Superior Council of Magistracy; having regard to the adoption of amendments to the Criminal Code in June 2018 and to the Criminal Procedure Code in July 2018,

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— having regard to Resolution 2226/2018 and Recommendation 2134/2018 of the Parliamentary Assembly of the Council of Europe (PACE),

— having regard to the decision of the Romanian Constitutional Court of 20 October 2018 ruling that 64 of the 96 changes to the Criminal Procedure Code are unconstitutional; having regard to the Constitutional Court's declaration of 25 October 2018 that 30 of the amendments to the Criminal Code are incompatible with the Constitution,

— having regard to the repeated mass protests since January 2017 against corruption and in favour of the rule of law, including the 'Diaspora at Home' mass protest on 10 August 2018 in Bucharest, which left hundreds of people needing medical treatment following violent intervention by the police,

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and whereas these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (Article 2 of the TEU);

B. whereas Article 6(3) of the TEU confirms that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law;

C. whereas the EU operates on the basis of the presumption of mutual trust that Member States act in conformity with democracy, the rule of law and fundamental rights, as enshrined in the ECHR and in the Charter of Fundamental Rights;

D. whereas the independence of the judiciary is enshrined in Article 47 of the Charter of Fundamental Rights and Article 6 of the ECHR, and is an essential requirement of the democratic principle of the separation of powers;

E. whereas in its report on Romania of April 2018, the Council of Europe's Group of States against Corruption (GRECO) expressed serious concern about certain aspects of the laws on the status of judges and prosecutors, on the judicial organisation and on the Superior Council of Magistracy as adopted by the Romanian Parliament, as well as on draft amendments to the criminal legislation; whereas GRECO questions the legislative process, fears the impact on judicial independence and suggests implicit violation of anti-corruption standards;

F. whereas the Venice Commission, in its opinion No 924/2018 of 20 October 2018, which was limited to 'certain, particularly controversial aspects of the drafts', concluded that 'although welcome improvements have been brought to the drafts following criticism and a number of decisions of the Constitutional Court, there are important aspects introduced by the three drafts, which could result in pressure on judges and prosecutors, and ultimately, undermine the independence of the judiciary and of its members and, coupled with the early retirement arrangements, its efficiency and its quality, with negative consequences for the fight against corruption', seeing those aspects as likely to 'undermine public confidence in the judiciary' ([1]);

G. whereas the Venice Commission concluded in its opinion No 930/2018 of 20 October 2018 that it was 'necessary and appropriate for the Romanian Parliament to undertake a reform of the criminal codes in order to implement Constitutional Court decisions and relevant EU directives', and that many of the amendments 'will seriously impair the effectiveness of the Romanian criminal justice system in the fight against various forms of crime, including corruption-related offences, violent crimes and organised criminality' ([2]);

([1]) Venice Commission Opinion No 924/2018 of 20 October 2018 (CDL-AD(2018)017).
([2]) Venice Commission Opinion No 930/2018 of 20 October 2018 (CDL-AD(2018)021).

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H. whereas in its joint opinion No 914/2018 of 16 March 2018 the Venice Commission welcomed the fact that 'during the meetings in Bucharest, the initiators of the draft law have indicated their readiness to amend the draft law in several aspects', and called on the Romanian authorities to give consideration to its main recommendations, namely that the 'new reporting and disclosure requirements foreseen by the draft law, including the sanctions of suspension of activities and dissolution in case of non-compliance, are clearly unnecessary and disproportionate and should be repealed', and that the detailed publication of financial reports every six months and the indication of the source of income, irrespective of the amount, coupled with the sanction of disbandment, will have 'a chilling effect on civil society' and will enter into conflict with 'the freedom of association and the right to respect for private life' ([1]);

I. whereas the Parliamentary Assembly of the Council of Europe has called on Romania to reject the recently proposed draft laws imposing additional financial reporting obligations on NGOs, to amend them in line with the recommendations of the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR), and to submit them to broad public consultation before adoption ([2]);

J. whereas on 19 July 2018 the Commission referred Romania to the Court of Justice of the European Union for failing to incorporate the Fourth Anti-Money Laundering Directive into national law; whereas on 24 October 2018 the Romanian Parliament adopted the 'draft law on combating money laundering and terrorist financing';

K. whereas there is an ongoing debate with regard to the role of the Romanian Intelligence Service (SRI) and its alleged interference with the activities of the Romanian judiciary, raising questions as to the possible extent and modalities of such interference; whereas the Venice Commission concludes in its opinion of 20 October 2018 that a 'thorough review of the legal rules on the control of the intelligence services seems necessary';

L. whereas a petition to revise the Romanian Constitution in order to restrict the definition of family to a marriage between a man and a woman was initiated in May 2016; whereas numerous human rights groups voiced their concern that the proposal might lead to a breach of international human rights standards and increase homophobic discrimination in Romania; whereas the revision was endorsed in parliament with a two-thirds majority; whereas the referendum on the matter failed to reach the required 30 % turnout target;

M. whereas Romania ranks 25th out of the 28 EU Member States regarding legislation, hate speech and discrimination against LGBTI people, according to the Annual Review of the Human Rights Situation of LGBTI People in Europe 2018 published by the European Region of the International Lesbian and Gay Association (ILGA-Europe);

N. whereas the European Union is committed to respect freedom and pluralism of the media, as well as the right to information and freedom of expression; whereas whistleblowing is an essential part of investigative journalism and press freedom and, according to the Commission communication of 23 April 2018 on strengthening whistleblower protection at EU level (COM(2018)0214), in the majority of Member States, whistleblowers are only protected in very limited situations; whereas the public watchdog functions of the media are crucial for upholding these rights and for the protection of all other fundamental rights;

O. whereas Reporters without Borders have drawn attention to the attempts to turn Romanian media into political propaganda tools, and have raised concern about political censorship in the media ([3]);

P. whereas Article 12 of the Charter of Fundamental Rights stipulates that everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civil matters;

Q. whereas the reports of violent intervention by the Romanian police during the protests on 10 August 2018 have raised serious concerns as regards proportionality of the use of force and breaches of the fundamental rights of protesters, resulting in ongoing investigations of Romanian law enforcement authorities;

([1]) Venice Commission Joint Opinion No 914/2018 of 16 March 2018 (CDL-AD(2018)004).
([2]) Resolution 2226/2018 and Recommendation 2134/2018 of the Parliamentary Assembly of the Council of Europe.
([3]) https://rsf.org/en/romania

R. whereas corruption remains a challenge in the EU; whereas the nature and scope of corruption may differ from one Member State to another, but it harms the EU as a whole and its economy and society, hampers economic development, undermines democracy, and damages the rule of law;

S. whereas the Chief Prosecutor of the National Anticorruption Directorate (DNA) was removed from office on 9 July 2018, against the opinion of the Judicial Council following a Constitutional Court ruling limiting the powers of the President; whereas, by contrast, the Venice Commission stated in its opinion of 20 October 2018 that it would be important to 'strengthen the independence of prosecutors and maintain and increase the role of institutions such as the President and the CSM [Superior Council of Magistracy], able to balance the influence of the Minister [of Justice]'; whereas on 24 October 2018 the Minister of Justice demanded the dismissal of the Prosecutor-General, accusing him of exceeding his authority;

1. Stresses that it is fundamentally important to guarantee that the common European values listed in Article 2 of the TEU are upheld in full, and that fundamental rights as laid down in the Charter of Fundamental Rights of the European Union are guaranteed;

2. Is deeply concerned at the redrafted legislation relating to the Romanian judicial and criminal legislation, regarding specifically its potential to structurally undermine the independence of the judicial system and the capacity to fight corruption effectively in Romania, as well as to weaken the rule of law;

3. Condemns the violent and disproportionate intervention by the police during the protests in Bucharest in August 2018; calls on the Romanian authorities to ensure a transparent, impartial and effective investigation into the actions of the riot police;

4. Calls on the Romanian authorities to put in place safeguards in order to assure a transparent and legal basis for any institutional cooperation and avoid any interference that circumvents the checks and balances system; calls for parliamentary control over the intelligence services to be reinforced;

5. Urges the Romanian authorities to counter any measures which would decriminalise corruption in office, and to apply the national anti-corruption strategy;

6. Strongly recommends reconsideration of the legislation on the financing, organisation and functioning of NGOs with regard to its potential intimidating effect on civil society and its entry into conflict with the principle of freedom of association and the right to privacy; believes it should be brought fully into line with the EU framework;

7. Urges the Romanian Parliament and Government to fully implement all recommendations of the European Commission, GRECO and the Venice Commission, and to refrain from conducting any reform which would put at risk respect for the rule of law, including the independence of the judiciary; urges continued engagement with civil society, and stresses the need to address the issues referred to above on the basis of a transparent and inclusive process; encourages proactively seeking evaluation by the Venice Commission of the legislative measures at stake before their final approval;

8. Calls on the Romanian Government to cooperate with the European Commission, pursuant to the principle of sincere cooperation as set out in the Treaty;

9. Reiterates its regret that the Commission decided not to publish the EU Anti-Corruption Report in 2017, and strongly urges it to resume its annual anti-corruption monitoring in all Member States without delay; invites the Commission to develop a system of strict indicators and easily applicable, uniform criteria to measure the level of corruption in the Member States and evaluate their anti-corruption policies, in line with Parliament's resolution of 8 March 2016 on the Annual Report 2014 on the Protection of the EU's Financial Interests ([1]);

([1]) OJ C 50, 9.2.2018, p. 2.

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10. Advocates strongly a regular, systematic and objective process of monitoring and dialogue involving all Member States, in order to safeguard the EU's basic values of democracy, fundamental rights and the rule of law and involving the Council, the Commission and Parliament, as proposed in its resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (the DRF Pact) ([1]); reiterates that this mechanism should consist of an annual report with country-specific recommendations ([2]);

11. Calls on the Commission, as guardian of the Treaties, to monitor the follow-up given to the recommendations by the Romanian authorities, while continuing to offer full support to Romania in finding adequate solutions;

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

([1]) OJ C 215, 19.6.2018, p. 162.

([2]) See: European Parliament resolution of 13 December 2016 on the situation of fundamental rights in the European Union in 2015 (OJ C 238, 6.7.2018, p. 2).

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P8_TA(2018)0447

Minimum standards for minorities in the EU

European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU (2018/2036(INI))

(2020/C 363/03)

The European Parliament,

— having regard to Articles 2 and 3(3) of the Treaty on European Union (TEU), and Article 19 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Articles 10, 21 and 22 of the Charter of Fundamental Rights of the European Union,

— having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([1]) (Racial Equality Directive),

— having regard to the Copenhagen criteria and to the body of Union rules that a candidate country must fulfil if it wishes to join the Union (the acquis),

— having regard to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the UN Declaration on the Rights of Indigenous Peoples,

— having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,

— having regard to UN Resolution A/RES/60/7 adopted by the General Assembly on 1 November 2005 on the Holocaust Remembrance,

— having regard to the European Convention on Human Rights and its Protocols, especially Protocol No 12 on non-discrimination,

— having regard to the Fundamental Rights Report 2018 of the European Union Agency for Fundamental Rights (FRA) and to the FRA's Second European Union Minorities and Discrimination Survey (EU-MIDIS II),

— having regard to the UN Convention on the Rights of Persons with Disabilities, and to its Optional Protocol (A/RES/61/106), adopted on 13 December 2006,

— having regard to the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,

— having regard to Resolution 1985 of the Council of Europe Parliamentary Assembly, adopted in 2014, on the situation and rights of national minorities in Europe,

— having regard to Resolution 2153 of the Council of Europe Parliamentary Assembly, adopted in 2017, on promoting the inclusion of Roma and Travellers,

— having regard to Resolution 2196 of the Council of Europe Parliamentary Assembly, adopted in 2018, on the protection and promotion of regional or minority languages in Europe,

— having regard to Resolution 424 of the Council of Europe's Congress of Local and Regional Authorities, adopted in 2017, on regional and minority languages in Europe today,

— having regard to Recommendation 1201 of the Council of Europe Parliamentary Assembly, adopted in 1993, for an additional protocol on the rights of minorities to the European Convention on Human Rights,

([1]) OJ L 180, 19.7.2000, p. 22.

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— having regard to the Declaration of the Committee of Ministers of the Council of Europe on the rise of Anti-Gypsyism and racist violence against Roma in Europe, adopted on 1 February 2012,

— having regard to Guideline Number 5 on the Relations between the Council of Europe and the European Union, adopted at the Third Council of Europe Summit of Heads of State and Government in Warsaw on 16 and 17 May 2005,

— having regard to the OSCE 1990 Copenhagen Document and to the numerous thematic recommendations and guidelines on minority rights issued by the OSCE High Commissioner on National Minorities and the OSCE Office for Democratic Institutions and Human Rights,

— having regard to its resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States ([1]),

— having regard to its resolution of 25 October 2017 on 'Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism' ([2]),

— having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ([3]),

— having regard to its resolution of 13 December 2016 on the situation of fundamental rights in the European Union ([4]),

— having regard to its resolution of 15 April 2015 on the occasion of International Roma Day on 'Anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II' ([5]),

— having regard to its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union ([6]),

— having regard to its resolution of 8 June 2005 on protection of minorities and anti- discrimination policies in an enlarged Europe ([7]),

— having regard to its resolution of 12 December 2017 on 'The EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change' ([8]),

— having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ([9]),

— having regard to the judgements and case law of the Court of Justice of the European Union (CJEU), in particular case T-646/13 (Minority SafePack — one million signatures for diversity in Europe v Commission), and to the case law of the European Court of Human Rights (ECtHR),

— having regard to the reports and surveys of the FRA, such as the report entitled 'Respect for and protection of persons belonging to minorities 2008-2010', as well as other relevant reports by national, European and international organisations and NGOs on the matter,

— having regard to the activities and findings of the Intergroup for Traditional Minorities, National Communities and Languages of the European Parliament,

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

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Culture and Education (A8-0353/2018),

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([1]) Texts adopted, P8_TA(2018)0032.
([2]) OJ C 346, 27.9.2018, p. 171.
([3]) OJ L 328, 6.12.2008, p. 55.
([4]) OJ C 238, 6.7.2018, p. 2.
([5]) OJ C 328, 6.9.2016, p. 4.
([6]) OJ C 93, 09.03.2016, p. 52.
([7]) OJ C 124 E, 25.5.2006, p. 405.
([8]) OJ C 369, 11.10.2018, p. 11.
([9]) OJ C 215, 19.6.2018, p. 162.

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A. whereas the rights of persons belonging to minorities are an integral part of human rights, which are universal, indivisible and independent; whereas protecting and promoting minority rights is essential for peace, security and stability and for promoting tolerance, mutual respect, understanding and cooperation among all persons living on a given territory;

B. whereas the EU is a mosaic of cultures, languages, religions, traditions and history forming a community of diverse citizens united by their common core values; whereas this richness of Europe is not a given and should be protected and nurtured;

C. whereas approximately 8 % of EU citizens belong to a national minority and approximately 10 % speak a regional or minority language; whereas persisting harassment, discrimination — including multiple and intersectional discrimination — and violence limit the ability of people to fully enjoy their fundamental rights and freedoms, and undermine their equal participation in society;

D. whereas the protection of the rights of persons belonging to minorities can help build a sustainable future for Europe and contribute to guaranteeing respect for the principles of dignity, equality and non-discrimination; whereas the benefits are not limited to minorities, since this protection and promotion will bring stability, economic development and prosperity to all;

E. whereas the Treaty of Lisbon introduced the term 'persons belonging to minorities' into EU primary law, the first-ever explicit reference in the history of EU law; whereas Article 2 of the TEU states that 'the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the primacy of law and respect for human rights, including the rights of persons belonging to minorities' and that 'these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'; whereas these values are shared by all Member States and must be upheld and actively promoted by the EU and each Member State individually in all their policies, both internally and externally in a consistent way; whereas these rights deserve to be accorded the same treatment as the other rights enshrined in the Treaties;

F. whereas the EU Treaties, following the approach of international law in this respect, do not define the term 'minorities'; whereas Article 17 of the TEU states that the Commission must ensure the application of the Treaties;

G. whereas Article 19 of the TFEU holds that the Council, acting unanimously, in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination;

H. whereas the Charter of Fundamental Rights of the European Union made the notion of 'national minorities' a term of EU law; whereas Article 21 of the Charter explicitly underlines that discrimination is prohibited; whereas special attention should be paid to the protection of the fundamental rights of those in the most vulnerable situations;

I. whereas in defining Union citizenship, Article 9 of the TEU expressly states that the Union shall observe the principle of equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies;

J. whereas the FCNM and the Language Charter are major achievements of the international minority protection system and important international standard-setting tools for States Parties; whereas the effect of the agreements concerned is weakened by a slow ratification process, by the reservations entered by the Parties and by a lack of powers of scrutiny, which makes them dependent on the goodwill of states; whereas the systematic non-implementation of judgments, decisions and recommendations also leads to a normalisation of non-compliance with the two international instruments;

K. whereas best practices already in use in Member States should be taken into account when developing common European minimum standards to protect the rights of persons belonging to minorities, as in Italy (Alto Adige/South Tyrol) or Germany (Schleswig-Holstein);

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L. whereas the rights of persons belonging to minorities are guaranteed by both multilateral and bilateral international agreements and are enshrined in the constitutional systems of many Member States, and respect for them is an important prerequisite for assessing the rule of law;

M. whereas the Racial Equality Directive represents a key legal measure for combating ethnic and racial discrimination; whereas several Member States have still not fully implemented it; whereas Article 5 of that Directive states that, with a view to ensuring full equality, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin;

N. whereas the motto of the European Union is 'United in diversity', as adopted in 2000 and underlining respect for diversity as one of the founding values of the European Union;

O. whereas the Copenhagen criteria are part of the EU accession criteria; whereas one of the three Copenhagen criteria clearly requires countries to guarantee democracy, the rule of law, human rights, and respect for and protection of minorities; whereas there is no further monitoring of minority rights once a candidate country becomes a Member State;

P. whereas experience shows that pre-accession countries are more willing to respect the Copenhagen criteria; whereas as a consequence of the lack of an adequate framework to guarantee the fulfilment of these criteria after accession, serious backsliding can be experienced in Member States following EU membership; whereas the EU still lacks common standards at Union level for minority protection for Member States;

Q. whereas at present the Union has tools of only limited efficacy to respond to systematic and institutional manifestations of discrimination, racism and xenophobia; whereas, in spite of numerous calls on the Commission, only limited steps have been taken to ensure effective protection of persons belonging to minorities;

R. whereas strong rule of law mechanisms and processes need to be developed to ensure that Treaty principles and values are upheld throughout the Union; whereas respect for the rights of persons belonging to minorities is a constituent part of these values; whereas effective mechanisms should exist to close the remaining gaps; whereas such mechanisms should be evidence-based, objective and non-discriminatory, should respect the principles of subsidiarity, necessity and proportionality, should apply to both Member States and Union institutions, and should be based on a graduated approach, including both a preventative and a corrective arm; whereas Parliament has affirmed its support in this respect, in its resolution of 25 October 2016 with recommendations to the Commission on the establishment of a EU mechanism on democracy, the rule of law and fundamental rights, and this could be central to a coordinated European approach to governance, something which is currently lacking;

S. whereas languages are an integral part of European identity and the most direct expression of culture; whereas respect for linguistic diversity is a fundamental value of the EU, as laid down in, for instance, Article 22 of the Charter, and in the preamble to the TEU, which refers to 'drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law';

T. whereas linguistic diversity is an important part of a region's cultural wealth; whereas 40 to 50 million people in the EU speak one of its 60 regional and minority languages, some of which are at serious risk; whereas the decline of minority languages is perceptible across Europe; whereas languages that are spoken by small communities and have no official status are even more exposed to the risk of extinction;

U. whereas an estimate one person in a thousand uses a national sign language as their first language; whereas these languages should be awarded official status;

V. whereas in inclusive societies, individual identity as well as national identity are important and neither excludes the other; whereas the national legislative systems of the Member States important gaps with regard to minorities and represent a low level of harmonisation and symmetry;

W. whereas Europe's cultural heritage is rich and diverse; whereas cultural heritage enriches the individual lives of citizens; whereas Article 3 of the TEU affirms that 'the Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'; whereas 'persons belonging to minorities that have been living in Europe for centuries' contribute to this rich, unique and diverse heritage and are an integral part of the European identity;

X. whereas there are high discrepancies across Member States in the recognition of minorities and the respect of their rights; whereas minorities across the EU still face institutionalized discrimination and are the subject of derogatory stereotypes and even their acquired rights are often curtailed or selectively applied;

Y. whereas there is a difference between the protection of minorities and anti-discrimination policies; whereas non-discrimination is not enough to stop assimilation; whereas effective equality goes further than refraining from discrimination and means guaranteeing minorities the enjoyment of their rights, such as the right to identity, language use and education, cultural and citizenship rights, etc., on a par with the majority;

Z. whereas the rise of xenophobic violence and hate speech in the European Union, often promoted by far-right forces, affects and targets persons belonging to minorities;

AA. whereas EU citizens belonging to minorities expect more to be done on a European level for the protection of their rights, as attested by the large number of petitions submitted to the European Parliament in this regard;

AB. whereas the European Citizens' Initiative 'Minority SafePack' has collected 1 215 879 signatures across the EU, showcasing the will of these EU citizens to strengthen the legislative framework governing minority policies at the EU level;

AC. whereas there is considerable room for improvement of the way in which the protection of minority rights is effectively put into place in the EU; whereas the legitimacy of the democratic institutions is based on participation and representation of all groups in society, including persons belonging to minorities;

1. Recalls that Member States have an obligation to guarantee minorities the full enjoyment of their human rights, whether as individuals or as a community;

2. Recalls that while protection of minorities is a part of the Copenhagen criteria, both for the candidate countries and for the Member States, there is no guarantee that candidate states will stick to the commitments undertaken under the Copenhagen criteria once they became Member States;

3. Notes that the EU still lacks effective tools to monitor and enforce the respect of minority rights; regrets that in the field of minority protection the EU has either taken for granted the assumption that its Member States comply with minority rights or has relied on external monitoring instruments, such as those of the UN, the Council of Europe or the OSCE;

4. Notes that compliance with the Copenhagen criteria by states before and after their accession to the EU must be subject to constant monitoring and to a constant dialogue within and between Parliament, the Commission and the Council; stresses the need for a comprehensive EU protection system for minorities, accompanied by a robust monitoring mechanism;

5. Recalls that, in accordance with Article 17(1) of the TEU, the Commission, as guardian of the Treaties, has the legitimacy and authority to ensure that all the Member States are upholding the rule of law and other values referred to in Article 2 of the TEU; considers, therefore, that the measures taken by the Commission to carry out the task and to ensure that the conditions which existed before a Member State's accession are still being fulfilled do not violate the sovereignty of the Member States;

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6. Recalls that within existing international standards every Member State has a right to define persons belonging to national minorities;

7. Recalls that there is no common EU standard for minority rights in the EU, nor a common understanding of who can be considered a person belonging to a minority; notes that there is no definition of minorities in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, nor in the Framework Convention for the Protection of National Minorities (FCNM); underlines the need to protect all national or ethnic, religious and linguistic minorities, regardless of definition, and stresses that any definition should be applied in a flexible manner, as de facto inclusion of beneficiaries under the protection of minority rights often forms part of an evolutionary process that may eventually lead to formal recognition; recommends that, with respect to the principles of subsidiarity, proportionality and non-discrimination, a definition of a 'national minority' should be based on the definition laid down in Recommendation 1201 of the Council of Europe Parliamentary Assembly (1993) for an additional protocol on the rights of minorities to the European Convention on Human Rights, i.e. a group of persons in a state who:

— reside on the territory of that state and are citizens thereof;

— maintain long-standing, firm and lasting ties with that state;

— display distinctive ethnic, cultural, religious or linguistic characteristics;

— are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;

— are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their tradition, their religion or their language;

8. Recalls Guideline Number 5 on the Relations between the Council of Europe and the European Union as adopted by the Heads of State and Government of the Member States of the Council of Europe, meeting in Warsaw on 16 and 17 May 2005, which states that the European Union 'shall strive to transpose those aspects of Council of Europe Conventions within its competence into European Union law';

9. Notes that parts of the provisions of the FCNM and the European Charter for Regional or Minority Languages (the 'Language Charter') fall within the competences of the EU, and recalls the FRA's conclusion that although the Union does not have overall legislative competence to rule on the protection of national minorities as such, it 'may rule on a variety of issues that affect persons belonging to national minorities';

10. Considers that there is a need for a legislative proposal on minimum standards of protection of minorities in the EU, following a proper impact assessment and in line with the principles of subsidiarity and proportionality applying to the Member States, with the aim of improving the situation of minorities and protecting already existing rights in all Member States while avoiding double standards; considers, while respecting the principles of subsidiarity and proportionality, that such standards should start out from those already codified in international law instruments and should be firmly embedded in a legal framework guaranteeing democracy, the rule of law and fundamental rights across the EU and accompanied by a functioning monitoring mechanism; calls on the Commission and the Member States to ensure that their legal systems guarantee that persons belonging to a minority are not discriminated against, and to take and implement targeted protection measures;

11. Recalls that protection of minority rights is a part of the proposal for the conclusion of a Union Pact for Democracy, the Rule of Law and Fundamental Rights (DRF Pact); recalls, in this regard, the request made in its resolution of 25 October 2016 on an EU mechanism on democracy, the rule of law and fundamental rights, and reiterates its call on the Commission to submit a proposal for the conclusion of a DRF Pact; calls on the Commission to mainstream minority rights into all possible subparts of the EU mechanism on democracy, the rule of law and fundamental rights;

12. Encourages the Commission to set up an organ at Union level (either within existing structures or a separate body) for the recognition and protection of minorities in the EU;

13. Welcomes the successful registration of and collection of signatures under the European Citizens' Initiative entitled 'Minority SafePack', which calls for a European framework for the protection of minorities; encourages the Commission to explore ways forward by which the interests and needs of minorities could be better represented at EU level;

14. Encourages the Commission and the Member States to safeguard the right of persons belonging to minorities to preserve, protect and develop their own identity, and to take the necessary steps to promote the effective participation of minorities in social, economic and cultural life and in public affairs;

15. Recalls that EU citizenship is gained through nationality of a Member State, which is regulated by national laws; recalls that in the context of access to national citizenship, Member States should be governed by the principles of EU law, such as those of proportionality and non-discrimination, which are both well elaborated in the case law of the CJEU; whereas Article 20 of the TFEU provides that any person who holds the nationality of a Member State is also a citizen of the Union, with the rights and obligations enshrined in the Treaties and the Charter; recalls that according to the Treaties every EU citizen must receive equal attention from the EU institutions;

16. Recalls its deep concern regarding the numbers of stateless Roma in Europe, a situation which leads to the total denial of their access to social, educational and healthcare services and pushes them to the very margins of society; calls on the Member States to abolish statelessness and ensure the enjoyment of fundamental human rights by all;

17. Encourages the Member States to take effective measures to remove any barriers to accessing the healthcare system by persons belonging to minorities; notes that minority groups have less access to health services and health information; encourages the Commission and the Member States to ensure that minorities have access to healthcare, both physical and mental and without discrimination;

18. Calls on the European Union to accede to, and the Member States to ratify the FCNM and the Language Charter and to respect the principles laid down in those documents; calls on the Member States and the Commission to refrain from acts that go against those principles; stresses that while creating minimum standards for minorities in the EU, the institutions and the Member States must refrain from adopting laws and administrative measures that weaken or derogate from the rights of persons belonging to minorities;

19. Reaffirms that indigenous people, in the exercise of their rights, should be free from discrimination of any kind and have the right to the dignity and diversity of their culture, traditions, histories and aspirations, which must be appropriately reflected in education and public information; encourages those Member States that have not yet done so to ratify the Indigenous and Tribal Peoples Convention (ILO Convention No 169) and to implement it in good faith;

20. Considers that common European minimum standards to protect the rights of persons belonging to minorities should be developed in the EU, following the procedural principles of good neighbourliness and friendly relations and ensuring cooperation both between Member States and with neighbouring non-EU countries, on the basis of the implementation of international standards and norms; considers that the adoption of common European minimum standards should not diminish the already existing rights and standards protecting persons belonging to minorities; recalls the need to implement the commitments adopted and principles developed in the framework of the OSCE, particularly in its thematic recommendations and guidelines; recalls that the Commission has already taken those standards into account in the context of the Copenhagen criteria during the accession negotiations; calls on the Commission, in this regard, to apply the same standards to all EU Member States;

21. Stresses that non-discrimination policies alone do not solve the issues minorities are faced with and do not prevent their assimilation; notes that persons belonging to minorities are in a special category with regard to the right to remedy and have specific needs that must be met if they are to be ensured full and effective equality, and that it is necessary to respect and promote their rights, including the right to freely express, preserve and develop their cultural or linguistic identity, in keeping with the identity, values and principles of the country in which they live; encourages the Commission to promote regular monitoring of linguistic and cultural diversity in the EU;

22. Encourages the Commission and the Member States to continue supporting and funding the collection of reliable and robust equality data, in consultation with minority representatives, in order to measure inequalities and discrimination; calls for effective EU-wide monitoring of the situation of national and ethnic minorities; considers that the FRA should carry out enhanced monitoring of discrimination against national and ethnic minorities in Member States;

23. Recognises the important role of civil society and non-governmental organisations in minority protection, combating discrimination and promoting minority rights; encourages the Commission and the Member States to promote sufficient funding and support for those organisations;

24. Calls on the Commission and the Member States to safeguard the protection of minorities within minorities and tackle the inequalities within inequalities, since people belonging to minorities often face multiple and intersectional discrimination; asks the Commission and the Member States to conduct research in order to address the complex issue of multiple and intersectional discrimination;

Combating discrimination, hate crime and hate speech

25. Is concerned about the alarming increase of hate crime and hate speech, motivated by racism, xenophobia or religious intolerance, directed at minorities in Europe; calls on the EU and the Member States to step up the fight against hate crime and discriminatory attitudes and behaviour; calls on the Commission and the FRA to continue their work on monitoring hate crime and hate speech in the Member States aimed against minorities, and to report regularly on cases and tendencies;

26. Condemns unequivocally all forms of discrimination on whatever grounds and all forms of segregation, hate speech, hate crime and social exclusion, and calls on the Commission and the Member States to clearly condemn and sanction the denial of atrocities against national and ethnic minorities; reiterates its position expressed in its resolution of 25 October 2017 on 'Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism'; recalls that all European citizens should receive equal assistance and protection regardless of their ethnic or cultural origin; calls on the Commission to create a European framework and on the Member States to draw up specific national plans to tackle xenophobic violence and hate speech against persons belonging to minorities;

27. Stresses that Member States should promote friendly and stable relationships between each other, and encourages them to maintain an open and supportive dialogue with neighbouring countries, especially in border regions where several languages and cultures may be present;

28. Encourages the Commission and the Member States to introduce awareness-raising activities that sensitise the EU population to diversity, and to promote all peaceful forms of manifestation of minority cultures; encourages the Member States to include the history of national and ethnic minorities and to promote a culture of tolerance in their schools as part of their curricula; encourages the Commission and the Member States to launch cultural dialogues, including but not exclusively in schools, concerning the different forms and faces of hate against minority groups; encourages the Member States to ensure that non-discrimination, as well as the history and rights of people belonging to minorities, are mainstreamed as components of their national education system;

29. Encourages the Commission and the Member States to launch anti-hate speech campaigns, to set up anti-hate crime units within police forces based on awareness of the challenges facing different minority groups and carry out in-service training, and to guarantee that persons belonging to minorities enjoy equality before the law and ensure that they have equal access to justice and procedural rights;

30. Considers that the Commission and the Member States must ensure that persons belonging to minorities can exercise their rights without fear; in this respect, encourages the Member States to include mandatory education in human rights, democratic citizenship and political literacy in their school curricula at all levels; encourages the Commission and the Member States to provide mandatory training for duty-bearers, who are key to the correct implementation of EU and Member State legislation and who have to be equipped to serve all citizens employing a human rights-based approach; calls on the Commission and the Member States to address intersectional discrimination, both in their policies and through their funding programmes;

31. Encourages the Member States, with a view to creating mutual trust, to set up national truth and reconciliation commissions in order to acknowledge the persecution, exclusion and disownment of persons belonging to minorities through the centuries, and to document these issues; calls on the Member States to clearly condemn and sanction the denial of atrocities against persons belonging to minorities, and encourages them to hold and honour major commemoration days of minority groups at state level, such as the Roma Holocaust Memorial Day; encourages them to establish institutions displaying the history and culture of minority groups and to support them both financially and administratively;

32. Considers active and meaningful social, economic, political and cultural participation by minority groups to be key; calls, therefore, on the Commission and the Member States to design strategies featuring both proactive and reactive measures on the basis of real, systematic consultations with minority group representatives, and to involve them in the running, monitoring and evaluation of mainstream programmes and projects launched at all levels, including at the local level, in order to ensure that they are inclusive and non-discriminatory;

33. Calls on the Commission and the Member States to ensure full and thorough implementation, application and enforcement of the Racial Equality Directive, and encourages them to engage in awareness-raising campaigns regarding anti-discrimination legislation; believes Member States should ensure that sanctions are sufficiently effective, proportionate and dissuasive, as required by the Directive; calls on the Commission to properly monitor the implementation of the Directive;

34. Regrets that the proposed Equal Treatment Directive from 2008 (COM(2008)0426) is still pending for approval by the Council; reiterates its call on the Council to adopt its position on the proposal as soon as possible;

National and ethnic minorities

35. Notes that national and ethnic minorities are groups of persons belonging to minorities who have been living on the same territory and sharing a common identity, in some instances as a result of border changes, in others as a result of living a long time in an area, whereby they have managed to preserve their identity; calls on the Commission and the Member States to protect the cultural and linguistic identity of national and ethnic minorities, and to create conditions for the promotion of that identity; points to the important role that regional and local authorities in the EU can play in protecting national and ethnic minorities, and considers that administrative reorganisation and territorial redistricting must not have negative consequences for them; encourages Member States to provide financial resources for the implementation of minority rights from the central budget, so as not to burden local budgets;

36. Encourages the Commission and the Member States to guarantee equal opportunities for national and ethnic minorities to participate in political and social life; encourages Member States to adopt electoral systems and laws facilitating the representation of national and ethnic minorities; calls on the Member States to take immediate corrective measures to stop discriminatory birth registration, to carry out birth registration of members of minority groups without discrimination, and to ensure that the ID cards issued are non-discriminatory;

37. Encourages the Commission and the Member States to carry out a coherent analysis of current policies on minorities, in order to clarify strengths and challenges and to secure compliance with the rights of national and ethnic minorities;

38. Calls on the FRA to draft an opinion on how to create means to protect and promote the rights of persons belonging to national minorities, in line with CJEU judgement in case T-646/13;

Cultural rights

39. Stresses that cultural activities are essential areas for preserving the identity of national and ethnic minorities, and that the preservation of the traditions of minorities and the expression of artistic values in the mother tongue are particularly important when it comes to preserving European diversity; notes that maintaining the cultural heritage of minorities is a common interest of the EU and the Member States; encourages the Commission and the Member States to support, enhance and promote the cultural rights of minorities;

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40. Recalls that an understanding of what is meant by 'culture' is essential in order to define the scope of minority rights in this respect; notes that, in a broad sense, culture amounts to the sum total of the material and non-material activities and achievements of a given community and to that which distinguishes it from others; stresses that cultural rights should include the right to participate in cultural life, the right to enjoy culture, the right to choose to belong to a group, language rights, and the protection of cultural and scientific heritage;

41. Encourages the Commission and the Member States to recognise the contribution of national and ethnic minorities to the cultural heritage of the Union, to reinforce dialogue with the representatives of and persons belonging to minorities, and to identify and implement coordinated policies and actions for the sustainable management of the preservation and development of their culture; encourages the Member States to guarantee an adequate degree of institutionalisation of practices on the national level so as to protect cultural rights;

42. Encourages the Commission and the Member States to involve and support national and ethnic minorities and persons belonging to them in fostering knowledge and skills which are necessary in order to safeguard and sustainably manage and develop cultural heritage and which should be handed down to future generations; encourages the Commission and the Member States to establish and maintain substantive cultural funds for persons belonging to minorities, at both horizontal and vertical levels, in order to ensure effective, transparent and equitable support for the cultural life of minority communities;

43. Highlights the fact that the media play a central role with regard to cultural and linguistic rights; recalls that the ability to access, receive and publish information and content in a language one can fully understand and communicate in is a precondition for equal and effective participation in public economic, social and cultural life; notes in this regard that special attention must be paid to the needs of persons belonging to national and ethnic minorities living in border, rural and remote areas; expresses concern over the underfunding of media outlets that publish or broadcast in regional or minority languages; encourages the Commission and the Member States to provide appropriate funding to organisations or media outlets representing minorities in order to contribute to the preservation of minorities' cultural identities and enable them to share their views, language and culture with the majority;

44. Calls on the Commission and the Member States to ensure that the media can operate independently, to promote the use of minority languages in media, and to take into account national and ethnic minorities when licensing media services, including assigning TV and radio broadcasters; calls on the Commission and the Member States to provide appropriate funds to organisations representing minorities, with a view to fostering their sense of belonging to and identification with their respective minority groups, as well as to bring their identities, languages, histories and cultures to the attention of the majority;

45. Recalls the fundamental role of the public media in promoting such content, particularly in the context of democratic scrutiny by local or regional authorities; encourages the Commission to create the legal and regulatory conditions to ensure freedom of service, passage and reception of audiovisual content in regions where minorities live, so that they can watch and listen to content in their mother tongue, with the latter being broadcast cross-border without being geoblocked;

46. Calls on the Commission and the Member States to ensure by appropriate means that audiovisual media services do not contain any incitement to violence or hatred directed against people belonging to minorities; highlights that the media play an important role in covering violations of minority rights and that if unreported the daily realities confronting minorities remain invisible;

47. Encourages the Member States to refrain from political and legal acts and policies that aim to prescribe restrictive measures, such as subtitling and/or translation obligations and mandatory quotas for programmes in official languages; encourages the Commission and the Member States to enable and promote the presence of regional or minority-language media, also on online interfaces; calls on the Commission and the Member States to ensure appropriate funding or grants for organisations and media representing national and ethnic minorities, in view of their regional specificities and needs;

48. Calls on the Member States, in light of the European Year of Cultural Heritage, to enhance and promote their minority cultures, thereby encouraging the dissemination of their history and traditions and ensuring that the communities concerned do not remain isolated;

49. Stresses that the development of any cultural heritage policy should be inclusive, community-based and participatory, involving consultation and dialogue with the minority communities concerned;

Right to education

50. Notes that education has a key role in socialisation and identity development and remains the main tool to revitalise and maintain endangered minority languages; stresses that every person belonging to a national minority has the right to education in a minority language; stresses that the continuity of mother-tongue education is vital to the preservation of cultural and linguistic identity; notes that when it comes to minority language education there is no one single best-practice model that is suitable for all national and ethnic minorities; notes the need for special attention to be paid to people using sign language;

51. Recalls that Article 14 of the Council of Europe Framework Convention for the Protection of National Minorities recommends that the States Parties endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to national minorities have adequate opportunities to be taught the minority language concerned or to receive instruction in that language, without prejudice to the learning of the official language or to teaching in that language;

52. Encourages the Commission and the Member States in their further actions to create suitable tools for achieving promotion and support of the official use of languages spoken by national and ethnic minorities in the territories where they live, at local or regional level and in conformity with the principles of the FCNM and the Language Charter, while ensuring that the protection and encouragement of the use of regional and minority languages is not to the detriment of the official languages and the obligation to learn them;

53. Expresses its regret that some Member States have not yet ratified the Language Charter and that even so, some of those which have ratified it do not implement it effectively; is disappointed by the fact that in some Member States existing rights are either not implemented or flouted outright;

54. Encourages the Commission and the Member States to ensure that, in line with international norms, persons belonging to national and ethnic minorities have their rights guaranteed and adequate opportunities ensured as regards receiving education in a minority language as well as instruction in their mother tongue, in both public and private educational institutions; encourages the Member States to formulate appropriate education policies and to implement those which are best suited to the needs of national and ethnic minorities, including through specific educational programmes or through special curricula and textbooks; encourages the Member States to provide funding for teacher training in order to ensure effective instruction in minority languages, and to incorporate best practices in teaching foreign languages into the methodology for teaching official languages when it comes to curricula for schools which provide education in a minority language; stresses that Member States should promote the teaching of both the regional or minority languages and the official language using appropriate methods;

55. Encourages Member States to ensure that those who speak a regional or minority language as their mother tongue have the opportunity to learn the official language sufficiently, by incorporating good practice from the teaching of foreign and second languages into the methodological approach adopted for teaching the official language of the state;

56. Stresses that those belonging to minorities should also learn the language, history and culture of the majority population, and that pupils belonging to the majority population, as well as the general public, should be made acquainted with the history and culture of minorities and given the opportunity to learn minority languages;

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57. Encourages the Member States to promote the production of textbooks that meet the requirements of the speakers of regional or minority languages, or, should that prove impossible, facilitate the use of textbooks from other countries published in those languages, in cooperation with the educational regulatory bodies of the countries where the languages concerned are used;

58. Emphasises the importance of mother-tongue higher education and of training specialists with knowledge of specific terminology, especially in regions having large numbers of speakers of the language concerned; highlights the critical need to instruct medical doctors in minority languages;

59. Encourages Member State governments to include minority representatives in deliberations on the organisation of their education systems;

60. Encourages the Member States to define preferential thresholds for the learning of regional or minority languages, so as to ensure equity in education; encourages the Commission and the Member States to promote the right of people belonging to national or ethnic minorities living in areas with substantial numbers of such minorities, including rural areas or areas with widely scattered settlements, to receive education in a minority language, notably in their mother tongue, if there is sufficient demand; calls on the Commission and the Member States to ensure that educational reforms and policies do not restrict the right to receive education in a minority language;

61. Encourages the Commission and the Member States to promote the availability of integrated support at a vertical level for minority and regional languages in education systems, specifically by creating, in Member State education ministries as well as within the Commission, units responsible for incorporating minority and regional language education in school curricula; encourages Member States to promote a continuous learning line for minority languages, from pre-school to tertiary education;

62. Stresses that the training of teachers and access to textbooks and learning material of good quality are essential preconditions for ensuring quality education for students; considers that curricula, educational materials and history textbooks should provide a fair, accurate and informative portrayal of the societies and cultures of minority groups; notes that a widely recognised problem regarding minority language education that needs to be addressed is the insufficient availability of high-quality teaching materials and properly skilled minority language teachers; notes that the multidimensional teaching of history should be a requirement in all schools, whether in minority or majority communities; notes the importance of developing teacher training in order to fit with teaching needs at different levels and in different types of school;

63. Underlines that teaching minority languages contributes to mutual understanding between majorities and minorities and brings communities closer together; encourages Member States to apply positive measures in order to ensure the proper representation of minorities in education, as well as in public administration and executive agencies at national, regional and municipal levels;

64. Encourages the Commission to strengthen the promotion of programmes focused on the exchange of experiences and best practices concerning education in regional and minority languages in Europe; calls for the EU and the Commission to put greater emphasis on regional and minority languages in the future generation of the Erasmus+, Creative Europe and Europe for Citizens programmes under the new multiannual financial framework (MFF);

65. Deeply regrets the fact that in some Member States pupils belonging to minorities are not integrated in mainstream educational establishments but are placed in special schools on the grounds that they are not sufficiently proficient in the language of instruction; recalls that education in a minority language or the fact of belonging to any particular minority cannot be used as an excuse to segregate children on grounds of identity; calls on the Member States to refrain from such segregation and to take adequate measures to enable such pupils to attend classes in mainstream schools; encourages Member States to consider the introduction of topics on fundamental human rights and minority rights in particular in the school curricula, as a means of promoting cultural diversity and tolerance through education;

Language rights

66. Notes that language is an essential aspect of cultural identity and the human rights of minorities; stresses the need to promote the right to use a minority language, both in private and in public and without discrimination, in areas where there are substantial numbers of persons belonging to minorities, to ensure that languages can be passed on from one generation to the next, and to protect linguistic diversity within the Union; calls on the Commission to strengthen its plan to promote the teaching and use of regional languages, as a potential means of tackling language discrimination in the EU, and to promote linguistic diversity; recalls that promoting knowledge of minority languages by people who are not members of the minority concerned is a way to foster mutual understanding and recognition;

67. Stresses that in its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union ([1]) Parliament recalled that the Commission should pay attention to the fact that, with their policies, some Member States and regions are endangering the survival of languages inside their borders, even if those languages are not in danger in the European context; calls on the Commission to examine the administrative and legislative obstacles that exist to the practice of the languages concerned;

68. Notes that in addition to its 24 official languages, the EU is home to 60 other languages which are also part of its cultural and linguistic heritage and which are spoken in specific regions or by specific groups by 40 million people; notes that the multilingualism of the European Union is unique at the level of international organisations; notes that the principle of multilingualism is enshrined in the Charter of Fundamental Rights of the European Union, which obliges the EU to respect linguistic diversity and to support Europe's rich linguistic and cultural heritage by promoting language learning and linguistic diversity;

69. Encourages the Commission and the Member States to allow and promote, in the context of administrative authorities and public service organisations, the use of regional or minority languages in practice, in line with the principle of proportionality, e.g. in relations between private individuals and organisations on the one hand, and public authorities on the other; encourages Member States to make information and public services available in these languages, including on the internet, in areas with substantial numbers of people belonging to national and ethnic minorities;

70. Encourages the Member States to foster access to minority and regional languages by means of funding and support for translation, dubbing and subtitling activities and the codification of appropriate and non-discriminatory terminology in the administrative, commercial, economic, social, technical and legal registers;

71. Encourages municipal authorities in the areas concerned to ensure the use of regional and minority languages; encourages Member States to use as guidelines the good practices already existing at national level;

72. Encourages the Commission and the Member States to promote the use of regional or minority languages at local and regional level; with this aim in mind, actively encourages municipal authorities to ensure the use of the languages concerned in practice;

73. Encourages the Commission and the Member States to ensure that in areas with substantial numbers of inhabitants belonging to national minorities, safety and security marking and labelling, important mandatory instructions and public announcements of import to citizens, whether provided by the authorities or the private sector, as well as place names and topographical designations, are written in their correct form and are available in the languages commonly used in a given region, including on signs indicating entry into or exit from urban areas and on all other road signs providing information;

74. Notes that the visual representation of regional and minority languages — road signs, street names, the names of administrative, public and commercial institutions, etc. — is essential to promoting and protecting national and ethnic minority rights, as it reflects, and contributes to, the vital use of regional and minority languages, encouraging persons belonging to national and ethnic minorities to use, preserve and develop their specific linguistic identity and language rights, express their multi-ethnic local identity, and strengthen their sense of ownership as members of groups living in a local or regional community;

([1]) OJ C 93, 9.3.2016, p. 52.

75. Calls on the Member States to refrain from or abolish legal practices that impede the accession of minorities to the full spectrum of professions exercised in a given state; calls on the Member States to guarantee adequate access to legal and judicial services; stresses that representatives of minorities should be explicitly informed regarding the procedures to be followed under national law where their rights as persons belonging to a minority have been violated;

76. Encourages the Commission and the Member States to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to their official recognition, including in the context of freedom of movement in the EU;

77. Encourages the Commission and the Member States to take action to remove administrative and financial obstacles that could hinder linguistic diversity at European and national level and impede the enjoyment and implementation of the language rights of persons belonging to national and ethnic minorities; urges the Member States to put an end to linguistically discriminatory practices;

Conclusion

78. Calls on the Commission to draw up a common framework of EU minimum standards for the protection of minorities; recommends that this framework should contain measurable milestones with regular reporting, and should consist, as a minimum, of:

— the drafting of guidelines reflecting good practices within the Member States, in cooperation with different stakeholders involved in minority rights protection;

— a Commission recommendation, taking into consideration existing national measures, subsidiarity and proportionality;

— a legislative proposal for a directive, to be drafted following a proper impact assessment, in line with the principles of subsidiarity and proportionality as applying in the Member States and based on the aforementioned points, on minimum standards for minorities in the EU, including clear benchmarks and sanctions;

79. Calls on the Commission and the Member States to ensure that the framework includes data collection, as well as fieldwork-based, financial and quality-oriented monitoring and reporting methodologies, since these elements strengthen effective evidence-based policies and can contribute to improving the effectiveness of the strategies, actions and measures taken;

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80. Instructs its President to forward this resolution to the Council, the Commission, the European Union Agency for Fundamental Rights, the governments and parliaments of the Member States and the candidate countries, the OSCE, the OECD, the Council of Europe and the United Nations.

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P8_TA(2018)0448

Digitalisation for development: reducing poverty through technology

European Parliament resolution of 13 November 2018 on digitalisation for development: reducing poverty through technology (2018/2083(INI))

(2020/C 363/04)

The European Parliament,

— having regard to Articles 208, 209, 210, 211 and 214 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the United Nations Summit on Sustainable Development and the outcome document adopted by the UN General Assembly on 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', and to the 17 Sustainable Development Goals (SDGs),

— having regard to the European Consensus on Development — 'Our world, our dignity, our future' ([1]), adopted in May 2017,

— having regard to the Commission communication of 14 October 2015 entitled 'Trade for All: Towards a more responsible trade and investment policy' (COM(2015)0497),

— having regard to the Commission staff working document of 2 May 2017 entitled 'Digital4Development: mainstreaming digital technologies and services into EU Development Policy' (SWD(2017)0157),

— having regard to the Digital Single Market for Europe (DSM) strategy adopted in May 2015,

— having regard to the European External Investment Plan,

— having regard to the Commission report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Trade Policy Strategy, 'Trade for All — Delivering a Progressive Trade Policy to Harness Globalisation' (COM(2017)0491),

— having regard to its resolution of 12 December 2017 entitled 'Towards a digital trade strategy' ([2]),

— having regard to its resolution of 16 December 2015 on preparing for the World Humanitarian Summit: Challenges and opportunities for humanitarian assistance ([3]),

— having regard to the Commission communication of 13 May 2014 entitled 'A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries' (COM(2014)0263),

— having regard to the Council conclusions on 'Digital for Development' of November 2017,

— having regard to the 11th Ministerial Conference of the WTO, held in Buenos Aires (Argentina) from 10 to 13 December 2017,

— having regard to the UN International Telecommunication Union's initiatives in support of Developing Countries (ITU-D),

— having regard to the World Trade Organisation's Information Technology Agreement (ITA),

— having regard to the ministerial declaration made in Cancún in 2016 by the Organisation for Economic Cooperation and Development (OECD) on the digital economy,

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([1]) OJ C 210, 30.6.2017, p. 1.
([2]) OJ C 369, 11.10.2018, p. 22.
([3]) OJ C 399, 24.11.2017, p. 106.

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— having regard to the joint declaration made by the ICT ministers of the G7 at their meeting held in Takamatsu (Japan) on 29 and 30 April 2016,

— having regard to the 'eTrade for All' initiative of the United Nations Conference on Trade and Development (UNCTAD),

— having regard to the Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106),

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

— having regard to the report of the Committee on Development (A8-0338/2018),

A. whereas the European Consensus on Development 2017 highlights the importance of information and communications technologies and services as enablers of inclusive growth and sustainable development;

B. whereas the Commission's Digitalisation for Development strategy (D4D) covers economic growth and human rights, health, education, agriculture and food security, basic infrastructure, water and sanitation, governance and social protection, as well as cross-cutting goals in terms of gender and the environment;

C. whereas digital technologies offer a potential for ensuring sustainability and environmental protection; whereas, however, the production of digital equipment uses certain rare metals with low recyclability and limited accessible reserves, and electronic and electric waste represents an environmental and health challenge; whereas, according to a joint study by the United Nations Environment Programme (UNEP) and Interpol ([1]), Waste Electrical and Electronic Equipment (WEEE) is a priority area of environmental criminality;

D. whereas according to the 2017 update of the World Bank database Identification for Development Global Dataset (ID4D), an estimated 1,1 billion people worldwide cannot officially prove their identity, including their birth registration, and of those 78 % live in sub-Saharan Africa and Asia; whereas this is a major barrier to achieving target 16.9 of the SDGs, but also to being an actor in and benefiting from the digital environment;

E. whereas the SDGs explicitly mention digital technologies in five of the goals (SDG 4 on education; SDG 5 on gender equality; SDG 8 on decent work and economic growth; SDG 9 on infrastructure, industrialisation and innovation; and SDG 17 on partnerships);

F. whereas the SDGs stress that providing universal and affordable access to the internet for people in least developed countries (LDCs) by 2020 will be crucial for fostering development, as the development of a digital economy could be a driver of decent jobs and inclusive growth, export volumes and export diversification;

G. whereas according to UNCTAD, digitisation is increasingly giving rise to monopolies and poses new challenges for antitrust and competition policies of both developing and developed countries ([2]);

H. whereas in its overall review of the implementation of the outcomes of the World Summit on the Information Society ([3]), the UN General Assembly committed to harnessing the potential of ICTs in order to achieve the goals of the 2030 Agenda for Sustainable Development and other internationally agreed development goals, noting that ICTs could accelerate progress across all 17 SDGs;

([1]) UNEP-Interpol study, 'The Rise of Environmental Crime: a growing Threat to Natural Resources, Peace, Development and Security', 2016.

([2]) UNCTAD, 'South-South Digital Cooperation for Industrialisation: A Regional Integration Agenda' (2017).

([3]) UN General Assembly, GA/RES/70/125.

I. whereas connectivity remains a challenge and a concern lying at the root of various digital divides in both access to and use of ICTs;

J. whereas the speed at which the digital economy is unfolding, and the significant gaps that exist in developing countries with regard to the digital economy in terms of development of secure national policy, regulations and consumer protection, point up the urgent need to upscale capacity-building and technical assistance to developing countries, and especially to LDCs;

K. whereas digital literacy and skills are key enablers for social and personal improvement and progress, as well as for promoting entrepreneurship and building strong digital economies;

L. whereas digitalisation should also help improve the delivery of humanitarian relief and resilience, disaster risk prevention and transitional support, linking humanitarian aid and development aid in fragile and conflict-affected contexts;

M. whereas more than half of the world's population is still offline, and progress has been slow towards achieving the SDG 9 target of significantly increasing access to ICTs and striving to provide universal and affordable access to the internet in LDCs by 2020;

N. whereas a huge increase in mobile services is occurring across the planet and the numbers of mobile users are now surpassing the numbers of people having access to electricity, sanitation or clean water;

O. whereas humanitarian innovation must be consistent with the humanitarian principles (humanity, impartiality, neutrality, and independence) and the dignity principle;

P. whereas humanitarian innovation must be conducted with the aim of promoting the rights, dignity and capabilities of the recipient population, and it should be possible for all members of a crisis-affected community to benefit from innovation without discriminatory barriers to use;

Q. whereas risk analysis and mitigation must be used to prevent unintentional harm, including harm affecting privacy and data security and impacting on local economies;

R. whereas experimentation, piloting and trials must be undertaken in conformity with internationally recognised ethical standards;

The need to support digitalisation in developing countries

1. Welcomes the Commission's D4D strategy, insofar as it mainstreams digital technologies into EU development policy, which should aim at contributing to the achievement of the SDGs; insists on the importance of enhancing an SDG-centred digitalisation; recalls that the digital revolution presents societies with a whole set of new challenges, bringing both risks and opportunities;

2. Reiterates the huge potential of digital technology and services in the achievement of the SDGs provided that action is taken to address the disruptive effects of technologies, such as automation of jobs impacting on employability, digital exclusion and inequality, cybersecurity, data privacy and regulatory issues; recalls that any digital strategy must be fully in line with and contribute to the realisation of the 2030 Agenda for Sustainable Development, notably with reference to SDG 4 on quality education, SDG 5 on achieving gender equality and empowering all women and girls, SDG 8 on decent work and economic growth, and SDG 9 on industry, innovation and infrastructure; recalls that if the SDGs are to be achieved by 2030, a strengthened global, national, regional and local partnership is needed between governmental, scientific, economic and civil society actors;

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3. Points out that, despite the increase in internet penetration, many developing countries and emerging economies lag behind in benefiting from digitalisation, many people still have no access to ICTs, and major disparities exist both between countries and between urban and rural areas; recalls that digital technology remains a tool and not an end, and considers that given financial constraints priority should be assigned to the most effective means of achieving the SDGs, and that in some countries, even though digitalisation may be useful, it is still necessary to ensure the fulfilment of basic human needs, notably in terms of access to food, energy, water and sanitation, education and health, as highlighted by the UN report on the SDGs of 2017; considers, however, that the conditions for digital development must be provided for at the design stage of infrastructure, even if implementation takes place at a later stage;

4. Stresses the imperative that any digital trade strategy must be fully in line with the principle of Policy Coherence for Development (PCD), which is essential for achieving the SDGs; underlines that access to internet connectivity and digital payment methods that are reliable and compliant with international standards, with legislation protecting consumers of online goods and services, intellectual property rights, rules protecting personal data and tax and customs legislation appropriate to electronic commerce are pivotal to enabling digital trade, sustainable development and inclusive growth; notes in this regard the potential of the Trade Facilitation Agreement to support digital initiatives in developing countries to facilitate cross-border trade;

5. Calls for the development of an action plan for technical innovation for humanitarian assistance, to ensure compliance with the legal and ethical principles laid down in documents such as the New European Consensus on Development — 'Our world, our dignity, our future' and 'Transforming our world: the 2030 Agenda for Sustainable Development';

6. Underlines that all aspects of humanitarian innovation should be subject to evaluation and monitoring, including an assessment of primary and secondary impacts of the innovation process; stresses that ethical review and risk analysis should be undertaken prior to embarking on humanitarian innovation and digitalisation projects, and should incorporate external or third-party experts where appropriate;

7. Calls for the implementation in EU external action of the principles embodied in the Digital Single Market for Europe (DSM) strategy, through support for EU partners' regulatory frameworks;

8. Calls for sufficient funding under the Multiannual Financial Framework (MFF) for 2021-2027 to enable the streamlining of digital technologies into all aspects of development policy;

9. Notes that the introduction of digital technology in developing countries has often outpaced the establishment of state institutions, legal regulations and other mechanisms that could help manage new challenges that arise, notably regarding cybersecurity; stresses the importance of deepening collaboration between researchers and innovators at interregional level, encouraging research and development activities that promote scientific progress and the transfer of technology and know-how; calls for digitalisation to be featured prominently in the future post-Cotonou agreement as an enabler of inclusive and sustainable development, in accordance with the negotiation guidelines;

10. Calls for further joint actions in digital infrastructure cooperation, as this should become one of the key activities in the EU's partnerships with regional organisations, particularly the African Union; points to the importance of technical assistance and transfer of expertise to institutions that are developing digital policies at national, regional and continental levels;

11. Calls for digitalisation to be incorporated into Member States' national strategies for development;

12. Calls for a more concerted and holistic cross-sectoral effort from the international community, including non-state actors such as representatives of civil society, the third sector, private companies and academia, to ensure that the shift towards a more digital economy leaves no one behind and contributes to the achievement of the UN Agenda for Sustainable Development, guaranteeing access to digital technologies and services to all economic actors and citizens and avoiding an excess of different approaches that would create incompatibilities, overlaps or gaps in legislation; calls for the improvement of political articulation between the EU, the Member States and other relevant actors, with a view to enhancing coordination, complementarity and the creation of synergies;

13. Points out that technology, artificial intelligence and automation are already replacing some low and mid-skilled jobs; calls on the Commission to promote an SDG-centred digitalisation and stresses that state-funded social protection floors are essential in addressing some disruptive impacts of new technologies, in order to overcome the changes in global labour markets and the international division of labour, affecting especially low-skilled workers in developing countries;

14. Calls on the private sector to responsibly contribute to D4D through technology and innovation, expertise, investment, risk management, sustainable business models and growth, which should include prevention, reduction, repair, recycling and reuse of raw materials;

15. Regrets that less than half of all developing countries have data protection legislation, and encourages the EU to provide technical assistance to the relevant authorities in drafting such legislation, relying in particular on its experience and its own legislation, which is internationally recognised as a model of its kind; stresses the need to take into account the cost that may be involved in standardising such legislation, particularly for SMEs; observes that because of the cross-border nature of digital technology data protection legislation should not vary too much, since that would lead to incompatibilities;

16. Calls on all stakeholders to collect, process, analyse and disseminate data and statistics at local, regional, national and global levels in order to ensure a high level of protection of data, in accordance with the relevant international standards and instruments and so as to pursue the goals of the 2030 Agenda for Sustainable Development; notes that accurate and timely collection of data ensures adequate monitoring of implementation, adjustment of policies and intervention where necessary, as well as evaluation of results achieved and their impact; recalls, however, that while the 'data revolution' makes it easier, faster and cheaper to produce and analyse data from a wide range of sources, it also raises huge security and privacy challenges; stresses, therefore, that innovations in data collection in developing countries should not replace official statistics but complement them;

17. Deplores the persistent digital divides existing within each country relating to gender, geography, age, income, ethnicity, and health condition or disability, among other factors of discrimination; insists, therefore, that international development cooperation should work towards greater advancement and inclusion of persons who are disadvantaged or in vulnerable situations, while promoting the responsible use of digital tools and an adequate awareness of possible risks; calls for support for innovation that is adapted to local needs and the transition to knowledge-based economies;

18. Calls, therefore, for increased efforts to address the challenges of digital exclusion through education and training in essential digital skills, as well as initiatives to facilitate the appropriate use of ICTs and the utilisation of digital tools in the implementation of participative methodologies, in accordance with age, personal situation and background, including elderly people and persons with disabilities; notes that international development cooperation could build on digital technologies geared to better integration of disadvantaged groups on condition that they have access to digital technologies; welcomes the initiatives such as the Africa Code Week, which contribute to the empowerment of the young African generation by fostering digital literacy; stresses the importance of e-learning and distance learning in reaching remote areas and people of all ages;

19. Calls for the introduction of digital literacy in curricula at all levels of education, from primary school to university, in developing countries, with a view to the acquisition of the skills needed to improve access to information; believes, however, that ICT tools and new technologies should not substitute real teachers and schools, but should be used as a means of improving access to education and enhancing its quality; stresses that new technologies are a key tool for the dissemination of knowledge, the training of teachers and the management of establishments; insists also on the need for enhanced local training centres (including programming schools), to train developers and to encourage the creation of digital solutions and applications corresponding to local needs and realities;

20. Highlights that bridging the digital divide implies deployment of and access to infrastructure, especially in rural and remote areas, that is adequate in terms of high-quality coverage and is affordable, reliable and secure; notes that the main causes hampering connectivity include poverty and lack of essential services, together with underdeveloped terrestrial networks, lack of enabling public policies and regulatory frameworks, high taxation of digital products and services, low market competition and absence of an energy grid;

21. Expresses its concern regarding technological dependence on a small number of operators, and especially on GAFA (Google, Apple, Facebook and Amazon), and calls for alternatives to be developed to promote competition; notes that this aim could be pursued in partnership between the EU and Africa;

22. Recalls that developing countries are far from being immune to cyber-attacks and underlines the risks of disruption of economic, political and democratic stability if digital security is not guaranteed; calls on all stakeholders in the digitally connected world to take active responsibility by adopting practical measures to promote greater cybersecurity awareness and know-how; points out, to this end, the importance of developing human capital at all levels in order to reduce threats to cybersecurity through training, education and increased awareness, and of establishing appropriate criminal law and transnational frameworks to combat cybercrime, as well as participating actively in international fora such as the OECD Global Forum on Digital Security;

23. Recalls the potential of digitalisation for reducing disparities in social inclusion, for access to information and for reducing economic marginalisation in peripheral areas;

Digitalisation: a tool for sustainable development

24. Welcomes the EU's External Investment Plan promoting investment in innovative digital solutions for local needs, financial inclusion and decent job creation; points out that digitalisation is an important investment opportunity and that, on a basis of working together with European and international financial institutions and the private sector, blending would therefore constitute an important tool for leveraging financial resources;

25. Calls on the Commission to launch new initiatives with a special focus on developing digital infrastructure, promoting e-governance and digital skills, strengthening the digital economy and fostering SDG-centred start-up ecosystems, including funding opportunities for micro, small and medium-sized enterprises (MSMEs), to enable them to interact digitally with multinational enterprises and to access global value chains;

26. Calls on the Commission to further mainstream digital technologies and services into the EU's development policy, as outlined inter alia in the D4D agenda; underlines the need to promote the use of digital technologies in specific policy areas, including e-governance, agriculture, education, water management, health and energy;

27. Calls on the Commission to increase investment in digital infrastructure in developing countries, in order to bridge the significant digital divide in a development-effective and principle-based manner;

28. Recalls that MSMEs in developing countries make up the majority of businesses and employ the majority of manufacturing and service sector workers; reiterates that facilitating well regulated cross-border e-commerce can have a direct impact on improving livelihoods, fostering higher living standards and boosting employment and economic development; reaffirms the contribution that such endeavours could make to gender equality, since a great number of these companies are owned and run by women; stresses the need to reduce legal, administrative and social barriers to entrepreneurship, particularly with regard to women; calls for digitalisation to be used also to promote education and capability-building for entrepreneurship in developing countries, while also creating a favourable environment for start-ups and innovative companies;

29. Stresses the need to stem trade in minerals whose exploitation finances armed conflicts or involves forced labour; recalls that coltan is the basic raw material for many electronic devices (e.g. smartphones) and that the civil war that has engulfed the Great Lakes region of Africa, particularly in the Democratic Republic of Congo, due to its exploitation and extraction and illegal trade in it has resulted in more than eight million deaths; calls for an end to the exploitation of children in coltan mines and to illegal trading in coltan, in order to bring about a situation in which it is extracted and marketed in an acceptable way which also benefits the local population;

30. Points out that as the largest sector of the African economy, agriculture can potentially benefit from digital technologies; highlights that digital platforms can be used in developing countries to inform farmers about market prices and link them with potential buyers, as well as to provide practical information about growing methods and market trends, weather information, and warnings and advice about plant and animal diseases; underlines, however, in a context where agriculture is becoming more and more knowledge-intensive and high-tech, that digital agriculture can also have a huge social and environmental disruptive effect in developing countries, as access to the latest technology may remain restricted to big and industrialised farms active in the export market and cash crops, while limited knowledge and skills could marginalise further small-scale farming in developing countries;

31. Insists that EU funding for agriculture in developing countries must be in line with the transformative nature of Agenda 2030 and the Paris Climate Agreement, and consequently with the conclusions of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) and the recommendations of the UN Special Rapporteur on the right to food; stresses that this implies the recognition of the multifunctionality of agriculture and a rapid shift from monoculture cropping based on the intensive use of chemical inputs towards a diversified and sustainable agriculture, based on agro-ecological farming practices and strengthening local food systems and small-scale farming;

32. Points out that ICT tools can be used for information dissemination which can be crucial during both natural and technological disasters and emergencies, as well as in fragile and conflict-affected areas; highlights that digital technologies can enable low-income communities and other vulnerable communities to have access to quality basic services (e.g. health, education, water, sanitation and electricity), as well as to humanitarian relief and other public and private services; highlights the importance of the fight against online disinformation (fake news), and emphasises the need for specific programmes focusing on media literacy as a tool to tackle these challenges;

33. Underlines that technological innovation in humanitarian assistance is a priority, most especially in the context of forced displacements, for contributing to sustainable solutions that bring stability and dignity to people's lives and may facilitate the humanitarian development nexus; welcomes global initiatives to facilitate humanitarian innovation, such as the Global Alliance for Humanitarian Innovation (GAHI), the Humanitarian Innovation Fund (HIF) and UN Global Pulse, and calls for the EU to promote open data and strongly support the global communities of software developers and designers who are building practical open technology with a view to solving international development and humanitarian problems;

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34. Stresses that digital technologies such as SMS and mobile phone applications can provide affordable new tools for circulating important information, which could be used by poor or isolated people and people with disabilities; notes the potential of mobile phone technology, which may have advantages including lower access costs due to increasing network coverage, user-friendliness and falling costs of calls and text messages; recalls equally, however, that mobile phones generate health and environmental risks, notably due to extraction of mineral resources and increasing levels of electronic and electric waste; underlines that digitalisation has the potential to either boost or undermine democracy, and calls on the EU to duly reflect upon these risks with a view to controlling the misapplication of digital technologies, when promoting the use of technological innovation in development aid, and also to promote internet governance;

35. Stresses the importance of building a sustainable ecosystem for the digital economy in order to reduce the ecological impact linked to digitalisation by developing an efficient use of resources in both the digital and energy sector, notably by prioritising the circular economy; calls for the External Investment Plan (EIP) to support producer responsibility, concretely by supporting SMEs which develop reuse, repair and refurbishment activities and incorporate take-back schemes into their business activities with the aim of removing the hazardous components used in Electric and Electronic Equipment (EEE); calls for enhancement of consumer awareness of the environmental effects of e-devices and for the effective addressing of business responsibility in the production of EEE; stresses likewise the need to support electronic and electric waste statistics and national e-waste policies in developing countries, so as to help minimise e-waste production, prevent illegal dumping and improper treatment of e-waste, promote recycling, and create jobs in the refurbishment and recycling sector;

36. Acknowledges that digital technologies provide the energy sector with innovative tools to optimise the use of resources; however, recalls that digital technologies have a significant ecological footprint, as a consumer of energy resources (digital CO_2 emissions are estimated to account for 2-5 % of total emissions) and metals (such as silver, cobalt, copper and tantalum), calling into question their long-term sustainability; reasserts the need to shift patterns of production and consumption in order to combat climate change;

37. Acknowledges the potential role of digital technology in promoting democracy and citizens' participation in decision-making;

38. Stresses the importance of creating and implementing state-run digital information platforms which increase opportunities for people at large to inform themselves fully about their rights and the services that the state makes available to its citizens;

39. Stresses that e-government applications contribute to making public services faster and cheaper to access, improve consistency and citizen satisfaction, facilitate the articulation and activities of civil society, and increase transparency, thus contributing significantly to promoting democratisation and fighting corruption; stresses the vital role of technology and digitalisation for effective fiscal policy and administration, enabling an effective increase in domestic resource mobilisation and helping fight tax fraud and tax evasion; insists that it is imperative to create secure digital identities, as this could help determine the numbers of those in need of certain basic services;

40. Calls for exploitation of the opportunities afforded by digital technology as a means of improving registration of children in registers of births, deaths and marriages; stresses that UNICEF estimates that, in sub-Saharan Africa alone, 95 million children remain unregistered at birth ([1]) and therefore have no birth certificate, and that this fact prevents the children concerned from being legally recognised, so that their existence as members of society goes unrecorded from birth and through into adult life, which distorts countries' demographic data, with significant consequences for the assessment of the needs of populations, particularly in terms of access to education or healthcare;

([1]) https://www.unicef.org/reports/state-worlds-children-2016

41. Acknowledges the central role of digital technology in management of health services, emergency response to epidemics, dissemination of public health campaigns, public access to health services, as well as in the training of health workers, the support and promotion of basic research, and the development of health and e-health information services; calls, therefore, on policymakers to introduce the appropriate policy and regulatory frameworks to scale up e-health projects; asks the Commission to provide the necessary financial resources in this regard;

42. Welcomes the 'DEVCO Academy' on-line programme, which makes it possible to train people from the EU's partner countries on-line; calls for the further development of training programmes for local leaders and the establishment of procedures for applying for EU subsidies, so that those partners can gain a clearer picture of expectations, aims and conditions and thus improve the prospects of gaining acceptance for their projects; stresses that such initiatives, provided they are easily accessible, efficient and relevant, would have a positive impact on the absorption of aid and on the image of the EU among its partners;

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43. Instructs its President to forward this resolution to the Council and the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the European External Action Service.

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Arms export: implementation of Common Position 2008/944/CFSP

European Parliament resolution of 14 November 2018 on arms exports: implementation of Common Position 2008/944/CFSP (2018/2157(INI))

(2020/C 363/05)

The European Parliament,

— having regard to the principles enshrined in Article 21 of the Treaty on European Union (TEU), notably the promotion of democracy and the rule of law and the preservation of peace, the prevention of conflicts and the strengthening of international security,

— having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment ([1]) (the Common Position),

— having regard to the Nineteenth Annual Report ([2]) drawn up in accordance with Article 8(2) of the Common Position,

— having regard to Council Decision 2018/101/CFSP of 22 January 2018 on the promotion of effective arms export controls ([3]) and Council Decision 2017/915/CFSP of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty ([4]),

— having regard to the updated Common Military List of the European Union, adopted by the Council on 26 February 2018 ([5]),

— having regard to the User's Guide to the Common Position defining common rules governing the control of exports of military technology and equipment,

— having regard to the Wassenaar Arrangement of 12 May 1996 on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, together with the lists, updated in December 2017, of these goods and technologies and munitions ([6]),

— having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012, in particular Outcome 11(e) of the action plan, and to the EU Action Plan on Human Rights and Democracy (2015-2019) of 20 July 2015, in particular Objective 21(d) thereof,

— having regard to the Arms Trade Treaty (ATT) adopted by the UN General Assembly on 2 April 2013 ([7]), which entered into force on 24 December 2014,

— having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community ([8]),

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([1]) OJ L 335, 13.12.2008, p. 99.
([2]) OJ C 56, 14.2.2018, p. 1.
([3]) OJ L 17, 23.1.2018, p. 40.
([4]) OJ L 139, 30.5.2017, p. 38.
([5]) OJ C 98, 15.3.2018, p. 1.
([6]) http://www.wassenaar.org/control-lists/, 'List of Dual-Use Goods and Technologies and Munitions List' under the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.
([7]) Arms Trade Treaty, UN, 13-27217.
([8]) OJ L 146, 10.6.2009, p. 1.

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— having regard to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ([1]), as amended by Regulation (EU) No 599/2014 of 16 April 2014, and to the list of dual-use goods and technology in Annex I thereto (the Dual-Use Regulation),

— having regard to the UN Sustainable Development Goals, in particular Goal 16 promoting just, peaceful and inclusive societies for sustainable development,

— having regard to the UN Disarmament Agenda ('Securing our Common Future'),

— having regard to Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment ([2]),

— having regard to the Report of the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council on the impact of arms transfers on the enjoyment of human rights ([3]),

— having regard to its previous resolutions on the matter, in particular those of 13 September 2017 ([4]) and of 17 December 2015 ([5]) on the implementation of the Common Position,

— having regard to the proposal for a regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry (EDIDP) (COM(2017)0294) and the proposal for a regulation establishing the European Defence Fund (COM(2018)0476),

— having regard to its resolutions on the humanitarian situation in Yemen of 25 February 2016 ([6]), 15 June 2017 ([7]) and 30 November 2017 ([8]),

— having regard to its resolution of 27 February 2014 on the use of armed drones ([9]),

— having regard to the Human Rights Council report of 17 August 2018 on the situation of human rights in Yemen, including violations and abuses since September 2014 (A/HRC/39/43),

— having regard to Rules 52 and 132(2) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0335/2018),

A. whereas the inherent right of individual or collective self-defence is laid down in Article 51 of the Charter of the United Nations;

B. whereas arms exports and transfers have an undeniable impact on human rights and human security, on socio-economic development and on democracy; whereas arms exports also contribute to circumstances that force people to flee from their countries; whereas these are strong reasons for establishing a strict, transparent, effective and commonly accepted and defined arms control system;

C. whereas the Council Common Position 2008/944/CFSP is a legally binding framework laying down eight criteria; whereas wherever these are not met the issuance of an export licence should be denied (criteria 1-4) or consideration should at least be given to doing so (criteria 5-8); whereas the decision to transfer or deny the transfer of any military technology or equipment remains at the national discretion of each Member State in accordance with Article 4(2) of the Common Position;

([1]) OJ L 134, 29.5.2009, p. 1.
([2]) OJ L 338, 13.12.2016, p. 1.
([3]) A/HRC/35/8.
([4]) OJ C 337, 20.9.2018, p. 63.
([5]) OJ C 399, 24.11.2017, p. 178.
([6]) OJ C 35, 31.1.2018, p. 142.
([7]) OJ C 331, 18.9.2018, p. 146.
([8]) OJ C 356, 4.10.2018, p. 104.
([9]) OJ C 285, 29.8.2017, p. 110.

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D. whereas the latest figures [1] show that arms exports from the EU-28 amounted to over 27 % of the global total in 2013-2017, which would make the EU collectively the second largest arms supplier in the world after the US (34 %), with Russia following at 22 %; whereas the years 2015 and 2016 showed the highest figures for arms exports licences by value granted since the beginning of EU data collection, with a total value of EUR 195,95 billion in 2015 and, according to the most recent report by the Working Party on Conventional Arms Exports (COARM), EUR 191,45 billion in 2016 [2]; whereas unfortunately the 2015 and 2016 figures are misleading and inaccurate, as the volume of licences is in part more an expression of intent than a precise figure indicating real exports that may be expected to materialise in the near future;

E. whereas the COARM annual reports are so far the only instrument whose purpose is to cover the implementation of the Common Position; whereas these reports have helped to make Member States' arms exports more transparent and the volume of guidelines and clarifications in the User's Guide has grown considerably; whereas, because of the Common Position, the volume of information on the issuing of arms export licences has increased;

F. whereas both the global and the regional security environment have dramatically changed, especially with regard to the Union's southern and eastern neighbourhood, and this highlights the urgent need to improve methodologies with regard to producing information for export licensing risk assessments and to make them more secure;

G. whereas, under Article 3 of the Common Position, the eight criteria set minimum standards only and are without prejudice to any more restrictive arms control measures which Member States may take; whereas the decision-making process for granting or denying arms export licences lies solely within the remit of Member States;

H. whereas not all Member States make a full submission to COARM; whereas, because of the differing data collection arrangements and submission procedures of individual Member States and their different interpretation of the eight criteria, data sets are incomplete and vary, and arms export practices diverge widely; points out that information exchange must be compatible with the national laws and administrative procedures in each country;

I. whereas there is currently no mechanism for standardised, independent verification and reporting of compliance with the eight criteria of the Common Position;

J. whereas measures on trafficking of small arms and light weapons have been adopted in recent years, with an updated List of Dual-Use Goods and Technologies under the Wassenaar Arrangement; whereas while issues such as control of arms brokering, licensed production outside the EU and end-user control have been put on the agenda and, to some extent, incorporated into the Common Position itself, many products, in particular in the field of dual-use goods, cybertechnology and surveillance, are still not covered by the control system;

K. whereas the nineteenth annual report reveals that 40,5 % of licences for arms exports were granted to countries in the MENA region, to the value of EUR 77,5 billion, and with Saudi Arabia, Egypt and the United Arab Emirates (UAE) accounting for the bulk of those exports, to the value of EUR 57,9 billion;

L. whereas, in some cases, the arms exported to certain countries, for example to Saudi Arabia, UAE and members of the Saudi-led coalition, have been used in conflicts such as that in Yemen; whereas such exports clearly violate the Common Position;

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(1) Trends in international arms transfers, 2017 (SIPRI Fact Sheet, March 2018).
(2) http://enaat.org/eu-export-browser/licence.de.html

M. whereas the European Parliament resolution of 25 February 2016 on the humanitarian situation in Yemen called on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to launch an initiative to impose an EU arms embargo on Saudi Arabia;

N. whereas arms licensed for transfer by EU Member States and subsequently used in the current Yemen conflict have had a catastrophic impact on sustainable development in Yemen;

O. whereas the defence sector has become a focal point of EU policy, with the European Global Strategy (EUGS) stating that 'a sustainable, innovative and competitive European defence industry is essential for Europe's strategic autonomy and for a credible CSDP' ([1]); whereas arms exports are key to boosting the industrial and technological basis for European defence, and whereas the priority of the defence industry is to guarantee the security and defence of the EU Member States and contribute to the implementation of the CFSP; whereas the main task of the European Defence Fund and, as a precursor, the EDIDP, which has recently been launched, is to 'support the competitiveness of Europe's defence industry' ([2]);

P. whereas transparency measures such as the monitoring of arms exports help to boost trust among Member States;

Q. whereas Article 10 of the Common Position clearly states that compliance with the eight criteria takes precedence over any economic social, commercial or industrial interests of Member States;

Bolstering the Common Position and improving its implementation

1. Underlines that states have the legitimate right to acquire military technology for the purposes of self-defence; notes that maintaining a defence industry serves as part of the self-defence of the Member States;

2. Notes that a European defence market serves as an instrument for guaranteeing the security and defence of Member States and Union citizens and contributes to the implementation of the Common Foreign and Security Policy (CFSP) and in particular the Common Security and Defence Policy (CSDP); calls on the Member States to overcome the current lack of efficiency in defence spending due to duplication, fragmentation and lack of interoperability, and to aim for the EU to become a security provider also by better controlling arms exports;

3. Acknowledges that the EU is the only union of states to have a legally binding framework through which arms export control is being improved, including in crisis regions and countries with a questionable human rights record; welcomes, in this connection, the fact that European and non-European third countries have joined the arms export control system on the basis of the Common Position; also encourages remaining candidate countries, countries in the process of attaining candidate status, or countries otherwise wishing to engage themselves on the path of EU accession, to apply the provisions of the Common Position;

4. Stresses the urgent need to enhance the role of EU Delegations in assisting Member States and the European External Action Service (EEAS) with their export licensing risk assessments and the implementation of end-user controls, post-shipment controls and on-site inspections;

5. Notes that the eight criteria are applied and interpreted in different ways by Member States; calls for a uniform, consistent and coordinated application of the eight criteria and full implementation of the Common Position with all its obligations;

6. Believes that the export licensing risk assessment methodology should incorporate a precautionary principle and that Member States, in addition to assessing whether specific military technology might be used for internal repression or other undesired ends, should also assess risks on the basis of the overall situation in the country of destination, taking account of factors such as the state of democracy and the rule of law and its socio-economic development;

([1]) 'Shared Vision, Common Action: A Stronger Europe — A Global Strategy for the European Union's Foreign and. Security Policy', Brussels, June 2016.

([2]) 'Launching the European Defence Fund', COM(2017)0295, 7 June 2017.

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7. Calls on the Member States and the EEAS, in line with its recommendations of 13 September 2017, to use the current review process to strengthen mechanisms for exchange of information by making available qualitatively and quantitatively better information for export licensing risk assessments, by:

(a) providing more information on export licences and actual exports shared systematically and in a timely manner, including on end users of concern, cases of diversion, end-user certificates that are forged or otherwise of concern, and suspect brokers or transport companies, in accordance with domestic laws;

(b) maintaining a list of entities and individuals convicted of violating arms export-related legislation, of cases of identified diversion, and of persons who are known or suspected to be involved in illegal arms trading or in activities that pose a threat to international and national security;

(c) sharing the best practices adopted for implementing the eight criteria;

(d) turning the current User's Guide into an interactive online resource;

(e) turning the EU Annual Report into an open and public online database by the end of 2019, with the new format to be applied to the 2017 data;

(f) promoting clear and well-established cooperation procedures between law enforcement agencies and border authorities, based on the exchange of information, in order to strengthen cooperation on security and eradicate illegal arms trading, which poses a risk to the security of the EU and its citizens;

8. Calls on the Member States and the EEAS to increase the number of personnel working on export-related issues both at national and EU level; encourages the use of EU funds for capacity-building among licensing and enforcement officials in Member States;

9. Recalls that among the reasons for establishing the Common Position were to prevent European weaponry being used against Member States' armed forces and to prevent human rights abuses and the prolongation of armed conflict; reiterates that the Common Position sets minimum requirements which Member States have to apply in the field of arms export controls and that it includes the obligation to assess a request for an export licence against all eight criteria listed in it;

10. Criticises the systematic failure to apply the eight criteria by Member States and the fact that military technology does reach destinations and end users that do not meet the criteria laid down in the Common Position; repeats its call for an independent assessment of Member States' compliance with the eight criteria of the Common Position; takes the view that greater convergence in the application of the eight criteria should be promoted; regrets the lack of provisions on sanctions to be imposed on Member States that fail to check compliance with the eight criteria in advance of granting licences; urges the Member States to improve the consistency of the implementation of the Common Position, and advises them to make provision for arrangements to conduct independent checks;

11. Believes that exports to Saudi Arabia, the UAE and other members of the Saudi-led coalition in Yemen are non-compliant with at least criterion 2 because of those countries' involvement in grave breaches of humanitarian law as established by competent UN authorities; reiterates its call of 13 September 2017 regarding the urgent need to impose an arms embargo on Saudi Arabia, and calls on the VP/HR and the Council to extend such an embargo to all other members of the Saudi-led coalition in Yemen;

12. Believes it necessary to launch a process leading to a mechanism which sanctions those Member States which do not comply with the Common Position;

13. Notes that some Member States have stopped providing arms to Saudi Arabia and other members of the Saudi-led coalition in Yemen because of their actions, while others have continued supplying military technology; congratulates those Member States, such as Germany and the Netherlands, which have changed their practice as regards the Yemen conflict; deeply regrets, however, the fact that other Member States seem not to take into account the behaviour of the country of destination and the end-use of exported arms and ammunition; underlines that this disparity of practice risks undermining the entire European arms control regime;

14. Is alarmed at the fact that almost all licence requests for exports to specific countries such as Saudi Arabia have been granted even though exports to those countries violate at least criteria 1 to 6 of the Common Position, bearing in mind also that failure to meet criteria 1 to 4 must result in denial of the licence; regrets that almost all licence applications (95 %) for exports to Saudi Arabia have been granted as regards category ML9 ([1]) (vessels of war, which are used to enforce the naval blockade on Yemen), and categories ML10 (aircraft) and ML4 (bombs etc), which have been fundamental to the air campaign, contributing to the deterioration of the humanitarian situation, to the undermining of sustainable development in the entire country, and to the ongoing suffering of the population of Yemen;

15. Is shocked at the amount of EU-made weapons and ammunition found in the hands of Da'esh in Syria and Iraq; notes the failure of Bulgaria and Romania to effectively apply the Common Position in relation to retransfers that contravene end-user certificates; calls on all Member States to refuse similar transfers in the future, notably to the US and Saudi Arabia, and calls on the EEAS and the Member States, in particular Bulgaria and Romania, to explain, in the context of COARM but also in public before Parliament's Subcommittee on Security and Defence (SEDE), what steps have been taken on this matter; calls on the EEAS to address the many cases revealed by the recent Conflict Armament Research report, and to explore more effective methods for diversion risk assessment in COARM and other relevant fora, including, in the context of the review process, making it obligatory for Member States to deny an export licence if there is a clear risk that the military technology or equipment to be exported might be diverted; decides to launch an investigation into this matter;

16. Is concerned that the supply of weapon systems in wartime and in situations of significant political tension may disproportionately affect civilians; underlines that conflicts should be solved by diplomatic means as a priority; calls, therefore, on the Member States to take steps towards a genuine common foreign and security policy;

17. Recognises that better implementation of criterion 8 would constitute a decisive contribution to the EU's Policy Coherence on Development objectives and the UN's Sustainable Development Goals (SDGs), in particular SDG 16.4; calls on the Member States and the EEAS to use the ongoing review process of the Common Position in this respect; recommends updating the User's Guide in this respect, with a focus not only on the developmental impact of the purchase of arms on the recipient country, but also on the potential harm to development done by the use of arms, including in countries other than the recipient state;

18. Suggests that ways should be explored for the EU to support compliance by the Member States with the eight criteria of the Common Position, in particular by providing information during the risk assessment phase, checks on the end users, ex ante checks on shipments, and a regularly updated list of the third countries that comply with the criteria of the Common Position;

19. Notes that the Council is conducting a reassessment of the implementation of the Common Position and the fulfilment of its objectives in 2018; calls for the Common Position to be reviewed in order to determine how it is implemented at national level, including an assessment of the different ways in which it is implemented in states' laws and regulations, the methods used to assess licence applications and the government agencies and ministries that are involved; stresses, in this connection, that projects funded from the newly launched EDIDP and the future Defence Fund must come under national and EU control and reporting mechanisms/regimes and be subject to full parliamentary scrutiny; believes that the proposed European Peace Facility also needs to be subject to parliamentary scrutiny;

20. Calls on the Member States to overcome the current lack of efficiency in defence spending due to duplication, fragmentation and lack of interoperability, and to aim for the EU to become a security provider also by better controlling arms exports;

21. Takes the view that product related actions in relation to small arms and light weapons where they are developed mainly for export purposes should be excluded from Union funding in the context of the upcoming regulation establishing the European Defence Fund (EDF) (COM(2018)0476);

([1]) http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XG0406(01)&from=EN

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22. Takes the view that in the context of Brexit it would be important for the United Kingdom to commit to remain bound by the Common Position and to apply its operative provisions as other European third countries do;

23. Stresses that the ambition to increase the competitiveness of the European defence sector must not undermine the application of the Common Position's eight criteria, as they take precedence over any economic, commercial, social or industrial interests of Member States;

24. Considers that the implementation of Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community should be consistent with the Common Position, including with regard to spare parts and components; notes that the Common Position is non-restrictive in scope and that, accordingly, the eight criteria also apply to transfers within the EU;

25. Reiterates the detrimental effect that insufficiently controlled exports of cybersurveillance technologies by EU companies can have on the security of the EU's digital infrastructure and on respect for human rights; stresses, in this connection, the importance of a rapid, effective and comprehensive update of the EU's Dual-Use Regulation, recalls Parliament's position regarding the Commission's proposal as endorsed by an overwhelming majority in January 2018, and suggests that the Council should establish an ambitious position with a view to enabling the co-legislators to reach an agreement before the end of this legislative term; calls on the Member States, with regard to export controls and applying the eight criteria, to pay greater attention to goods which may be used for both civilian and military purposes, such as surveillance technology, and, similarly, to components that may be used in cyberwarfare or to perpetrate human rights violations; urges the Member States and the Commission to invest sufficient funds in technology and human resources to train individuals in specific cybersecurity programmes; calls on the Member States to promote, at international level, the addition of the goods concerned to control lists (in particular Wassenaar);

26. Encourages the Member States to undertake a more detailed examination of licensed production by third countries and to ensure stronger safeguards against undesired uses; demands the strict application of the Common Position with regard to licensed production in third countries; calls for limiting licensed production arrangements to countries that are parties or signatories to the ATT, and for those third countries to be obliged to only export equipment produced under licence and explicitly authorised by the original exporting Member State;

27. Stresses the need to develop an approach for addressing situations where Member States make a different interpretation of the eight criteria of the Common Position for exports of products that are essentially alike, to similar destinations and end users, in order to preserve the level playing field and the EU's credibility abroad;

28. Asks the Member States and the EEAS to develop a dedicated strategy in order to provide formal protection for whistleblowers reporting practices by organisations and companies in the weapons industry that breach the criteria and principles set out in the Common Position;

29. Calls furthermore for the eight criteria to be extended and applied also to the transfer of military, security and police personnel, to arms exports-related services, know-how and training, security technology and to private military and security services;

30. Calls on the Member States and the EEAS to cooperate closely in order to prevent risks arising from the diverting and stockpiling of weapons, such as illegal arms trafficking and smuggling; stresses the risk of weapons exported to third countries re-entering the EU via arms smuggling and trafficking;

31. Calls on the Member States and the EEAS to add a new criterion to the Common Position in order to ensure that when granting authorisations due account is taken of the risk of corruption concerning the relevant exports;

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COARM annual report

32. Pays tribute to the efforts of COARM in connection with cooperation, coordination and convergence (with particular reference to the User's Guide for the Common Position), and with bolstering and implementing the Common Position, especially as regards awareness-raising campaigns and approximation or harmonisation processes within the EU and involving third countries;

33. Regrets the very late publication of the eighteenth annual report for 2015 in March 2017 and of the nineteenth annual report for 2016 in February 2018; calls for a more standardised and timely reporting and submission procedure to be guaranteed by setting a strict deadline for submitting data of no later than January following the year in which the exports took place, and by setting a fixed publication date of no later than March following the export year;

34. Recalls that according to Article 8(2) of the Common Position all Member States are obliged to report on their arms exports, and urges all Member States to comply fully with their obligations, as set out in the Common Position; stresses that high-quality, disaggregated data on actual deliveries are essential for understanding how the eight criteria are applied;

35. Criticises the fact that a number of Member States did not make full submissions to the nineteenth annual report on the basis of detailed, country-specific data; is concerned that, as a result, important information is missing from the COARM annual report, which is therefore not up to date or able to present a complete picture of Member States' export activities; considers that a standardised verification and reporting system should be established to provide more detailed and exhaustive information; reiterates its request that all Member States which have not made full submissions provide additional information regarding their past exports with a view to the next annual report;

36. Notes that according to the nineteenth annual report, the criteria invoked for denials differed in their application, with criterion 1 being invoked 82 times, criterion 2 119 times, criterion 3 103 times, criterion 4 85 times, criterion 5 8 times, criterion 6 12 times, criterion 7 139 times, and criterion 8 once; notes with concern that the number of denied licences fell in total and also in relative terms (only 0,76 % of licence applications were denied in 2016 compared to almost 1 % in 2015); notes with disappointment the continued failure of the report to include figures on the outcome of consultations regarding denial notifications, and calls on the Member States to include such data in future annual reports;

37. Suggests that additional information be collected from Member States and published both at national level and in the COARM annual report; also suggests that an overview setting out a trend comparison with previous years, together with aggregated figures, be added to the COARM annual report;

Parliament and civil society

38. Notes that not all EU national parliaments scrutinise governmental licensing decisions; points to Parliament's Rules of Procedure, which provide for the possibility of regular responses to the EU Annual Reports on Arms Exports, and calls in this respect for an improvement of the current situation and for a guarantee that Parliament will respond to the annual COARM report with its own annual report, which should be out of quota; calls on national parliaments to exchange any existing best practices in the area of the reporting and supervision of arms exports;

39. Underscores the important role of national parliaments, the European Parliament, civil society, arms export control authorities and industry associations in both supporting and encouraging the Common Position's agreed standards at national and EU level and in establishing a transparent, accountable control system; calls, therefore, for a transparent and robust control mechanism which bolsters the role of parliaments and of civil society; encourages national parliaments, civil society and academia to exercise independent scrutiny of the arms trade, and calls on the Member States and the EEAS to support such activities, including by financial means;

40. Stresses the significance and legitimacy of parliamentary oversight concerning data relating to arms export control and how that control is carried out; calls, in this connection, for provision of the measures, backing and information needed to ensure that the public oversight function can be performed to the full;

41. Suggests that exports of products financed under the EDIDP and/or the European Defence Fund (EDF) should be listed separately in the data submitted to COARM, in order to ensure a close monitoring of those products which have been financed from the European budget; calls on the Council and Parliament to agree on a detailed interpretation and implementation regime including a supervisory body, a sanctioning body and an ethical committee, to ensure that the criteria of the Common Position are applied at least to the products financed under EDIDP and/or the EDF, in order to ensure equal export frameworks for the countries involved; believes that the common interpretation and implementation should apply prospectively to all arms exports from Member States;

International arms control and disarmament

42. Points out the EU's ambitions to become a global actor for peace; takes the view that the EU should meet its increased responsibility for peace and security in Europe and the world by means of further improved export control mechanisms and disarmament initiatives, and that, as a responsible global player, it should lead the way, i.e. the EU should play an active role, with Member States doing their utmost to seek a common position in the areas of non-proliferation of arms, global disarmament and arms transfer controls, as well as in enhancing research and development into technologies and processes for conversion from military to civil use structures, and by measures such as granting export advantages for the goods concerned;

43. Recalls that all the Member States are signatories to the ATT; calls for universalisation of the ATT and for more focus to be placed on those countries that are not signatories; also commends the outreach efforts regarding the ATT and supports its effective implementation;

44. Encourages Member States to help third countries in the creation, improvement and application of arms checking systems in compliance with the Common Position;

45. Reiterates its position on lethal autonomous weapon systems (LAWS); calls for a ban on exports of products used in the development and production of such weapon systems;

46. Points out that an effective international arms control agreement should cover all transfers, including state to state transfers, state to non-state end-user transfers and leases, as well as loans, gifts, aid or any other form of transfer;

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47. 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 Secretary-General of NATO, and the Secretary-General of the United Nations.

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P8_TA(2018)0456

Need for a comprehensive Democracy, Rule of Law and Fundamental Rights mechanism

European Parliament resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights (2018/2886(RSP))

(2020/C 363/06)

The European Parliament,

— having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Charter of Fundamental Rights of the European Union,

— having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ([1]) (DRF),

— having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the case law of the European Court of Human Rights, and the conventions, recommendations, resolutions and reports of the Parliamentary Assembly, the Committee of Ministers, the Human Rights Commissioner and the Venice Commission of the Council of Europe,

— having regard to the European Court of Auditors Opinion No 1/2018 of 17 July 2018 concerning the proposal of 2 May 2018 for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States,

— having regard to the Fundamental Rights Report 2018 of the European Union Agency for Fundamental Rights (FRA),

— 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 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded ([2]),

— having regard to its resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland ([3]),

— having regard to its resolution of 15 November 2017 on the rule of law in Malta ([4]),

— having regard to its resolution of 19 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová ([5]),

— having regard to its plenary debate on the rule of law in Romania held on 3 October 2018,

— having regard to its resolution of 1 March 2018 on the situation of fundamental rights in the EU in 2016 ([6]),

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([1]) OJ C 215, 19.6.2018, p. 162.
([2]) Texts adopted, P8_TA(2018)0340.
([3]) Texts adopted, P8_TA(2018)0055.
([4]) OJ C 356, 4.10.2018, p. 29.
([5]) Texts adopted, P8_TA(2018)0183.
([6]) Texts adopted, P8_TA(2018)0056.

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— having regard to the Commission proposal of 2 May 2018 for a Council regulation laying down the multiannual financial framework for the years 2021 to 2027 (COM(2018)0322),

— having regard to the 2018 EU Justice Scoreboard,

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and whereas these values are common to the Member States;

B. whereas the rule of law, democracy and fundamental rights are in a triangular relationship, reinforcing each other and together safeguarding the constitutional core of the EU and its Member States;

C. whereas in 2014, the Commission established a rule of law framework; whereas this framework has only been used once, and whereas this instrument has proven insufficient to prevent or remedy threats to the rule of law;

D. whereas the European Union does not have an objective and permanent mechanism in place to monitor democracy, fundamental rights and the rule of law in all Member States;

E. whereas the 2018 EU Justice Scoreboard indicates that challenges remain in terms of the functioning of Member States' justice systems as well as in terms of the impact of certain reforms carried out in Member States;

F. whereas there is a high number of pending infringement procedures in the field of justice, fundamental rights and citizenship ([1]);

G. whereas the FRA has published several reports that highlight challenges to democracy, the rule of law and fundamental rights in various Member States, on issues such as the shrinking space for civil society organisations in Europe ([2]);

H. whereas ad hoc responses to threats to democracy, the rule of law and fundamental rights have been witnessed, leading to widely differing approaches in different Member States;

I. whereas the Article 7(1) TEU procedure has been initiated by the Commission in light of the situation in Poland, and the same procedure has been initiated by the European Parliament in light of the situation in Hungary;

J. whereas its Committee on Civil Liberties, Justice and Home Affairs has established a Rule of Law Monitoring Group that has started its work in relation to the murders of investigative journalists and the rule of law;

K. whereas these EU responses are primarily reactive rather than preventive, and are hampered by the uneven and politicised attention paid to challenges to democracy, the rule of law and fundamental rights in different Member States;

L. whereas on 2 May 2018, the Commission published a proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (COM(2018)0324);

([1]) http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&typeOfSearch=true&active_only=1&noncom=0&r_dossier=&decision_date_from=&decision_date_to=&PressRelease=true&DG=JUST&title=&submit=Search

([2]) European Union Agency for Fundamental Rights, *Challenges facing civil society organisations working on human rights in the EU*, Vienna, 18 January 2018.

M. whereas the European Court of Auditors opinion No 1/2018 on the proposal for a regulation underlined the need to further clarify the sources of guidance and procedures by which generalised deficiencies as regards the rule of law in the Member States can be established;

N. whereas previous EU Anti-Corruption reports and the 2018 European Semester country reports point to serious concerns as regards corruption in various Member States, thereby eroding citizens' trust in institutions and the rule of law;

O. whereas the challenges to the rule of law and democracy in Member States put the Area of Freedom, Security and Justice, founded on the rebuttable presumption (*praesumptio iuris tantum*) of mutual trust, at risk;

P. whereas the challenges to the rule of law and democracy in Member States put the legitimacy of the Union's external action at risk, particularly in relation to its accession and neighbourhood policies;

Q. whereas all institutions, bodies, offices and agencies of the Union are obliged to respect, protect and promote democracy, the rule of law and fundamental rights;

R. whereas the Union has still not acceded to the ECHR, in spite of its obligation to do so under Article 6(2) TEU;

S. whereas the Commission and the Council have not acted upon Parliament's resolution on an EU mechanism on democracy, the rule of law and fundamental rights, and have thus far refused to adopt the interinstitutional agreement on the EU Pact for DRF;

1. Regrets the fact that the Commission has not yet presented a proposal for a comprehensive EU mechanism on democracy, the rule of law and fundamental rights, and calls on the Commission to do so, in particular by proposing the adoption of the interinstitutional agreement on the EU Pact for DRF in its forthcoming non-legislative initiative to strengthen the enforcement of the rule of law in the European Union;

2. Reiterates its call for a comprehensive, permanent and objective EU mechanism for the protection of democracy, the rule of law and fundamental rights, and underlines that such a mechanism is more urgently needed now than ever before;

3. Reiterates the main elements of such a mechanism as proposed by Parliament in the form of an interinstitutional Pact for DRF consisting of an annual evidence-based and non-discriminatory review assessing, on an equal footing, all EU Member States' compliance with the values stipulated in Article 2 TEU, with country-specific recommendations (the European DRF Report) to be followed by an interparliamentary debate, and a permanent DRF Policy Cycle within the EU institutions;

4. Reiterates that the European DRF Report must incorporate and complement existing instruments, including the Justice Scoreboard, the Media Pluralism Monitor, the Anti-Corruption Report, and peer evaluation procedures based on Article 70 TFEU, and replace the Cooperation and Verification Mechanism for Bulgaria and Romania; regrets the decision by the Commission not to publish the EU Anti-Corruption Report in 2017;

5. Calls on the Commission to consider linking its proposed regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States with a comprehensive, permanent and objective EU mechanism for the protection of democracy, the rule of law and fundamental rights;

6. Calls on the Council to agree to commit itself to the interinstitutional agreement on the Pact for DRF, and to support further proposals from the Commission to strengthen democracy, the rule of law and fundamental rights;

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7. Considers that, if the Commission and Council continue to reject the establishment of a Pact for DRF, Parliament could take the initiative to launch a pilot DRF report and an interparliamentary debate;

8. Calls on the Council to properly assume its institutional role in the ongoing procedures in the framework of Article 7 (1) TEU, to inform Parliament immediately and fully at all stages of the procedure and to invite Parliament to present its reasoned proposal to the Council;

9. Instructs its President to forward this resolution to the Commission and the Council, and to the parliaments and governments of the Member States, as well as to the European Committee of the Regions for distribution to subnational parliaments and councils.

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P8_TA(2018)0457

Implementation of the EU-Georgia Association Agreement

European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia (2017/2282(INI))

(2020/C 363/07)

The European Parliament,

— having regard to Article 8 and to Title V, notably Articles 21, 22, 36 and 37, of the Treaty on European Union (TEU), as well as to Part Five of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, which fully entered into force on 1 July 2016,

— having regard to its previous resolutions of 18 December 2014 containing the draft Council decision on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ([1]), and of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine ([2]), to its recommendation of 15 November 2017 on the Eastern Partnership ([3]), to its legislative resolution of 14 March 2018 on the proposal for a decision of the European Parliament and of the Council providing further macro-financial assistance to Georgia ([4]), and to its resolution of 14 June 2018 on Georgian occupied territories 10 years after the Russian invasion ([5]),

— having regard to the annual National Action Plans for the Implementation of the Association Agreement between the European Union and Georgia,

— having regard to the European Commission and European External Action Service (EEAS) joint staff working document of 9 November 2017 on the Association Implementation Report on Georgia (SWD(2017)0371),

— having regard to the joint declarations of the Eastern Partnership Summits, most recently that of 24 November 2017 in Brussels,

— having regard to the cooperation framework '20 deliverables for 2020' established during the Riga summit in 2015 and promoting stronger economy, stronger governance, stronger connectivity and stronger society,

— having regard to the Single Support Framework for EU support to Georgia (2017-2020),

— having regard to the outcome of the fourth Association Council meeting between the EU and Georgia on 5 February 2018,

— having regard to the results of the Euronest assembly meetings, most recently those of 25-27 June 2018, resulting in seven resolutions and calling on the EU to increase its mediation efforts in the frozen conflicts,

— having regard to the final statement and recommendations of the sixth meeting of the EU-Georgia Parliamentary Association Committee held on 26 April 2018,

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([1]) OJ C 294, 12.8.2016, p. 31.
([2]) OJ C 11, 12.1.2018, p. 82.
([3]) OJ C 356, 4.10.2018, p. 130.
([4]) Texts adopted, P8_TA(2018)0073.
([5]) Texts adopted, P8_TA(2018)0266.

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— having regard to the joint declaration of the third meeting of the EU-Georgia Civil Society Platform on 22 March 2018,

— having regard to the Commission's first report under the Visa Suspension Mechanism, published on 20 December 2017 (COM(2017)0815),

— having regard to Venice Commission's final opinion of 19 March 2018 on Georgia's constitutional reform (CDL-AD (2018)005),

— having regard to the joint staff working document of 21 September 2015 entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020' (SWD(2015) 0182),

— having regard to the report of 2 July 2015 by Transparency International entitled 'The State of Corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine',

— having regard to the expert studies drawn up for the Committee on Foreign Affairs, including the study on 'The electoral reforms in three association countries of the Eastern Neighbourhood — Ukraine, Georgia and Moldova and their impact on political developments in these countries', published on 26 October 2017 ([1]), the study entitled 'Association agreements between the EU and Moldova, Georgia and Ukraine' published on 28 June 2018 ([2]) and the comparative study on 'The development of an institutional framework for the implementation of the Association Agreements in Georgia, Moldova and Ukraine: a comparative perspective' published in September 2018 ([3]),

— having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0320/2018),

A. whereas EU-Georgia relations are being continuously deepened by virtue of new major achievements in line with the EU-Georgia Association Agreement (AA), Deep and Comprehensive Free Trade Area (DCFTA) and Association Agenda, including the entry into force of the visa-free regime and Georgia's accession to the Energy Community;

B. whereas full respect for core values, including democracy, the rule of law, good governance, human rights and fundamental freedoms, including the rights of minorities, represents a cornerstone for further European integration;

C. whereas the humanitarian situation in and isolation of the occupied regions of South Ossetia and Abkhazia continue to represent one of the key challenges for Georgia;

D. whereas Transparency International's 2017 corruption perception index shows that good results are being maintained in the fight against corruption;

E. whereas the new National Strategy on Combating Organised Crime of 2017-2020 and its Action Plan adopted in 2017 focus on combating 'thieves in law', on the transit of narcotic drugs and cybercrime, and on introducing analysis-based and community policing;

([1]) 'The electoral reforms in three association countries of the Eastern Neighbourhood — Ukraine, Georgia and Moldova', European Parliament, 26 October 2017.

([2]) 'Association agreements between the EU and Moldova, Georgia and Ukraine', European Parliament, 28 June 2018.

([3]) 'The Development of an Institutional Framework for the Implementation of the Association Agreements in Georgia, Moldova and Ukraine: a comparative perspective', European Parliament, September 2018.

F. whereas the Istanbul Convention, mandated to prevent and combat violence against women and domestic violence, entered into force on 1 September 2017 and an Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence was established;

G. whereas the Reporters Without Borders World Press Freedom Index shows a slight improvement, with Georgia moving up from 64th place in 2017 to 61st place in 2018;

1. Warmly welcomes the sustained reform track and progress made in implementing the AA and the DCFTA, which has positioned Georgia as a key partner of the EU in the region; calls on the Georgian authorities to continue ensuring stability, further democratic reforms and economic and social improvements for Georgians, who are affected by poverty, unemployment and a high level of economic emigration, as a key factor in winning hearts and minds on the path towards Georgia's sovereignty and territorial integrity within its internationally recognised borders, and towards reinforcing cooperation between the EU and Georgia;

2. Notes with satisfaction that Georgia's European agenda continues to garner cross-party consensus and the support of a majority of Georgian citizens; points out that pursuant to Article 49 of the TEU and in line with the Rome Declaration of 25 March 2017, any European state may apply to become a member of the EU, provided that it upholds the Copenhagen criteria; recalls, in the meantime, the proposal of an 'Eastern Partnership Plus' (EaP+) policy advocated by Parliament in order to unlock additional perspectives; welcomes the initiative by the Georgian Government to draft an EU Integration Road Map aimed at strengthening ongoing relations between the EU and Georgia; welcomes Georgia's active engagement in the activities of the Eastern Partnership multilateral platforms;

3. Commends the Georgian authorities for their recurrent information campaigns on the benefits and economic opportunities stemming from the AA and the DCFTA and for the assistance they have provided in the management of necessary adaptions;

Institutional framework in place to implement the Association Agreement

4. Notes that EU support to Georgia will reach between EUR 371 and 453 million for 2017-2020, with additional funds available under the 'more for more principle' in line with the EU-Georgia Association Agenda; encourages the Commission to provide such assistance proportionally to Georgia's absorption capacity and reform efforts; takes note of Georgia's decision to reduce the total number of ministries from 14 to 11 with the aim of functional optimisation and reducing expenses, and welcomes the decision of the Georgian Government to reallocate the resulting savings to education;

5. Calls for stronger involvement of the Prime Minister and the Minister for Foreign Affairs in providing high-level political oversight to the implementation of the AA, notably through the streamlining of relevant government structures, the coordination and synchronisation of line ministries' plans and their full and effective implementation; welcomes the incorporation of the State Minister's Office for European Integration into the Ministry of Foreign Affairs; suggests, however, that that ownership of European integration should be shared across the whole ministerial apparatus;

6. Welcomes the adoption of a three-year version of the AA/DCFTA Implementation Plan, and invites the authorities to draw up a reform strategy that complements these Plans, focused on outcomes beyond legislation and staff training, and based on expert impact assessment, which should also address interinstitutional cooperation between the Parliament, Government and the presidential administration; encourages, in this context, the Georgian Parliament to step up AA-compliance checks of domestic draft reform proposals;

7. Stresses the need for Georgia to assign highly skilled personnel to implement the Association Agenda; calls, therefore, on the Georgian authorities to guarantee that the structural units dealing with European integration issues in all the ministries are equipped with a sufficient number of specifically qualified officials; calls on the EEAS and/or the Commission to provide assistance in capacity-building and in the training of Georgian officials dealing with AA/DCFTA implementation;

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8. Welcomes the establishment of the Interparliamentary Assembly of Georgia, Moldova and Ukraine and encourages this assembly also to scrutinise the implementation of the AAs;

9. Urges the EEAS and/or the Commission to boost internal capabilities to step up monitoring of the implementation of the AA, notably through an increase in dedicated human resources with in-depth expertise in the Georgian administrative and legal system, as well as to move towards a qualitative assessment of progress, notably through the introduction of screening processes, allowing the level of alignment with the EU *acquis* actually achieved to be assessed, as required by the AA;

10. Underlines the crucial role that civil society, including the social partners, play in the implementation of the AA as actors overseeing the reforms and welcomes their efforts in monitoring the implementation of the agreement; calls on the Georgian authorities to ensure that reforms under AA/DCFTA are carried out with the full involvement of local authorities and civil society representatives as well as the social partners on the issue of achieving a 'European' social model, and calls on the authorities and for the EU to ensure their access, and that of the population in peripheral zones, to information on the implementation of the AA;

11. Emphasises the importance of proactive communication to Georgian citizens about the tangible benefits and goals of the Eastern Partnership as well as the need to fight disinformation through fact-based, accessible and high-quality information in all languages of the partner country; calls on Georgia, with the support of the EU and its Member States to enhance its communication strategy;

12. Welcomes the opening of the Eastern Partnership European School with an International Baccalaureate Programme for students from all Eastern Partnership countries in Tbilisi on 4 September 2018; encourages the Georgian authorities to enhance the role of European studies in the regular school and university curricula;

13. Supports the preliminary findings and conclusions on the first round of the 2018 presidential elections in Georgia as presented by the International Election Observation Mission, including its European Parliament delegation; welcomes the competitive nature of the elections and the absence of cases of violence; deplores Russia's occupation of South Ossetia and Abkhazia, as well as the decision of the de facto ruling authorities in South Ossetia to close the administrative border line with Georgia, preventing many Georgian citizens from casting their ballots; invites the authorities and political parties to address the issues of concern before the second round, notably the misuse of state resources and excessively high caps on campaign financing and the targeting of independent civil society organisations through intense verbal attacks by senior office holders;

Political dialogue

14. Reiterates the fact that the EU's position on Georgia's constitutional reform coincides with the Venice Commission's overall positive assessment; regrets the postponement of the implementation of a fully proportional electoral system until 2024; reiterates its readiness to observe future elections in Georgia and to assist the Georgian authorities in following up on and implementing the recommendations that will be presented; reiterates that the composition of the Central Election Commission should be free from political influence and that the pre-election period should be free from any misuse of administrative resources; calls on the Georgian authorities to conduct a meaningful investigation into the politically motivated violent incidents during the 2016 parliamentary elections;

15. Supports the democratic strengthening of Georgia's political institutions and is dedicated to assisting in this area; notes that Georgia is among the few countries where all branches of power are involved in the Open Governance Partnership; underlines the importance of pursuing an ambitious reform agenda aimed at the political neutrality of state institutions and their staff; stresses the role of the opposition in a parliamentary system and stresses the urgent need to put in place more rigorous mechanisms for scrutinising the executive, including through the ability of Members of Parliament to put questions to ministers and the Prime Minister on a regular basis in order to hold them accountable;

16. Welcomes the effective implementation of the visa-free regime for Georgian citizens since 27 March 2017; takes note of Georgia's compliance with visa liberalisation benchmarks and encourages regular monitoring thereof in order to ensure continued compliance; notes that the introduction of visa-free regimes brings positive results in terms of the development of people-to-people contacts; commends Georgia on the measures taken to promptly address violations of the visa-free regime, and calls on EU Member States to recognise Georgia as a safe country of origin; stresses the importance of stepping up the cooperation between the judicial authorities and the enforcement agencies of Georgia and the EU Member States;

17. Welcomes the continuous implementation of Georgia's Migration Strategy and Action Plan and the strengthening of the rehabilitation of border sectors with Turkey and Azerbaijan;

18. Supports Georgia in its pursuit of a policy of peaceful conflict resolution, reconciliation and engagement and its constructive participation in the Geneva International Discussions; welcomes the Georgian efforts to maintain dialogue with Russia; praises the initiative entitled 'A Step to a Better Future', presented on 4 April 2018, aimed at improving the humanitarian and socio-economic conditions of populations residing in occupied regions and fostering people-to-people contact and confidence building between divided communities;

19. Recalls with regret that after 10 years, the Russian Federation is still continuing its illegal occupation of Georgian territories, and reiterates its unequivocal support for the sovereignty and the territorial integrity of Georgia; takes note of Georgia's European Court of Human Rights (ECtHR) lawsuit against Russia on the use of coercive measures against people living in Abkhazia and South Ossetia and of the adoption by the Georgian Parliament of a resolution establishing the Otkhozoria-Tatunashvili blacklist of people convicted of or under investigation for murder, kidnapping, torture or inhuman treatment; stresses that the international community must take a consistent, coordinated, united and firm stance against Russia's occupation and annexation policy;

20. Urges the Georgian authorities to make further efforts to overcome the existing obstacles and to try to extend the benefits of the AA and the DCFTA to the populations of Abkhazia and the Tskhinvali Region/South Ossetia by improving communication about the new opportunities stemming from the agreement and developing ad hoc trade and economic cooperation projects at local level;

21. Commends Georgia's continued participation in civilian and military crisis management operations under the Common Security and Defence Policy (CSDP); stresses the need to further develop high-level dialogue on security issues between the EU and Georgia, particularly on countering radicalisation, violent extremism, propaganda and hybrid threats;

Rule of law, good governance and media freedom

22. Acknowledges Georgia's results in fighting low and mid-level corruption leading to a good regional ranking in perception indexes; highlights nevertheless that high-level elite corruption remains a serious issue; commends Georgia's implementation of the Anti-Corruption Strategy and its Action Plan; calls on Georgia to ensure that the Anti-Corruption Agency is independent, free of any political interference and separated from the State Security Service; reiterates the importance of an effective separation of powers and a clear dissociation between politics and economic interests, and stresses that fighting corruption requires an independent judiciary and a solid track record of investigations into high-level cases of corruption, yet to be established; considers Georgia as an important partner of the EU in different fields of cooperation such as the fight against terrorism and organised crime;

23. Urges the Georgian authorities to put in place a fully-fledged independent and effective mechanism, separated from the authority of the general prosecutor's office, for investigating and prosecuting cases of abuse by law enforcement officials in order to address the persistent lack of accountability; welcomes, therefore, the creation of the State Inspector's Service for the investigation of human rights violations by law enforcement officers;

24. Is deeply concerned by the pressure being exerted by Turkey on Turkish residents in Georgia, as well as on educational institutions, due to their alleged affiliation to the Gülen movement; urges the Georgian authorities to follow the case closely, ensuring that judicial procedures and any action taken are fully in line with European principles and standards; urges the EU to support and help the Eastern Partnership countries to withstand the pressure exerted over the last few months, in particular, by Turkey;

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25. Takes note of the ongoing judicial reform and signs of greater impartiality and transparency of the judiciary, but recalls the Venice Commission's concerns over proposed legislative amendments, which do not ensure the political neutrality of the Prosecuting Attorneys' Council of Georgia; calls for all the necessary measures to strengthen the justice system — including through a reinforcement of administrative capacity — to be put in place and for the full independence of the Judiciary and the Prosecutor's Office to be guaranteed, and calls for democratic scrutiny of the Ministry of Interior, including the police and the security services, which need overhaul and reform, also with a view to guaranteeing transparency, notably in terms of the selection, appointment and promotion of judges as well as in disciplinary proceedings pertaining to them;

26. Underlines the importance of ongoing public administration reforms; welcomes the newly enacted Civil Service Law and expects its rapid implementation with a view to ensuring a sustainable increase in public confidence;

27. Notes with concern that the Georgian Government has failed to adopt new legislation to improve the public's access to information; deplores the fact that the proposed reform further limits access in this area; calls on the Georgian Government to ensure effective access to public information; recalls that this is an essential commitment made within the framework of the AA;

28. Urges the government of Georgia to pursue the implementation of the public finance management reform;

29. Welcomes the adoption of the National Strategy on Combating Organised Crime;

30. Calls on the Georgian Parliament to consider an amendments package aimed at reforming drug policy legislation in line with its 30 November 2017 Constitutional Court decision;

31. Welcomes the Georgian Parliament's assent to a package of laws to improve the situation of inmates;

Respect for human rights and fundamental freedoms

32. Calls on the Georgian authorities to further operationalise the country's human rights coordination mechanism and strengthen its cooperation in multilateral forums; expresses concern over the lack of progress in the investigation of the abduction of Azerbaijani journalist Afgan Mukhtarli from Tbilisi, which revealed many shortcomings as regards the functioning of the security services, including party-political interference; calls on the Georgian Government to deliver a prompt and credible conclusion to the investigation, and underscores the need for Georgia to ensure a safe and secure environment for human rights defenders residing within its territory to ensure such actions do not happen again;

33. Notes the ECtHR judgment of 28 November 2017 in relation to former Prime Minister Vano Merabishvili, which established a breach of Article 18 of the European Convention on Human Rights by pursuing a 'hidden agenda' and 'ulterior motives' when arresting the former Prime Minister;

34. Stresses the importance of a clear, transparent and human-rights based policy and mechanisms for investigating, prosecuting and compensating human rights violations committed during previous administrations, with the assurance that this process fully respects the principles of the rule of law and due process;

35. Calls on the Georgian authorities to take further steps to uphold fundamental freedoms and human rights, notably for vulnerable groups, by fighting hate speech and discrimination, including on the labour market through an amended Labour Code, against LGBTQI people, Roma people, people living with HIV/AIDS, persons with disabilities and other minorities; calls, in particular, on Georgia to harmonise legislation on the rights of persons with disabilities with the UN Convention on the Rights of Persons with Disabilities, which it ratified in 2014; welcomes Georgia's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), as well as the adoption of the Law on Official Language and the State Strategy for Civic Equality and Integration, and calls for the swift implementation thereof and the creation of an efficient monitoring mechanism;

36. Calls on the Georgian authorities to take further steps to protect women against all forms of violence, sexual abuse and harassment at work and in public places, and to increase the number of women on the labour market and in politics where they remain underrepresented;

37. Calls for a strengthening of the protection of children's rights, including the prevention of violence against children, access to education for all children, including those with disabilities; reiterates the responsibility of the Georgian Government to thoroughly supervise the situation of children in orphanages and religious residential institutions;

38. Recalls the importance of free and independent mass media, editorial independence, as well as pluralism and transparency of ownership in the media environment as key democratic principles; notes with satisfaction the improvements in Georgia as reflected in the 2018 World Press Freedom Index established by Reporters Without Borders; underlines the politicisation of media content; recalls the Rustavi 2 TV channel case;

Trade and economic cooperation

39. Welcomes the emphasis put on job creation as well as labour rights notably through the adoption of the law on occupational safety to effectively tackle the dramatic human toll of incidents at work; urges the Georgian Parliament to broaden the scope of the law to avoid exemptions; reminds the Georgian authorities of the obligation to respect international labour rights standards, and stresses the need to transform the Labour Conditions Inspection Department into a fully-fledged and independent labour inspection system aligned with ILO convention 81 to improve safety at work and reduce undeclared work; calls for an end to discrimination by employers against those availing themselves of their trade union rights; is concerned by child labour and insufficient freedom of association for trade unions; recalls that occupational safety according to the requirements of the AA is of critical importance;

40. Notes that the EU is Georgia's largest trade partner, representing almost a third of total trade, as well as the most significant donor and largest source of foreign direct investment; welcomes the implementation of key structural reforms aimed at the improvement of the economic and business environment and maximisation of the benefits provided by the DCFTA; notes positively the progress Georgia has made in the approximation of its legislation in trade-related areas, including sanitary and phytosanitary measures, but calls for more progress in food safety; underlines the importance of ongoing structural reforms related to the improvement of the investment climate in Georgia; stresses the need for the Georgian authorities to guarantee a fair distribution of the results of the Georgian economy's growth among the population, and of implementation of the AA for the benefit of SMEs;

41. Notes with satisfaction that some new products have begun to be exported to the EU, although Georgia still predominantly exports agricultural commodities and raw materials; encourages the Commission to support Georgia in identifying the areas that could further foster economic diversification and in prioritising them in the process of DCFTA implementation; recommends that Georgia consider a diversification strategy for products exported to EU markets;

42. Notes positively the progress in the area of public procurement with planned alignment of legislation by 2022; stresses the importance of an impartial and independent review body; urges the Government of Georgia to improve the transparency of the public procurement system, in particular by reducing exemptions from open bidding in procurement law in order to reduce the overall volume of non-competitive contracting;

43. Welcomes Georgia's accession to the pan-Euro-Mediterranean Convention on Rules of Origin, which will allow cumulation of origin in the framework of the DCFTA; encourages Georgia, similarly, to accede to the Convention on Common Transit;

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Energy and other areas of cooperation

44. Welcomes Georgia's membership of the Energy Community and the progress towards the integration of Georgia's energy market with that of the EU through regulatory convergence, in accordance with the AA and the Energy Community Treaty; firmly believes this goes further to meeting the conditions for a pan-European energy mix in line with the Paris Agreement on measures to combat climate change and Goal 10 of the UN 2030 Agenda for Sustainable Development regarding measures to combat energy poverty; urges the Georgian authorities to make all the necessary efforts to step up the adoption of the EU Energy *Acquis* with the support of the EU, as well as scientific cooperation and innovation development in the field of energy efficiency and renewable energy; notes that plans such as the incorporation of the Ministry of Energy into the Ministry of Economy and Sustainable Development should be taken in close coordination with the Georgian Parliament;

45. Recommends that the Georgian authorities develop a robust national energy strategy, reduce the level of energy subsidies and strengthen the security of energy supplies and energy independence; encourages the development of renewable energy and energy efficiency and the adoption of the necessary laws, as well as an adaptation of the institutional framework; encourages the strengthening of energy transit functions;

46. Stresses the need for further implementation efforts to be carried out in the sphere of transport and environment; urges the Georgian Government to adopt a strategy for combating air pollution; calls on the Georgian authorities to increase public participation in environmental decision-making and the extent to which environmental information is shared to stimulate public interest;

47. Recalls that environmental governance is a key feature of the AA requirements; welcomes the entry into force of a new Environmental Impact Assessment Code in line with EU legislation as well as the adoption of the roadmap for the Climate Action Plan; calls for further alignment of national environmental policies with EU targets to fight climate change, in line with the 2015 Paris Agreement and, in particular, the finalisation and adoption the Low Emission Development Strategy;

48. Notes that Georgia has committed to effectively implementing multilateral environmental agreements under the Trade and Sustainable Development (TSD) chapter, which needs further improvement;

49. Takes note of the plan of the Georgian Government to further develop hydropower; calls, in this context, on the Georgian authorities to adopt and comply with EU standards in all of the projects and, in particular, to apply an open and transparent Environmental Impact Assessment procedure involving all the relevant stakeholders in the main stages of the decision-making process;

Institutional provisions

50. Considers that involving the Georgian authorities from the time of the drafting of relevant legislation onwards is useful in order to make the process more inclusive and to reduce transition costs for Georgia, and calls on the Commission to make full use of *ex ante* information-sharing mechanisms;

51. Reiterates its resolve to increase its monitoring of the implementation of international agreements with the EU's Eastern partners; calls once more on the Commission and the EEAS to transmit to Parliament and the Council more frequent detailed written reports on the implementation of these agreements;

52. Notes that the evaluation of DCFTA implementation is very much focused on trade flows and trade irritants; calls on the Commission to monitor and assess the implementation of the DCFTA appropriately, with special attention being paid to the transposition and implementation of the *acquis* and to the impact on Georgian society, and to provide public and comprehensive annual reporting, including on the technical and financial support provided by the EU;

53. Calls on the Council and the Commission to continue to use all possible leverage to encourage and assist Georgia in its efforts to implement the DCFTA effectively, and recalls that sustainable implementation of the DCFTA cannot rely solely on assistance from the EU side, but requires independent administration from the Georgian side, with a view to promoting increased trade flows, a reduction in the bureaucratic burden and the simplification of administrative procedures; calls on both sides to offer greater support to Micro, Small and Medium-Sized Enterprises (MSMEs) and to provide technical assistance; urges the Commission to consider setting up a support group for Georgia, similarly to the one created for Ukraine;

54. Calls on the EEAS and/or the Commission to publish all of the annual association implementation reports at the same time, and to simultaneously publish a comparative evaluation of the degree of progress towards AA/DCFTA implementation by each associated partner, measured against specific benchmarks;

55. Resolves to draw up annual reports on the implementation of the AAs;

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56. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the governments and parliaments of the Member States and the Government and Parliament of Georgia.

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P8_TA(2018)0458

Implementation of the EU-Moldova Association Agreement

European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Moldova (2017/2281(INI))

(2020/C 363/08)

The European Parliament,

— having regard to Article 8 and to Title V, notably Articles 21, 22, 36 and 37, of the Treaty on European Union (TEU), as well as to Part Five of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, which fully entered into force on 1 July 2016,

— having regard to its previous resolutions, notably those of 5 July 2018 on the political crisis in Moldova following the invalidation of the mayoral elections in Chișinău ([1]), of 15 November 2017 on the Eastern Partnership in the run-up to the November 2017 Summit ([2]), of 4 July 2017 on providing macro-financial assistance to the Republic of Moldova ([3]) and of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine ([4]),

— having regard to the signing, in November 2017, of a Memorandum of Understanding, a Loan Facility Agreement and a Grant Agreement on micro-financial assistance worth EUR 100 million for the period 2017-2018,

— having regard to the Moldovan National Action Plan on the Implementation of the Moldova-European Union Association Agreement in 2017-2019 (NAPIAA),

— having regard to the European Commission and European External Action Service (EEAS) joint staff working document on the Association Implementation Report on Moldova of 3 April 2018 (SWD(2018)0094),

— having regard to the Joint Declarations of the Eastern Partnership Summits, most recently that of 24 November 2017 in Brussels,

— having regard to the conclusions of the Foreign Affairs Council on the Republic of Moldova of 26 February 2018,

— having regard to the report of Transparency International entitled 'The State of Corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine', published on 2 July 2015,

— having regard to the opinions and recommendations of the Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (ODIHR) and of the Council of Europe's Venice Commission, notably that of the 15 March 2018 on the electoral reform in Moldova,

— having regard to the recommendations by and activities of the Euronest Parliamentary Assembly, the Eastern Partnership Civil Society Forum and other representatives of civil society in Moldova,

— having regard to the outcome of the mission of the Committee on Foreign Affairs to Moldova on 3 and 4 April 2018,

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([1]) Texts adopted, P8_TA(2018)0303.
([2]) OJ C 356, 4.10.2018, p. 130.
([3]) OJ C 334, 19.9.2018, p. 199.
([4]) OJ C 11, 12.1.2018, p. 82.

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— having regard to the expert studies drawn up for the Committee on Foreign Affairs, including the study on 'The electoral reforms in three association countries of the Eastern Neighbourhood — Ukraine, Georgia and Moldova and their impact on political developments in these countries', published on 26 October 2017 ([1]), the European Implementation Assessment entitled 'Association agreements between the EU and Moldova, Georgia and Ukraine', published on 28 June 2018 ([2]) and the comparative study entitled 'The Development of an Institutional Framework for the Implementation of the Association Agreements in Georgia, Moldova and Ukraine', published in July 2018 ([3]),

— having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0322/2018),

A. whereas political and economic relations between the European Union and the Republic of Moldova have deepened in the framework of the Eastern Partnership and in particular with the signing, on 27 June 2014, and entry into force, on 1 July 2016, of the EU-Moldova Association Agreement (AA) including a Deep and Comprehensive Free Trade Area (DCFTA);

B. whereas the AA is based on common values which include 'respect for the democratic principles, human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe, and the Charter of Paris for a New Europe of 1990';

C. whereas, through this agreement, Moldova committed to major domestic reforms on the basis of EU laws and practice, in a wide range of areas conducive to good governance, economic development and strengthened cooperation with the EU; whereas, in support of these efforts, the EU committed to provide substantial financial and budgetary assistance to Moldova, amounting to EUR 1,14 billion of allocated funds since 2007, plus regional programme funding;

D. whereas the DCFTA allows for privileged access for goods and services from Moldova to the EU market; whereas, as a consequence of the DCFTA, EU-Moldova trade increased by 20 % in 2017, to EUR 4 billion; whereas the EU is currently Moldova's biggest trading partner, accounting for over 55 % of total trade; whereas the EU is also the biggest investor in Moldova; whereas initial data for 2018 confirms the positive trend; whereas Moldova's preferences utilisation rate of 90 % shows how the DCFTA has been beneficial to Moldovan businesses, workers and citizens; whereas progress has been made in essential areas such as sanitary and phytosanitary measures, technical barriers to trade, customs and public procurement; whereas domestic advisory groups (DAGs) were set up in accordance with the provisions of the trade and sustainable development chapter and have met three times to date;

([1]) Study entitled '*The electoral reforms in three association countries of the Eastern Neighbourhood — Ukraine, Georgia and Moldova*', European Parliament, 26 October 2017.

([2]) European Implementation Assessment entitled '*Association agreements between the EU and Moldova, Georgia and Ukraine*', European Parliament, 28 June 2018.

([3]) Study entitled '*The Development of an Institutional Framework for the Implementation of the Association Agreements in Georgia, Moldova and Ukraine*', European Parliament, July 2018.

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E. whereas, in exchange for reforms in Moldova in the areas of justice and security including in the fight against corruption, the EU also agreed in 2014 to visa-free travel to the Schengen area for Moldovan citizens holding a biometric passport; whereas more than 1,5 million Moldovan citizens have benefited from this visa-free regime over the first four years of its implementation;

F. whereas the EU has repeatedly expressed concern as regards the deterioration of democratic standards through recent decisions by the Moldovan authorities, including the June 2018 invalidation of the local elections in Chișinău on dubious grounds and in a non-transparent way, the July 2017 electoral reform adopted despite the negative recommendations of the ODIHR and the Venice Commission, the lack of progress in the prosecution of those responsible for the USD 1 billion bank fraud unveiled in 2014 and the increase in breaches of human rights, notably targeting independent judges, journalists and political opponents;

G. whereas, as a result of these developments, in 2017, the EU did not pay the last two instalments under the budget support programme for justice sector reforms because the Moldovan authorities showed insufficient commitment to reforming this sector and, in 2018, the EU suspended the disbursement of the first instalment of the macro-financial assistance due to the non-fulfilment of the political conditions annexed to the 4 July 2017 decision of the European Parliament and of the Council which specified that 'a pre-condition for granting macro-financial assistance is that the beneficiary country respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law and guarantees respect for human rights';

H. whereas, since these decisions, more recent developments have further raised concerns, notably the so-called 'fiscal reform package' adopted in July 2018, the tax amnesty scheme of which increases the risk of money laundering, as well as the further pressure exerted on the opposition and its peaceful demonstrations and on small independent media outlets struggling to maintain their activities despite the adoption, in July 2018, of the new Audiovisual Media Services Code;

I. whereas Transparency International ranked Moldova 122nd out of 180 in its 2017 Corruption Perceptions Index, together with Azerbaijan and Mali; whereas Reporters Without Borders ranked Moldova 81st out of 180 in its World Press Freedom Index, down from 56th place in 2014;

General principles and common values

1. Underlines the importance of the AA/DCFTA, and takes note of the progress achieved by Moldova to date; insists, however, that full implementation of the AA/DCFTA, with regard, in particular, to political reforms, must be a top priority, enabling a further deepening of the country's relations with the EU, for the benefit of all Moldovan citizens, as well as unlocking additional perspectives in line with the Eastern Partnership Plus (EaP+) policy advocated by Parliament;

2. Praises the courageous agents for positive change in Moldova, notably those leading the efforts, which should be pursued, in line with the calls from the EU and International Monetary Fund (IMF) to reform the banking sector following the 2014 bank fraud worth USD 1 billion (equal to 12 % of GDP); welcomes the IMF's successful evaluation of July 2018 of the implementation of the IMF-supported programme; calls on Moldovan politicians and the judiciary as a whole to join in with these efforts to reform the country and fight corruption in line with the commitments of the AA, as a lack of political will is one of the main bottlenecks for credible reform; calls on all political forces to engage in constructive dialogue in the interest of the country;

3. Expresses grave concern about backsliding in relation to democratic standards in Moldova, with core values, to which Moldova had subscribed notably as part of the AA, such as democracy — including fair and transparent elections respecting the will of the citizens, as well as a multi-party democratic system — and the rule of law — including the independence and impartiality of the judiciary — being undermined by the ruling political leaders colluding with business interests and unopposed by much of the political class and the judiciary, resulting in the Republic of Moldova being a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media and leading to highly unsatisfactory implementation of legislation with little benefit for the citizens; reiterates its determination to focus on the fulfilment of commitments to uphold common values rather than unconvincing so-called 'geopolitical' arguments;

4. Regrets the deliberate violation of the political conditions relating to democratic standards in Moldova, in particular the recent changes in national electoral legislation, which did not address some of the key recommendations of the joint opinion of the ODIHR and the Venice Commission, as well as the suspension of Dorin Chirtoacă from the Chișinău mayor's office and the invalidation of the election of Andrei Năstase, which have led the EU to put on hold its disbursement of macro-financial assistance (MFA) and outstanding payments of budget support;

5. Reiterates its position that any decision on future MFA disbursement should only take place after the parliamentary elections scheduled for February 2019 and on condition that they are conducted in line with internationally recognised standards and assessed by specialised international bodies, and that the payment of all budget support programmes should remain on hold until meaningful progress in democratic standards takes place including reform of the judiciary and judicial action against the persons responsible for the bank fraud in line with the European Parliament resolution of 5 July 2018; calls, in the meantime, on the Commission and the EEAS to continue reallocating funds to support civil society and independent media in Moldova, as well as the private sector and local authorities, including through new partnership and development projects, preferably coordinated with assistance from other EU countries and to coordinate efforts with other organisations such as the IMF to ensure greater coherence in terms of financial assistance conditionality; awaits with caution the outcome of the review of electoral legislation by the Moldovan Parliament's Legal Committee for appointments and immunities; calls on the European Commission to develop a mechanism to monitor reforms, including clear benchmarks;

6. Recalls the contents of Articles 2 and 455 of the AA, in accordance with which respect for democratic principles constitutes an essential element of the AA, which, if violated, may also lead to the suspension of rights related to this agreement; recalls that much effort is needed to continue fulfilling the anti-corruption and anti-money laundering benchmarks; demands that any future agreement is also conditional on a reform of the judiciary and thorough investigation and prosecution of those responsible for the USD 1 billion fraud; recalls also the anti-corruption and anti-money laundering benchmarks related to the visa liberalisation policy;

Institutional framework in place to implement the Agreement

7. Welcomes the adoption of many laws in line with Moldova's commitments as part of the AA; underlines nevertheless the importance of swift and full implementation of these laws in order to reach the ultimate objective of the AA of delivering tangible and sustainable improvements to the living conditions of ordinary citizens in Moldova;

8. Calls for stronger involvement of the Parliament, the Prime Minister and the Minister of Foreign Affairs and European Integration of Moldova in providing high-level political oversight and scrutiny of the implementation of the AA, notably through the continued streamlining of relevant parliamentary and governmental structures and the enhancement of their administrative capacities, and the coordination and synchronisation of line ministries' plans and their full and effective implementation;

9. Welcomes the establishment of the interparliamentary assembly of Georgia, Moldova and Ukraine and its first meeting held on 8-9 June 2018 in Kyiv; encourages this assembly to also scrutinise the implementation of the Association Agreements;

10. Urges the Moldovan authorities to put more effort into AA implementation and organise its actions — notably through the National Action Plan for the Implementation of the Association Agreement (NAPIAA) itself — according to specific sectors and the specific results to be generated, rather than according to articles of the AA, in order to develop a detailed prioritisation and sequencing of measures, driven by impact assessment and drawn up by dedicated expert units;

11. Calls on the EEAS and the Commission to set up, subject to progress on democratic standards, a dedicated EU Support Group for Moldova, in order to increase the delivery of expertise, notably on the approximation of Moldovan legislation with that of the EU, and to coordinate, when the conditions are fulfilled, the delivery of financial assistance to Moldova in support of the implementation of the AA;

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12. Urges the EEAS and the Commission to boost internal capabilities to step up monitoring of the implementation of the AA, notably through a significant increase in dedicated human resources, as well as to move towards a qualitative assessment of progress, notably through the introduction of screening processes to assess the level of alignment with the EU *acquis* that is actually achieved as required by the AA;

13. Welcomes the enhanced ministerial-level dialogue with Moldova and other associated partners on association-related reforms in the area of trade and supports, subject to progress on democratic standards, the launch of such dialogues in other areas covered by the AA, including political issues, justice, freedom and security, and sectoral cooperation;

14. Recalls and supports the opinion of the Venice Commission on electoral reform in Moldova, according to which the change towards a mixed electoral system for parliamentary elections lacked consensus (other than from the Democratic and Socialist parties) and may lead to candidates being unduly influenced by business interests; reiterates, therefore, its call on the Moldovan authorities to improve the electoral system in order to ensure that future elections reflect the will of the Moldovan citizens rather than of a select few; calls on the Moldovan authorities also to fully implement the ODIHR recommendations, notably on party financing and media freedom and pluralism; reaffirms Parliament's readiness to observe Moldova's next parliamentary elections;

Political dialogue and reform, cooperation in the field of common foreign and security policy (CFSP)

15. Expresses concern about last minute changes to the Audiovisual Media Services Code adopted in July 2018 that were not subjected to consultations with civil society; urges the Moldovan authorities to fully implement the Code in line with European standards of media freedom and pluralism as recommended by the European Commission and the Venice Commission; emphasises the importance of genuine consultations with civil society and independent media in this process and of adopting a new law on advertising; stresses the need to avoid all attempts to undermine media pluralism, notably those that would further encourage the cartelisation of the media market and related advertising market; urges the Moldovan authorities to adopt the new law on advertising following a genuine consultation with civil society; notes with concern that, currently, the media is highly monopolised and subordinate to the country's political and business groups; calls for transparency of media ownership and the provision of dedicated assistance to independent media, especially local outlets, to in order comply with the Code's requirements regarding obligatory local content; stresses the importance of ensuring genuine independence of the media regulatory agency;

16. Welcomes the reform efforts in the areas of public administration and public financial management and encourages further steps to be taken to increase transparency;

17. Welcomes the good cooperation on CFSP matters, notably the high rate of alignment with the CFSP Declarations and the participation in common security and defence policy (CSDP) missions and operations, as well as Moldova's cooperation with NATO; takes note of the progress in adopting a new National Defence Strategy and the Action Plan for its implementation for 2017-2021, following the withdrawal of the National Security Strategy by the President of Moldova; welcomes the entry into force of the EU-Moldova agreement on the exchange of classified information;

18. Commends the Moldovan authorities for the incremental improvement of relations with Tiraspol, notably with the implementation of confidence-building measures including the opening of the Gura Bîcului-Bîcioc bridge and the signing of six additional protocols, improving the lives of citizens on both sides of the Nistru river; reiterates the EU's firm commitment to and support for the sovereignty and territorial integrity of Moldova and the efforts to reach a peaceful solution to the Transnistrian issue; supports unconditionally the efforts of the OSCE, the EU and other stakeholders and encourages the authorities to cooperate in particular with SMEs from Transnistria, to further build on this level of engagement, to make additional efforts in promoting human rights and to abide by all ECHR decisions; calls on the Moldovan authorities to undertake additional efforts for the implementation of an amended law of the special legal status of Gagauzia;

Rule of law and good governance

19. Urges the authorities to ensure the independence, impartiality and effectiveness of the judiciary and specialised anti-corruption institutions, including the Superior Council of Prosecutors, the National Anticorruption Centre and the Anticorruption Prosecutor Office, the National Integrity Authority and the Criminal Assets Recovery Agency, notably through maintaining the allocation of adequate resources to guarantee transparent selection procedures with the participation of independent expert recruiters and adopting constitutional amendments, in line with recommendations of the Venice Commission, aimed notably at removing the initial five-year appointment term for judges, changing the composition and strengthening the role of the Superior Council of Magistracy and removing the Moldovan Parliament's powers to appoint judges of the Supreme Court; remains deeply concerned with the selective justice practices of the Moldovan judiciary and points out that, according to the latest Transparency International reports, it suffers from limited independence from the executive and is used as an instrument against political opponents and business interests; notes the importance of establishing a solid track record of investigations in corruption cases, including into high-level profiles;

20. Welcomes legislative amendments adopted in July 2018 meant to strengthen merit-based selection and promotion of judges, as well as their accountability;

21. Reiterates its calls, based on the findings and recommendations of the first and second Kroll reports, which should be published in full, for a swift and transparent prosecution of all those responsible for the USD 1 billion bank fraud unveiled in 2014, as well as the recovery of stolen assets; takes note of the strategy on asset recovery adopted by the Moldovan authorities but notes with concern that the investigation into this case has been conducted rather ineffectively; stresses the need for the courts to stop failing to follow up on solid evidence and to promptly examine the cases that are pending or undergoing investigation, notably that of Ilhan Shor, in open hearings; emphasises that the political choice to bail out the banks with public finances further increased the severe loss of trust in Moldovan politics; calls on the Council to consider personal sanctions and on relevant EU Member States to provide support to the investigation;

22. Expresses concern about the increased risk of money laundering following the hasty adoption of the so-called 'fiscal reform package' in July 2018, which includes a tax amnesty scheme which may legalise assets acquired illicitly; calls for the package to be amended in order to close such loopholes and, in the meantime, commits to remaining very attentive to its implementation, in coordination with the Commission, EEAS and other international organisations;

23. Stresses the need also to address and deter other occurrences of organised crime, including arms smuggling, human trafficking and large-scale money laundering, notably from Russia; underlines the responsibility of judges in upholding the rule of law and stresses that lawfully convicted judges should carry out their sentences;

24. Calls for direct online consultations of the electronic declarations of senior political and administrative individuals' assets to be enabled, following Ukraine's example;

25. Calls on the Moldovan authorities to respect international principles and uphold best practices that guarantee an enabling environment for civil society; underlines the essential role of civil society in monitoring the implementation of reforms as well as in promoting the transparency and accountability of public institutions; expects, in particular, that no future legislation will curb either national or foreign funding for Moldovan NGOs and CSOs, or will unduly increase the administrative and reporting burden on them; regrets that, in a number of cases, citizens' participation has been restricted, for example with the rejection by the Central Electoral Commission in March 2018 of the application to organise a referendum over changes to the electoral system;

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Respect for human rights and fundamental freedoms

26. Expresses concern about signs of a further shrinking of space for the country's civil society, and calls on the authorities to immediately halt undue or disproportionate criminal proceedings, some of which have been brought about through fabricated accusations, and selective justice against political opponents, their lawyers and/or their families; criticises the fact that process monitoring by EU Member States or the EEAS delegation is increasingly inhibited by the exclusion of the public from trials; expresses specific concerns about proceedings that target human rights defenders, independent judges such as Domnica Manole and Gheorghe Bălan, journalists and critics of the government or of the President of the Democratic Party of Moldova, Vladimir Plahotniuc; urges the authorities to guarantee the right to a fair trial and the respect of human rights in detention premises; stresses the need for effective investigations into allegations of torture in detention and psychiatric institutions; calls on the authorities also to guarantee freedom of assembly and expression and, in particular, the holding of peaceful demonstrations, and for the strict respect of this fundamental right in accordance with international standards;

27. Welcomes the adoption of a new National Gender Equality Strategy in 2017, and calls on the authorities to ensure its full implementation;

28. Calls on the authorities to significantly step up efforts to uphold human rights and fundamental freedoms, notably for vulnerable groups, by fighting hate speech, violence, social exclusion and discrimination, which all remain of great concern, against LGBTQI people, persons with disabilities and minorities such as the Roma population, as well as hate speech and discrimination based on gender or political affiliation;

29. Strongly condemns the recent extradition/abduction of Turkish citizens to Turkey due to their alleged links to the Gülen movement, in violation of the rule of law and basic human rights; urges the Moldovan authorities to ensure that any extradition requests coming from third countries are processed in a transparent manner while following judicial procedures fully in line with European principles and standards;

Trade and economic cooperation

30. Welcomes the significant increase in Moldovan imports into the EU as a result of the entry into force of the DCFTA and the fact that the EU is the largest investor in Moldova but deplores the fact that this has not lead to an improvement in the social and economic situation of citizens; warns that failure to make progress in improving the standard of living of the population threatens the citizens' approval of the country's pro-European orientation;

31. Recalls the importance of an independent judiciary and of the fight against corruption as well as a decrease in administrative and bureaucratic burdens in improving the investment and business climate;

32. Encourages further progress in the areas of sanitary and phytosanitary standards and the protection of geographical indications;

33. Calls for effective compliance with trade and sustainable development clauses and international commitments, and specifically the proper implementation of ILO core conventions.

34. Considers regulatory approximation with the EU *acquis* to be the key dimension of the DCFTA because actual access to the EU market and reform very much depend on the appropriate implementation and enforcement of relevant legislation; is aware of the significant challenge this represents for governance, institutions and public administration in Moldova and encourages the Commission to provide adequate technical and financial support;

Energy and other areas of cooperation

35. Welcomes the promulgation of the Energy Law in 2017 as a further step towards the transposition of the Third Energy Package and encourages concrete steps to ensuring the independence of the energy regulatory agency ANRE; acknowledges Moldova's efforts towards promoting renewable energy sources and energy efficiency and considers it crucial to strengthen agro-ecological farming methods in the framework of sustainable rural development;

36. Calls for more determined action in the areas of environmental protection, notably as regards the management of water from the Nistru river, waste management and climate change, notably in terms of implementing and coordinating legislation;

Institutional provisions

37. Calls for the EU, the Member States and Moldova to further increase communication efforts on the implementation of the AA and the expected benefits to the citizens of Moldova of related reforms and of closer integration with the European Union; highlights the need to fight Russian disinformation through fact-based and accessible quality information in all of the main languages used in Moldova;

38. Reiterates its resolve to increase its monitoring of the implementation of international agreements with the EU's eastern partners; calls once more on the Commission and the EEAS to transmit to the Parliament and the Council more frequent and regular written reports on the implementation of these agreements;

39. Considers that the practice of involving Moldovan authorities from the stage of drafting relevant legislation is useful in that it makes the process more inclusive and reduces transition costs for Moldova, and calls on the Commission to make full use of the ex-ante consultation processes;

40. Notes that the evaluation of DCFTA implementation is very much focused on trade flows and trade irritants; calls on the Commission to monitor and assess the implementation of the DCFTA in an appropriate manner, paying special attention to transposition and implementation of the *acquis*, as well as to the impact on Moldovan society, and to ensure public and comprehensive annual reporting, including on the technical and financial support provided by the EU;

41. Calls on the EEAS and the Commission to publish all the annual association implementation reports at the same time and to simultaneously publish a comparative evaluation of the level of progress towards AA/DCFTA implementation by each associated partner, against specific benchmarks;

42. Resolves to draw up annual reports on the implementation of the Association Agreements;

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43. Instructs its President to forward this resolution to the Council, the European Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and to the President, Government and Parliament of the Republic of Moldova.

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P8_TA(2018)0459

Vietnam, notably the situation of political prisoners

European Parliament resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners (2018/2925(RSP))

(2020/C 363/09)

The European Parliament,

— having regard to its previous resolutions, notably those of 14 December 2017 on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa [1], and of 9 June 2016 on Vietnam [2], in particular regarding freedom of expression,

— having regard to the EU-Vietnam Partnership and Cooperation Agreement signed on 27 June 2012,

— having regard to the 7th EU-Vietnam Human Rights Dialogue of 1 December 2017,

— having regard to the statements by the Spokesperson of the EEAS of 9 February 2018 on the sentencing of human rights defenders in Vietnam and of 5 April 2018 on the sentencing of human rights activists in Vietnam,

— having regard to the local EU statement of 20 August 2018 on the recent conviction of Mr Le Dinh Luong,

— having regard to the EU Guidelines on Human Rights Defenders,

— having regard to the statements of UN experts of 23 February 2018 urging the release of activists jailed for protesting a toxic spill, and of 12 April 2018 calling for change after the jailing of rights defenders,

— 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 decision of the European Ombudsman of 26 February 2016 in case 1409/2014/MHZ on the European Commission's failure to carry out a prior human rights impact assessment of the EU-Vietnam Free Trade Agreement,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas according to the Vietnamese Political Prisoner Database, compiled by The 88 Project, an estimated 160 activists are serving prison sentences in Vietnam and around 16 activists are being held in pre-trial detention;

B. whereas Vietnamese authorities continue to imprison, detain, harass and intimidate human rights defenders, journalists, bloggers, human rights lawyers and civil society activists in the country; whereas human rights defenders have faced long prison sentences for their human rights work and for exercising their fundamental right to freedom of expression, either online or offline, in contravention of the country's obligations under international law;

C. whereas political and human rights activists face harsh conditions in detention, including denial of access to medical care, legal counsel and family contact;

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(1) OJ C 369, 11.10.2018, p. 73.
(2) OJ C 86, 6.3.2018, p. 122.

D. whereas freedom of religion or belief is repressed in Vietnam and the Catholic Church and non-recognised religions, such as the Unified Buddhist Church of Vietnam, several Protestant churches and others, including ethnic minority Montagnards, continue to suffer severe religious persecution;

E. whereas Hoang Duc Binh was sentenced to 14 years in prison for blogging about protests regarding the Formosa disaster; whereas Nguyen Nam Phong was sentenced to two years in prison for allegedly refusing to obey orders from public officials while driving to a protest; whereas their efforts have been key in raising awareness and ensuring accountability in relation to the Formosa steel plant spill;

F. whereas in April 2018 members of the Brotherhood for Democracy were sentenced to prison terms of between seven and 15 years as part of an extensive enforcement of the national security provisions of the Criminal Code; whereas in September 2018 Nguyen Trung Truc, another member of this group, was sentenced to a 12-year prison term on charges of trying to overthrow the state;

G. whereas Mr Le Dinh Luong, a human rights defender who has peacefully advocated the promotion and protection of human rights, was sentenced on 16 August 2018 under the national security provisions of the Criminal Code to 20 years in prison and five years of house arrest; whereas representatives of the EU delegation and of EU Member States' embassies were not allowed to observe the trial; whereas many other cases exist of human rights defenders and other prisoners of conscience suffering a similar fate;

H. whereas on 12 April 2018 a group of UN experts, the Special Rapporteur on the situation of human rights defenders, the Chair-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, urged Vietnam not to crack down on civil society or stifle dissent;

I. whereas the Criminal Code of Vietnam contains repressive provisions which are abusively used to silence, arrest, detain, sentence or restrict the activity of human rights activists, dissidents, lawyers, trade unions, religious groups and non-governmental organisations, notably those that express critical views of the Government of Vietnam;

J. whereas the Vietnamese Government continues to prohibit the operation of independent or privately-owned media outlets and exerts strict control over radio and TV stations and printed publications; whereas in April 2016, the National Assembly passed a media law strongly restricting press freedom in Vietnam;

K. whereas on 12 June 2018 Vietnam's National Assembly passed a cyber-security law aimed at tightening online controls, which requires providers to delete posts considered 'threatening' to national security; whereas this law places harsh restrictions on freedom of expression online and aims at greatly threatening the right to privacy;

L. whereas on 1 January 2018 Vietnam's first ever law on belief and religion came into effect, obliging all religious groups in the country to register with the authorities and to inform them about their activities; whereas the authorities can reject or hinder registration applications and ban religious activities which they arbitrarily deem to be contrary to the 'national interest', 'public order' or 'national unity'; whereas with this law, the government has institutionalised its interference in religious affairs and state supervision of religious groups;

M. whereas Vietnam ranks 175th out of 180 on the Reporters Without Borders Press Freedom Index 2018;

N. whereas the death penalty continues to be applied in Vietnam but the number of executions is unknown, since the Vietnamese authorities classify death penalty statistics as a state secret; whereas Vietnam reduced the number of crimes punishable by death from 22 to 18 in January 2018;

O. whereas Vietnam has not yet ratified fundamental ILO conventions, namely Convention 98 on the Right to Organise and Collective Bargaining, Convention 105 on the Abolition of Forced Labour, and Convention 87 on the Freedom of Association and Protection of the Right to Organise;

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P. whereas the EU-Vietnam Human Rights Dialogue is an important avenue for ongoing comprehensive discussion of issues of concern to the EU, including the full respect of the fundamental rights to freedom of expression, association and peaceful assembly; whereas the relationship between the European Union and Vietnam must fundamentally be based on respect for human rights, democracy and the rule of law, and on upholding international standards in that regard;

Q. whereas a clear link exists between the Partnership and Cooperation Agreement (PCA) and the EU-Vietnam Free Trade Agreement (FTA), whereby both parties committed to fulfil their human rights obligations;

1. Condemns the continuing violations of human rights in Vietnam, including the sentencing, political intimidation, surveillance, harassment, assaults and unfair trials of political activists, journalists, bloggers, dissidents and human rights defenders for exercising their freedom of expression either online or offline, in clear violation of Vietnam's international human rights obligations;

2. Calls on the Vietnamese authorities to immediately and unconditionally release all human rights defenders and prisoners of conscience detained or sentenced for merely exercising their right to freedom of expression, including Hoang Duc Binh, Nguyen Nam Phong, Nguyen Trung Truc and Le Dinh Luong, and to drop all charges against them;

3. Reiterates its call on the Vietnamese authorities to end all restrictions and acts of harassment against human rights defenders and to guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisal and free from all restrictions including judicial harassment; calls on the Government of Vietnam to remove all restrictions on freedom of religion and to put an end to the harassment of religious communities;

4. Insists that the Vietnamese Government must ensure that the treatment of all detainees is in line with international standards; stresses the fact that the right to access lawyers, medical professionals and family members is an important safeguard against torture and ill treatment, and is critical to the right to a fair trial;

5. Condemns the abuse of repressive legal provisions restricting fundamental rights and freedoms; calls on the authorities of Vietnam to repeal, review or amend all repressive laws, notably its Criminal Code, its law on cybersecurity and the law on belief and religion, and to ensure that all legislation is in conformity with international human rights standards and obligations, including the ICCPR, to which Vietnam is a party; calls on the government to bring legislation regulating public gatherings and demonstrations into conformity with the rights of free assembly and association;

6. Calls on Vietnam to sign and ratify all relevant human right treaties of the United Nations and the Rome Statute of the International Criminal Court, as well as ILO Conventions No. 87, No. 98 and No. 105;

7. Urges Vietnam to issue a standing invitation to the Special Procedures of the UN Human Rights Council, in particular the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on human rights defenders;

8. Calls on the authorities of Vietnam to recognise independent labour unions;

9. Calls for the EU to monitor and work with the authorities and all relevant stakeholders to improve the human rights situation in Vietnam;

10. Reiterates its opposition to the death penalty in all circumstances; calls on the Vietnamese authorities to introduce an immediate moratorium on the use of the death penalty as a step towards abolition; calls on the authorities of Vietnam to review all death sentences in order to ensure that these trials adhered to international standards;

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11. Calls on the EEAS and the Commission to support civil society groups and individuals defending human rights in Vietnam in an active manner, including by calling for the release of human rights defenders and prisoners of conscience in all contacts they hold with Vietnamese authorities; urges the EU delegation in Hanoi to provide all appropriate support to imprisoned human rights defenders and prisoners of conscience, including by arranging prison visits, monitoring trials and providing legal assistance;

12. Calls on EU Member States to intensify their efforts to press for concrete human rights improvements in Vietnam, including during the upcoming Universal Periodic Review of Vietnam at the UN Human Rights Council;

13. Reiterates its call for an EU-wide ban on the export, sale, update and maintenance of any form of security equipment which can be or is used for internal repression, including internet surveillance technology, to states with a worrying human rights record;

14. Welcomes the strengthened partnership and Human Rights Dialogue between the EU and Vietnam and recalls the importance of the Dialogue as a key instrument to be used in an efficient manner to accompany and encourage Vietnam in the implementation of necessary reforms; strongly encourages the Commission to monitor progress under the Dialogue through the introduction of benchmarks and monitoring mechanisms;

15. Calls for the Vietnamese Government and the EU, as important partners, to commit to improving respect for human rights and fundamental freedoms in the country, as it is a cornerstone of the bilateral relations between Vietnam and the Union, notably in view of the ratification of the EU-Vietnam Free Trade Agreement (EVFTA) and in view of the EU-Vietnam Partnership and Cooperation Agreement (PCA);

16. 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 Secretary-General of the Association of Southeast Asian Nations (ASEAN), the Government and National Assembly of Vietnam, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.

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P8_TA(2018)0460

The human rights situation in Cuba

European Parliament resolution of 15 November 2018 on the human rights situation in Cuba (2018/2926(RSP))

(2020/C 363/10)

The European Parliament,

— having regard to its previous resolutions on Cuba, in particular those of 17 November 2004 on Cuba ([1]), of 2 February 2006 on the EU's policy towards the Cuban Government ([2]), of 21 June 2007 on Cuba ([3]), of 11 March 2010 on prisoners of conscience in Cuba ([4]), and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ([5]), and Parliament's consent thereto,

— having regard to the election of Miguel Díaz-Canel as new President by the Cuban National Assembly of People's Power on 19 April 2018,

— having regard to the findings of the UN Committee on Enforced Disappearances on Cuba issued on 17 March 2017,

— having regard to Opinion 59/2018 of the UN Working Group on Arbitrary Detention regarding Ariel Ruiz Urquiola, who is considered a prisoner of conscience by Amnesty International, adopted at its 82nd session from 20 to 24 August 2018,

— having regard to the UN Human Rights Council's Universal Periodic Reviews (UPRs) of Cuba carried out in May 2013 and May 2018,

— having regard to the Human Rights Watch 2017 report on Cuba, and the statement made on 27 July 2018 by Erika Guevara-Rosas, Americas Director at Amnesty International, regarding 100 days of the new Cuban administration,

— having regard to the monthly statements of the Cuban Commission for Human Rights and National Reconciliation (CCHRNC),

— having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,

— having regard to the Constitution of Cuba,

— having regard to the EU Guidelines on Human Rights Defenders,

— having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas human rights feature in the EU's political dialogues as well as cooperation and trade agreements; whereas the indivisibility of human rights, including civil, political, economic, social and cultural rights, should be one of the main objectives of the European Union in its relations with Cuba;

([1]) OJ C 201 E, 18.8.2005, p. 83.
([2]) OJ C 288 E, 24.11.2006, p. 81.
([3]) OJ C 146 E, 12.6.2008, p. 377.
([4]) OJ C 349 E, 22.12.2010, p. 82.
([5]) OJ C 334, 19.9.2018, p. 99.

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B. whereas on 5 July 2017 Parliament granted its consent to the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA); whereas the PDCA clearly articulates its great concerns about the human rights situation in Cuba, and includes a suspension clause in the event of a violation of human rights provisions;

C. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, began in 2015; whereas on 9 October 2018 the parties in the fourth EU-Cuba human rights dialogue addressed, among other matters, the topic of citizens' participation in public affairs, including in the context of recent electoral processes, as well as freedom of association and expression and the possibility for human rights defenders and other sectors of civil society to freely associate, express their views and participate in public life; whereas it is unclear to Parliament if this meeting was in any respect conclusive; whereas no tangible results have been achieved as concerns human rights in Cuba, despite the setting up of the Human Rights Dialogue and Cuba's re-election to the UN Human Rights Council for the period 2017-2019; whereas the political dialogue must include direct and intensive dialogue with civil society and the opposition without any restrictions;

D. whereas the Cuban Government still refuses to recognise human rights monitoring as a legitimate activity and denies legal status to local human rights groups;

E. whereas a constitutional referendum is due to take place on 24 February 2019; whereas the process of establishing the new constitution lacks proper nationwide consultation, ensuring that the Communist Party maintains its powerful role in society without a multi-party system, basic freedoms and political and civil rights, thus reinforcing centralised state ownership and the controlled economy; whereas the single-party political system is declared as 'irrevocable' in Article 3 and Article 224 states that it is prohibited for the current and future generations to change the irreversibility of socialism, as well as the current political and social system; whereas there seem to be other highly worrying provisions in the draft;

F. whereas independent journalists, peaceful dissidents and human rights defenders documenting human rights abuses, who are mostly members of the democratic opposition, are being persecuted, arbitrarily detained or held in jail in Cuba; whereas, according to the CCHRNC, in October 2018 at least 202 arbitrary short-term arrests were carried out, for undoubtedly political reasons, of peaceful opponents and independent civil society activists exercising their basic rights of expression, assembly and political association;

G. whereas one of these persons is Dr Eduardo Cardet, a national coordinator of the Christian Liberation Movement (MCL) who was sentenced to three years in prison for peacefully exercising his right to freedom of expression; whereas in November 2016 he was arrested on his return home from a trip to Miami; whereas Dr Cardet, who is considered a prisoner of conscience, is currently being detained in the Cuba Si prison in Holguín, where he is held in isolation, without access to family visits or phone calls;

H. whereas Tomás Núñez Magdariaga, a member of the 'Patriotic Union of Cuba' (Unión Patriótica de Cuba, UNPACU) unofficial political opposition group went on a 62-day protest hunger strike and was released on 15 October 2018 thanks to international pressure; whereas Mr Magdariaga was found guilty of allegedly threatening a state official who ultimately confessed to fabricating the charges against him; whereas his case is another clear example of attempts to silence any dissenting ideas;

I. whereas in October 2018 the Ladies in White were once again the main victims of political repression, and a number of members of the United Anti-totalitarian Forum (FANTU) were subject to repression in several provinces of the country;

J. whereas all prisoners in Cuba must be guaranteed humane treatment; whereas the Cuban Government denies independent human rights groups access to prisons; whereas Cuban citizens do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal; whereas prisoners on conditional release are often subject to continued harassment by the authorities;

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K. whereas the UN Working Group on Arbitrary Detention has clearly stated that Cuban victims of arbitrary detention have the right to seek redress from the government that includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;

L. whereas there are signs of greater respect for freedom of religion in Cuba; whereas the Cuban authorities are, at the same time, still very restrictive with regard to the construction or reconstruction of Christian churches; whereas the church has gradually emerged as the largest civil-society actor and the key non-state social provider in Cuba, but its activities remain under tight control of the authorities;

M. whereas closer political and economic relations with Cuba are, from the EU side, intended to help advance political reforms in the country in accordance with the aspirations of all its citizens; whereas economic and trade liberalisation should enable the country to move progressively towards the free social spaces, coexistence, technology and communications appreciated and demanded by the Cuban population;

N. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought to Cuban activists on three occasions: Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010; whereas it is still a regular occurrence that Sakharov laureates are prevented from leaving the country and participating in international events;

O. whereas Parliament has on many occasions asked if it could send official delegations to Cuba; whereas the Cuban authorities have denied access to the country each time, even after the conclusion of the PDCA;

1. Strongly condemns the arbitrary detention, persecution and harassment of, and attacks against, peaceful dissidents, independent journalists, human rights defenders and political opposition in Cuba; calls for an immediate end to these actions and the immediate release of all political prisoners, including Eduardo Cardet, and those arbitrarily detained solely for exercising their freedom of expression and assembly;

2. Urges the EU Member States, the EEAS and its delegation in Cuba to firmly respect their basic principles and policies in relation to Cuba and to take all necessary action to seek the release of the aforementioned individuals, to ensure that the harassment of political opponents and human rights defenders ends immediately, and to assist and protect the latter;

3. Calls on the Cuban authorities to improve prison conditions and the treatment of prisoners, and to allow international human rights groups and independent Cuban organisations access to the country's prisons; underlines that imprisoning Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights;

4. Regrets that, despite the adopted PDCA, the situation regarding human rights and democracy has not improved; calls for fulfilment of the binding obligations established in the PDCA between the EU and Cuba, in particular concerning respect for human rights and fundamental freedoms; stresses that the success of this agreement depends on its implementation and compliance with it;

5. Recalls that the PDCA includes a provision for the suspension of the agreement that should be applied in the event of a violation of the provisions on human rights; insists therefore that the European Union closely follow and monitor respect for human rights and fundamental freedoms in Cuba when implementing the PDCA and that there are regular reports back to Parliament; invites VP/HR Federica Mogherini to inform Parliament in detail in plenary about the concrete steps being taken with the aim of meeting the above-mentioned requirement;

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6. Urges the Cuban Government to redefine its policy on human rights by aligning it with international human rights law and to allow active participation in political and social life by all civil society and opposition political actors, without imposing any restrictions; calls on Cuba to affirm its intent to 'uphold the highest standards in the promotion and protection of human rights' by ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as their optional protocols;

7. Reminds the Cuban authorities that freedom of movement and assembly is guaranteed under international human rights law, and that this freedom extends to activists and members of the democratic opposition;

8. Strongly condemns the adoption of Decree 349, which undermines the right to artistic freedom in Cuba; calls on the Cuban authorities to take appropriate legislative measures to withdraw Decree 349 before it comes into force in December 2018; stresses that freedom of artistic expression is key to a viable and vibrant cultural sector that can create jobs, develop cultural industries and revitalise cultural heritage;

9. Calls on the Cuban Government to stop imposing online censorship and stop blocking internet sites for the sole purpose of limiting political criticism and restricting access to information;

10. Fully supports the findings of 17 March 2017 of the UN Committee on Enforced Disappearances on Cuba which urge Cuba to take the necessary measures to guarantee the full independence of its judicial system and to set up an independent National Institution of Human Rights in line with the Paris Principles;

11. Expresses major concern regarding the new draft Constitution and the referendum planned for February 2019; stresses that the whole process lacks the inclusion, tolerance and respect for basic civil and political rights that could guarantee a democratic constitutional process; reiterates, in this sense, its determination to encourage a process of transition to a pluralist democracy and respect for human rights and fundamental freedoms involving all actors without exclusion, as stated in the Universal Declaration of Human Rights, and a lasting economic recovery aimed at improving the living standards of the Cuban population, in accordance with the aspirations of Cuban people; invites the relevant Cuban authorities to stipulate free and pluralistic elections in the new Constitution;

12. Urges the European institutions and the Member States to assist the economic and political transition in Cuba towards a fully democratic regime that respects the basic rights of all its citizens; supports use of the various EU foreign policy instruments, and in particular the European Instrument for Democracy and Human Rights (EIDHR), in order to reinforce the EU's dialogue with Cuban civil society and those who support a peaceful transition in Cuba;

13. Calls on the Cuban authorities to abolish the death penalty for all crimes; calls for a moratorium on capital punishment until this legal change is formally adopted; calls for a review of all death sentences to ensure that the associated trials adhered to international standards and that not a single execution occurs in the future;

14. Calls on the Cuban Government to allow churches to conduct their social care activities freely in Cuban society; calls for freedom of religion and conscience to be fully guaranteed;

15. Calls on VP/HR Federica Mogherini to recognise the existence of a political opposition to the Cuban Government and to support its inclusion in the political dialogue between the EU and Cuba; reminds the European institutions that civil society and those awarded the Sakharov Prize are key actors for the democratisation of Cuba and that their voice must be heard and taken into account within the framework of bilateral relations; in this sense, calls on all EU Member State representatives to raise human rights concerns during visits with the Cuban authorities and to meet with the Sakharov Prize laureates when visiting Cuba in order to ensure the internal and external coherence of EU human rights policy;

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16. Deeply regrets the Cuban authorities' refusal to allow European Parliament committees, delegations and some political groups to visit Cuba despite Parliament granting its consent to the PDCA; calls on the authorities to immediately allow entry to the country, including the possibility of visiting the island when the constitutional referendum is due to be held on 24 February 2019;

17. Instructs its President to forward this resolution to the Government and National Assembly of People's Power of Cuba, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the Member States of the CELAC countries.

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P8_TA(2018)0461

The human rights situation in Bangladesh

European Parliament resolution of 15 November 2018 on the human rights situation in Bangladesh (2018/2927(RSP))

(2020/C 363/11)

The European Parliament,

— having regard to its previous resolutions on Bangladesh of 6 April 2017 ([1]) and 26 November 2015 ([2]),

— having regard to its resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh ([3]), and having regard to the Commission's technical status report of 28 September 2018,

— having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector ([4]),

— having regard to the Cooperation Agreement of 2001 between the European Community and the People's Republic of Bangladesh on Partnership and Development ([5]),

— having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,

— having regard to the Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh,

— having regard to the Bangladesh Accord on Fire and Building Safety of 2013, and its renewal in 2018,

— having regard to the joint local statement of 27 September 2018 on the Bangladesh Digital Security Act by the Heads of Mission of the EU Member States, the European Union Delegation and the Heads of Mission of Norway and Switzerland,

— having regard to the National Report of 26 February 2018 submitted to the UN Human Rights Council Universal Periodic Review (UPR) of Bangladesh,

— having regard to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006 by the UN General Assembly, and which entered into force on 23 December 2010,

— having regard to the UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council on 16 June 2011,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to the UN Convention on the Rights of the Child,

— having regard to the Bangladesh National Action Plan to Eliminate Child Marriage 2015-2021,

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([1]) European Parliament resolution of 6 April 2017 on Bangladesh, including child marriages (OJ C 298, 23.8.2018, p. 65).
([2]) European Parliament resolution of 26 November 2015 on freedom of expression in Bangladesh (OJ C 366, 27.10.2017, p. 135).
([3]) OJ C 331, 18.9.2018, p. 100.
([4]) OJ C 298, 23.8.2018, p. 100.
([5]) OJ L 118, 27.4.2001, p. 48.

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— having regard to the recommendations of the 17th session of the UN Permanent Forum on Indigenous Issues (UNPFII),

— having regard to the World Press Freedom Index 2018,

— having regard to the Bangladesh Digital Security Act of 2018,

— having regard to the Bangladesh Information and Communication Technology (ICT) Act, notably Section 57 thereof,

— having regard to the EU Human Rights Guidelines of 12 May 2014 on Freedom of Expression Online and Offline,

— having regard to Rule 135(5) and 123(4) of its Rules of Procedure,

A. whereas the EU has long-standing relations with Bangladesh, including through the Cooperation Agreement on Partnership and Development; whereas respect for and promotion of human rights and democratic principles underpin the domestic and international policies of the parties and must be an essential part of EU external action;

B. whereas the repression of members of civil society, including political activists, trade unionists, journalists, students, human rights defenders and minorities, has increased over the past years in Bangladesh; whereas UN human rights experts and international human rights groups have reported a discernible pattern in Bangladesh of extrajudicial executions, mass arbitrary arrests and enforced disappearances such as the cases of Maroof Zaman and Mir Ahmad Bin Quasem;

C. whereas Bangladesh ranks 146th out of 180 in the World Press Freedom Index; whereas violations of fundamental freedoms and human rights, particularly violence, harassment, intimidation and censorship of journalists and bloggers, continue to be widespread in Bangladesh; whereas the Bangladesh ICT Act, in particular Section 57 thereof, has been used over the few past years to arrest and prosecute activists and journalists who have criticised the government;

D. whereas the Digital Security Act, as passed by the Parliament of Bangladesh on 19 September 2018, fails to amend Section 57 of the ICT Act, in spite of the numerous criticisms by Bangladeshi journalists, civil rights activists and the international community;

E. whereas internationally recognised and award-winning Bangladeshi photojournalist Shahidul Alam, a teacher and activist, was forcibly abducted from his home on 5 August 2018 and imprisoned under the ICT Act after speaking out on recent student protests in Bangladesh and criticising the use of violence by the authorities; whereas he has remained in detention and been denied bail several times; whereas he has allegedly been denied adequate medical treatment and subjected to torture;

F. whereas terrorist attacks have seen the government pursue a strict 'zero tolerance' approach; whereas mobile networks in Bangladesh have been shut down, and Bangladeshi security forces have reportedly been trying to buy electronic surveillance equipment on the international market; whereas the Government of Bangladesh has embarked on a campaign of intensive and intrusive surveillance and monitoring of social media;

G. whereas elections are due to be held in Bangladesh on 30 December 2018; whereas opposition leader and former Prime Minister Khaleda Zia is currently serving 10 years in jail for corruption and is barred from contesting the elections as a result; whereas she denies the charges, which her supporters claim were politically motivated;

H. whereas women and girls in Bangladesh experience high levels of violence; whereas Bangladesh has the highest rate of child marriage in Asia and one of the highest in the world; whereas in 2017 the Government of Bangladesh passed the Child Marriage Restraint Act, which introduces exceptions in 'special cases', while failing to define such criteria or lay down a minimum age for such marriages;

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I. whereas in Bangladesh the death penalty can be applied for multiple crimes; whereas in 2017, six people were executed;

J. whereas there has been a reported rise in cases of violence this year, in particular against indigenous women, as well as the harassment and arrest of indigenous rights activists in the Chittagong Hill Tracts area;

K. whereas the EU is Bangladesh's main trading partner and, as a least developed country (LDC), Bangladesh benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), namely the Everything But Arms (EBA) arrangement;

L. whereas Bangladesh is due to graduate out of LDC status in 2024; whereas an acceleration of reforms in human rights and labour rights, including eradicating child labour, is needed in the intervening years; whereas concerns remain around provisions in the Bangladesh Labour Act and draft Export Processing Zones Act;

M. whereas, in the framework of the Sustainability Compact, the Accord on Fire and Building Safety in Bangladesh was signed between global apparel brands, retailers and trade unions; whereas to date, less than half of the factories covered by the accord have completed adequate safety measures; whereas the accord expired in October 2018, despite significant work remaining to be done; whereas the accord was succeeded by a Transition Accord to apply for three years;

N. whereas the accord needs to be supported and all parties allowed to continue their work smoothly, including beyond November 2018; whereas only once the Government of Bangladesh and its Remediation Coordination Cell (RCC) have demonstrated both in word and in deed that they have met the readiness conditions and that these types of Responsible Business Conduct initiatives might no longer be needed;

O. whereas in 2018 Bangladesh received a massive influx of over 700 000 Rohingya refugees escaping a campaign of ethnic cleansing by the Burmese military, and who remain in dire need of humanitarian assistance; whereas Bangladesh and Myanmar reached an agreement on 30 October 2018 on starting the repatriation of Rohingya people back to Myanmar as of mid-November and without the consultation or the involvement of the UN Refugee Agency (UNHCR);

1. Expresses serious concern at the deteriorating human rights situation in Bangladesh and, in particular, at the ongoing crackdown on the freedom of expression and assembly against the media, students, activists, and the opposition; condemns the fact that people are being arrested and subjected to violence for exercising their freedom of expression to criticise the government; is extremely concerned at reports that the use of torture is becoming endemic;

2. Notes that the UN UPR of May 2018 praised Bangladesh for its 'remarkable progress' in improving human rights in recent years; urges the Government of Bangladesh to implement the recommendations of the UPR, particularly in areas such as the independence of the judiciary, civil and political rights, freedom of the media, economic, social and cultural rights, and the rights of women and girls;

3. Calls on the Bangladeshi authorities to conduct independent investigations into reports of extrajudicial killings, enforced disappearances and excessive use of force, including the cases of Maroof Zaman and Mir Ahmad Bin Quasem, and to bring those responsible to justice in accordance with international standards; further calls on Bangladesh to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and to incorporate its provisions into national law;

4. Calls on the Bangladeshi authorities to immediately and unconditionally release Shahidul Alam, drop all charges against him, and allow him to continue his legitimate human rights work; insists that the Bangladeshi authorities must take all necessary measures to guarantee Shahidul Alam's physical and psychological integrity and security, as well as that of his family, and ensure that, while in detention, Shahidul Alam is treated in a manner that adheres to international principles and standards; calls on the Bangladeshi authorities to launch an immediate and public investigation into the allegations that Shahidul Alam has been tortured, and to bring the perpetrators to justice;

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5. Expresses deep concern at the ICT Act, not only as it has already had a severe impact on the work of journalists, bloggers and commentators but also as it penalises the legitimate exercise of the right to freedom of expression by any individual, including on social media; is of the view that Section 57 of the ICT Act is incompatible with the fundamental rights of freedom of expression and to a fair trial;

6. Deeply regrets the government's decision to enact the Digital Security Act, which actually expands and reinforces the powers of the police to crack down on free speech, including on social media, ahead of national elections in 2018; calls on the Bangladeshi authorities to urgently revise the Digital Security Act and the ICT Act and bring them into line with the international conventions on human rights to which Bangladesh is a party;

7. Hopes that the next general election will be peaceful, transparent and participatory so that citizens can express a genuine political choice; calls on the political forces to refrain from any violence or instigation of violence during the electoral period;

8. Appreciates the constructive role played by Bangladesh under difficult circumstances in accepting the reception of Rohingya refugees; urges the authorities to provide more land to reduce overcrowding and improve the squalid conditions in the camps; urges the authorities to ease the bureaucratic restrictions they are imposing on humanitarian organisations; urges the Governments of Bangladesh and Myanmar to immediately reconsider the decision to start repatriating Rohingya refugees, since the conditions for a safe, dignified and voluntary return have not yet been met;

9. Calls for the EU and other international donors to step up their efforts in providing the necessary financial and material aid to Rohingya refugee camps in Bangladesh;

10. Insists that Bangladesh comply with its commitments under the EBA scheme in relation to democracy, human rights and the rule of law;

11. Reiterates its call for the abolition of the death penalty in Bangladesh;

12. Expresses serious concern at the annulment of the Transition Accord, which is due to take effect on 30 November 2018; notes that the RCC does not yet have the capacity to monitor and enforce health and safety requirements, with the serious implications for the safety and rights of factory workers that this entails; urges the Government of Bangladesh to immediately recognise and implement the Transition Accord and show greater readiness to take over all of the functions of the accord; calls on donors to support the Government of Bangladesh in order to make this possible; further calls on the Commission and the European External Action Service (EEAS) to continue their capacity-building work with the RCC;

13. Calls on the Government of Bangladesh to adopt legislative changes to the Bangladesh Labour Act and its implementing rules to bring them into line with the ILO's international labour standards, and to allow full freedom of association; calls on the Government of Bangladesh to take the necessary steps to effectively address all acts of anti-union discrimination, including acts of violence and intimidation;

14. Expresses concern that while the 2017 Child Marriage Restraint Act includes provisions on strengthening prevention, and on the prosecution of offenders, it nevertheless contains a clause allowing marriage under the age of 18 under special circumstances with parental consent and court permission; calls for this loophole to be closed as a matter of urgency in the interests of child protection;

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15. Urges the Bangladeshi authorities to continue to address human rights challenges; notes that human rights issues will be further discussed at the EU-Bangladesh Joint Commission, to be held in Dhaka in the first half of 2019;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, and the Government and Parliament of Bangladesh.

Thursday 15 November 2018

P8_TA(2018)0464

Care services in the EU for improved gender equality

European Parliament resolution of 15 November 2018 on care services in the EU for improved gender equality (2018/2077(INI))

(2020/C 363/12)

The European Parliament,

— having regard to the Commission communication of 26 April 2017 entitled 'An initiative to support work-life balance for working parents and carers' (COM(2017)0252),

— having regard to the Commission proposal for a directive of the European Parliament and of the Council of 26 April 2017 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (COM(2017)0253),

— having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([1]),

— having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 3, 5, 27, 31, 32, 33 and 47 thereof,

— having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979,

— having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), ratified by the European Union and all its Member States,

— having regard to Sustainable Development Goal (SDG) 5: to achieve gender equality and empower all women and girls, and in particular to SDG Target 5.4: to recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate,

— having regard to the report of the UN Secretary-General of 10 May 2018 entitled 'Progress towards the Sustainable Development Goals',

— having regard to the Council conclusions of 7 December 2017 on Enhancing Community-Based Support and Care for Independent Living,

— having regard to the Council conclusions on early childhood education and care: providing all our children with the best start for the world of tomorrow ([2]),

— having regard to the Presidency conclusions of the Barcelona European Council of 15 and 16 March 2002,

— having regard to the Commission communication of 20 November 2017 entitled 'EU Action Plan 2017-2019 — Tackling the gender pay gap (COM(2017)0678),

— having regard to the Commission staff working document of 3 December 2015 entitled "Strategic engagement for gender equality 2016-2019", and in particular Chapter 3.1 thereof: Increasing female labour-market participation and the equal economic independence of women and men (SWD(2015)0278),

([1]) OJ L 204, 26.7.2006, p. 23.
([2]) OJ C 175, 15.6.2011, p. 8.

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— having regard to the Commission report of 8 May 2018 on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe (the "Barcelona objectives") (COM(2018)0273),

— having regard to the Commission report of 29 May 2013 on the Barcelona objectives: "The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth" (COM(2013)0322),

— having regard to the Commission communication of 17 February 2011 entitled "Early Childhood Education and Care: Providing all our children with the best start for the world of tomorrow" (COM(2011)0066),

— having regard to the Commission's roadmap on Quality in Early Childhood Education and Care (Ares(2018)1505951),

— having regard to the Commission recommendation of 20 February 2013 entitled "Investing in children: breaking the cycle of disadvantage ([1])",

— having regard to the Commission communications of 3 March 2010 entitled "Europe 2020: A strategy for smart, sustainable and inclusive growth" (COM(2010)2020), of 20 February 2013 entitled "Towards Social Investment for Growth and Cohesion, including implementing the European Social Fund 2014-2020" (COM(2013)0083) and of 26 April 2017 entitled "Establishing a European Pillar of Social Rights" (COM(2017)0250),

— having regard to the Commission communication of 6 June 2014 on an EU Strategic Framework on Health and Safety at Work 2014-2020 (COM(2014)0332),

— having regard to its resolution of 3 October 2017 on women's economic empowerment in the private and public sectors in the EU ([2]),

— having regard to its resolution of 14 June 2017 on the need for an EU strategy to end and prevent the gender pension gap ([3]),

— having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance ([4]),

— having regard to its resolution of 26 May 2016 on poverty: a gender perspective ([5]),

— having regard to its resolution of 28 April 2016 on women domestic workers and carers in the EU ([6]),

— having regard to its resolution of 8 March 2016 on Gender Mainstreaming in the work of the European Parliament ([7]),

— having regard to its resolution of 7 September 2010 on the role of women in an ageing society ([8]),

— having regard to its resolution of 6 July 2010 on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue ([9]),

— having regard to the European Pact for Gender Equality (2011-2020),

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([1]) OJ L 59, 2.3.2013, p. 59.
([2]) OJ C 346, 27.9.2018, p. 6.
([3]) OJ C 331, 18.9.2018, p. 60.
([4]) OJ C 204, 13.6.2018, p. 76.
([5]) OJ C 76, 28.2.2018, p. 93.
([6]) OJ C 66, 21.2.2018, p. 30.
([7]) OJ C 50, 9.2.2018, p. 15.
([8]) OJ C 308 E, 20.10.2011, p. 49.
([9]) OJ C 351 E, 2.12.2011, p. 39.

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— having regard to the Commission proposal for a Council Recommendation of 22 May 2018 on High Quality Early Childhood Education and Care Systems (COM(2018)0271) and its accompanying staff working document of the same date (SWD(2018)0173),

— having regard to the European Institute for Gender Equality's 2015 Gender Equality Index and 2015 report entitled "Reconciliation of work, family and private life in the European Union: Policy review",

— having regard to the Eurofound report of 7 December 2011 entitled "Company initiatives for workers with care responsibilities for disabled children or adults",

— having regard to the Eurofound background paper of 14 July 2013 entitled "Caring for children and dependants: effect on careers of young workers",

— having regard to the Eurofound report of 17 June 2014 entitled "Residential care sector: Working conditions and job quality",

— having regard to the Eurofound report of 22 October 2015 entitled "Working and caring: Reconciliation measures in times of demographic change",

— having regard to the Eurofound overview report of 17 November 2016 on the Sixth European Working Conditions Survey,

— having regard to the Eurofound study of 28 November 2017 entitled "Care homes for older Europeans: Public, for-profit and non-profit providers",

— having regard to the Eurofound survey of 23 January 2018 entitled "European Quality of Life Survey 2016: Quality of life, quality of public services and quality of society",

— having regard to the joint report of 10 October 2014 by the Social Protection Committee and the Commission entitled "Adequate social protection for long-term care needs in an ageing society",

— having regard to the joint report of 7 October 2016 by the Economic Policy Committee and the Commission on healthcare and long-term care systems and fiscal sustainability,

— having regard to the opinion of the European Economic and Social Committee of 21 September 2016 on the rights of live-in care workers ([1]),

— having regard to the opinion of the European Economic and Social Committee of 16 October 2014 on developing services to the family to increase employment rates and promote gender equality at work ([2]),

— having regard to the opinion of the European Economic and Social Committee of 26 May 2010 on the professionalisation of domestic work ([3]),

— having regard to the European Institute for Gender Equality's 2017 Gender Equality Index Report: Measuring gender equality in the European Union 2005-2015,

— having regard to the studies by its Directorate-General for Internal Policies of March 2016 entitled "Differences in men's and women's work, care and leisure time" and November 2016 entitled "The use of funds for gender equality in selected Member States",

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([1]) OJ C 487, 28.12.2016, p. 7.
([2]) OJ C 12, 15.1.2015, p. 16.
([3]) OJ C 21, 21.1.2011, p. 39.

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— having regard to the publication of the WeDo project for the wellbeing and dignity of older people in 2012 entitled "European Quality Framework for long-term care services: Principles and guidelines for the wellbeing and dignity of older people in need of care and assistance",

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

— having regard to the report of the Committee on Women's Rights and Gender Equality (A8-0352/2018),

A. whereas, according to Articles 2 and 3(3) of the Treaty on European Union and Article 21 of the Charter of Fundamental Rights, equality between women and men is one of the core values on which the EU is founded; whereas, moreover, pursuant to Article 8 of the Treaty on the Functioning of the European Union, in all its activities, the Union shall aim to eliminate inequalities and to promote gender equality; whereas the achievement of gender equality has nevertheless been slow;

B. whereas the European Pillar of Social Rights, jointly proclaimed by Parliament, the Council and the Commission on 17 November 2017, asserts significant principles and aims to deliver new rights for citizens of the Union, including gender equality, equal opportunities, support for children and the inclusion of persons with disabilities, which have the unanimous support of the EU institutions and the Member States; whereas Principle 9 of the Pillar on Work-life Balance establishes that "parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services";

C. whereas across the European Union, the overall employment rate of women is almost 12 % lower than it is for men and 31,5 % of working women work part-time compared with 8,2 % of working men; whereas the EU gender employment gap still stands at 12 %; whereas the evidence suggests that one of the main causes of this are the disproportionate caring responsibilities of women; whereas the cumulative effect of the multiple career gaps affecting women as a result of care responsibilities contributes substantially to lower wages, shorter careers and respective gender pay and gender pension gaps of 16 % and 37 %; whereas this results in a greater risk of exposure to poverty and social exclusion for women, with negative repercussions that also extend to their children and families; whereas it is important to close the gender employment gap, the gender pay gap and the gender pension gap, given that the economic losses due to the gender employment gap amount to EUR 370 billion per year; whereas the provision of care services can be instrumental for an effective response to labour shortages;

D. whereas "care" should be understood as work carried out, in a personal capacity, in public or private institutions or in a private household or households, for children, the elderly, ill people or persons with disabilities; whereas care work should, in ideal circumstances, be performed by professional carers, be they employed by public or private entities or families, or be they self-employed, yet it is also informally carried out — and unpaid — by non-professional carers, usually family members;

E. whereas the average amount of time spent on unpaid domestic and care work is more than three times higher for women than men, as is most noticeable in couples whose youngest child is under the age of seven, as women spend on average 32 hours per week on paid work but 39 hours on unpaid work, compared to men who do 41 hours paid and 19 hours of unpaid work per week;

F. whereas according to figures from the International Labour Organisation, the domestic work and care sector employed some 52 million people around the world in 2010, and a further 7,4 million domestic workers under the age of 15, accounting for between 5 % and 9 % of all employment in industrialised countries;

G. whereas care-related jobs are poorly paid in many Member States, often do not offer formal contracts or other basic labour rights and are not professionally attractive, owing to a high risk of physical and emotional stress, the threat of burnout, and a lack of career development opportunities; whereas the sector offers few training opportunities, and its employees are predominantly ageing people, women and migrant workers;

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H. whereas supporting measures, such as the Swedish tax deduction system for domestic services, the French service employment voucher or the Belgian service voucher, have proven their effectiveness in reducing undeclared work, improving working conditions and granting regular labour rights to domestic and care workers;

I. whereas evidence shows that 80 % of care in the EU is provided by unpaid informal carers, 75 % of whom are women; whereas 27,4 % of women work part-time to look after children or adults with care needs, compared with 4,6 % of men ([1]); whereas the provision of care services should not force informal carers to make a trade-off between their care responsibilities and leisure time, since those who still remain in employment already have to balance different responsibilities and the use of their time;

J. whereas certain national statistics show that approximately 6-7 % of carers in the Member States are young carers under the age of 17 and five times as many young women aged 15-24 are engaged in care work than young men in this age group; whereas young carers may bear major adult responsibilities in providing care, assistance and support to a parent, sibling, grandparent or other relative who is disabled, has a chronic illness or has a mental health problem; whereas young carers face particular barriers in accessing education and training and in reconciling education with caring responsibilities, which also has an impact on their health and their livelihood;

K. whereas in a number of Member States there is a lack of quality professional care services available to all regardless of income;

L. whereas many dependent family members in need of care live in areas affected by a persistent lack of services, while isolation or other circumstances make it difficult for them to get access to professional care services; whereas in many cases they are only looked after by non-professional carers, who are very often women family members;

M. whereas Europe is having to contend with demographic changes that are leading to a growing incidence of age-related diseases and an ageing population, and thus greater care needs; whereas at a time of growing care demands, there is a disproportionate distribution of care responsibilities between genders, with women bearing the brunt of the burden on account of the stereotypical gender roles that still prevail in European society; whereas the growing number of elderly people, the fall in the number of working age people and austerity-driven budgetary restrictions are having a significant impact on social services, which will also have repercussions for people having to combine work and care responsibilities, often in challenging circumstances;

N. whereas the EU population is projected to grow older, with the proportion of the population made up of those aged 65 and over set to rise from 17,1 % in 2008 to 30 % in 2060, and of those aged 80 and over from 4,4 % to 12,1 % over the same period;

O. whereas elderly people are at greater risk of poverty than the general population, with around 19 % of those aged 65 and over at risk in 2008, while in 2000 it was 17 %; whereas this rate is 5 points higher for women than it is for men;

P. whereas elderly people sometimes suffer from ageism and sexism, while elder abuse, which is found in a variety of care settings, is a social problem in all Member States;

Q. whereas the majority of national policy models for care services are, at present, ill-suited to meet the needs of the Union's ageing society, and whereas most Member States have not addressed demographic challenges in their respective policy and social care initiatives and systems to date;

([1]) European Commission, 2018 report on equality between men and women.

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R. whereas although the number of care homes for older people has increased over the last 10 years in nearly all Member States, the demand is still outstripping the availability of independent housing and care support services; whereas there is an urgent need for further investment in community- or home-based long-term care services, as everyone has the right to an independent life, support services and inclusion in the community; whereas, furthermore, a lack of disaggregated information at a national level, including on financial investments, and a lack of quality indicators makes this important part of care infrastructure difficult to monitor and assess, and produce recommendations for decision-making;

S. whereas the Barcelona targets of providing childcare to at least 33 % of children under three years of age (target 1) and to at least 90 % of children between the age of three and the mandatory school age (target 2) have been met in just 12 Member States since 2002, with achievement rates in some Member States worryingly low;

T. whereas women's growing participation in the labour market drives up the need for high-quality and affordable childcare, and the demand for places in early childhood education and care (ECEC) services across Europe is outstripping supply; whereas evidence shows that childcare for children from 0–3 years of age is mainly used on a part-time basis (fewer than 30 hours per week) in more than half of all Member States; whereas full labour market participation for women requires childcare to be available full-time and to meet the demands during parents working hours;

U. whereas there is a lack of sufficient infrastructure offering quality and accessible childcare for all income levels, as evidenced by the fact that of the more than 32 million children below the age of compulsory education in the EU, only around 15 million have access to early childhood services provision ([1]) and most of Member States' public expenditure on childcare is for children aged between three and the mandatory school-going age; whereas investment from all sectors should be increased, as evidence in OECD countries shows that an increased investment of GDP in care services would lead to an increase in women's employment; whereas investment in childcare is a win-win strategy and would generate extra tax revenue from the increased participation of parents in the labour market; whereas while complementing the central role of the family, high-quality ECEC also provides many short- and long-term benefits for individuals and society as a whole, including for persons from socio-economically disadvantaged backgrounds or with special educational needs, and is effective in tackling inequality that affects children from an early age, and in preventing early school leaving;

V. whereas the provision of high-quality early childhood education is an effective investment, providing the foundation for successful lifelong learning and addressing the inequalities and challenges faced by disadvantaged children;

W. whereas there are over 80 million persons with disabilities in the EU and rising, and one in four Europeans has a family member with a disability; whereas by becoming a party to the CRPD in 2011, the EU committed itself to promoting and protecting the rights of persons with disabilities; whereas, in the light of these rights and the needs of persons with disabilities of all ages, there has been a shift, in recent times, from institutional to community-based care for persons with disabilities;

X. whereas under Article 19 of the CRPD, everyone has the right to an independent life and inclusion in the community, which requires the provision not only of independent housing, but also of support services that reflect the needs of persons with a disability;

Y. whereas children and adults with low-functioning autism are likely to find it hard completing daily activities alone, and generally require assistance with most activities;

([1]) European Commission Roadmap 2018, European Political Strategy Centre (2017), "10 Trends Transforming Education as We Know It".

Z. whereas long-term care services and childcare are oftentimes devalued and in many Member States this profession has a rather low profile and status, which is reflected by low wage levels, unequal representation of women and men in the labour force, and poor working conditions;

AA. whereas jobs in formal care, including home care, require qualified personnel, who must be adequately paid ([1]); whereas it is necessary to ensure an adequate supply of qualified carers since the development of quality formal care services for children, older persons and persons with disabilities is linked to quality employment relationships, decent pay and investment in the workers who provide these services, including investment in childcare workforce training; whereas professional employment relationships for carers have a beneficial effect on their ability to balance work and personal life;

AB. whereas long-term care users may have difficulties in affording private care services, which are usually more expensive than the care services provided by the public sector; whereas women are always more affected than men because of gender pay and pension gaps, and have to spend a higher share of their income on long-term care;

AC. whereas it has been reported that people from disadvantaged backgrounds are facing particular challenges when there is limited availability of high-quality care services, including those from low-income families, those living in rural areas, and children with ethnic minority or migrant backgrounds;

Context within work-life balance

1. Notes that the gender employment gap widens substantially once families have children, which reflects the difficulties that women face in reconciling child-raising and care responsibilities with their work, this being attributed to a lack of sufficient public care infrastructure and the persistent gender-based division of labour, which imposes an overwhelming amount of care, provided mainly by women, who spend two to ten times longer on unpaid care than men ([2]);

2. Notes that a quarter of all women are still unpaid contributing family workers, for which they receive no direct pay, and there is a clear segregation of women in sectors generally characterised by low pay, long hours and often informal working arrangements, which lead to fewer monetary, social and structural gains for women;

3. Stresses that the feminisation of poverty is the consequence of a number of factors, including the gender pay gap, the pension gap, care responsibilities and related breaks; emphasises that the multiple discrimination that women face on the grounds of their gender identity, gender expression, and sex characteristics, among others, all contributes to the feminisation of poverty;

4. Welcomes the inter-institutional proclamation of the European Pillar of Social Rights and recalls its principles, which include:

— equality of treatment and opportunities between women and men, particularly as regards participation in the labour market;

— the right to equal treatment and employment opportunities, regardless of age or disability;

([1]) Eurofound , 'Caring for children and dependants: effect on careers of young workers'.
([2]) Eurostat data from 2010; the Commission's 2015 report on equality between women and men in the European Union (2016).

— the right to suitable leave, flexible working arrangements and access to care services for parents and people with caring responsibilities;

— the right to affordable long-term care services of good quality;

5. Expresses its concern at the unfavourable developments in the field of parental leave and rights related to parenting, such as the withdrawal of the draft directive on the prolongation of maternity leave and the recent ruling by the Court of Justice which considers lawful the dismissal of a pregnant worker as part of collective redundancies; calls on the Commission to very swiftly fill the gaps appearing in EU legislation;

6. Welcomes the Commission's proposal for a directive on work-life balance for workers and carers and emphasises, in this context, the importance of the individual rights of leave and flexible working arrangements for helping working individuals to manage their private and professional lives; recalls that policies on work-life balance should encourage men to take up care responsibilities on an equal basis with women; believes that for the purposes of future development, the aim should be to progressively extend paternity and care leave ([1]) and its level of payment, which should be adequate, to ensure non-transferable parental leave, guarantees in relation to dismissal, return on the same or equivalent post and protection from discrimination carried out on the basis of leave-taking decisions, and the extension of rights to self-employed workers and those who need to take adequately paid leave in order to care for dependents other than children;

7. Calls on all Member States to encourage fathers to make the most of paternity leave, which is an effective way of encouraging them to accept responsibility for looking after their children and their families and a useful means of achieving genuine equality between women and men;

8. Believes that the provision of care services should not negatively impact carers' wage levels or social and pension benefits; calls, in this context to promote gender equality in implementation of work life balance policies;

9. Draws attention to the difficult situation of families looking after a child or relative with a disability, given that the care in these cases is life-long;

10. Draws attention to the lack of respite services for parents of children with a disability; points out that this lack of support very often makes it totally impossible for the parents to work; notes, in this connection, the alarming lack of facilities for people with severe autism;

11. Believes that every person with care needs should have the subjective right to choose quality care services that best meet their requirements for care and are suitable and accessible for both them and their carers; is of the opinion that regardless of the differences between the users and their needs, care services should be developed in a person-centred, individualised and comprehensive fashion; notes that families are not homogeneous and that policy and programming should be adapted to such variety;

12. Believes that care service choices should reflect the changing nature of work as they are further developed;

13. Believes that in line with the right to long-term care enshrined in the European Pillar of Social Rights, long-term care should be regarded as a branch of social protection, which should establish the right to quality and person-centred care for all; believes, moreover, that there is an urgent need for further investment in affordable long-term care services of good quality, not least home-care and community-based services, in line with the European Social Pillar of Social Rights and the UN CRPD; calls on the Member States, in this context, to ensure equal access to and fair treatment in care services for the elderly, children, and persons with disabilities and/or chronic illnesses in need of long-term care, devoting particular attention to persons from disadvantaged backgrounds;

([1]) As called for in its legislative resolution of 20 October 2010 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (OJ C 70 E, 8.3.2012, p. 162).

14. Emphasises that the availability of diverse, quality, accessible and affordable public and private care infrastructure, services and support for children, older persons, persons with disabilities and persons who are chronically ill or in need of long-term care, either at home or in the community in home-type settings, has proven to be a crucial aspect of work-life balance policies and a major factor that promotes leave-taking among parents and informal carers, as part of efforts to help women make a swift return to and remain in the labour market; welcomes the transition towards community-based services, in line with the European Pillar of Social Rights and the UN CRPD, while noting the need to monitor these services to ensure their quality; considers that high quality of care stems from the high quality of services provided and from the extent to which they uphold the dignity and human rights of the recipients and how they ensure the inclusion of the recipients in the community;

15. Recalls that the lack of care services is a major factor behind the underrepresentation of women in the labour market, as it makes it more difficult to balance work and family responsibilities, leading to some women dropping out of the labour market entirely, working fewer hours in paid employment and spending more time fulfilling unpaid care responsibilities, with harmful repercussions for their social security entitlements, in particular pensions, and a greater risk of poverty and social exclusion, especially during old age;

Types of care

16. Notes that there are a variety of care services, including early childhood care and education, care services for older persons and care or support for persons with disabilities and/or chronic diseases who have a long-lasting health and care need, and notes that differing policy approaches have been developed as a result; is of the opinion that care could be provided by formal and informal carers;

17. Believes that the approach to the development of care services should take into account all categories of users and their differences and diverse preferences for the types of care services they require, including people from disadvantaged backgrounds, such as ethnic minorities or migrant families, and people living in remote and rural areas and low- income families; recalls that the concept of the family used in legislation and policies should be understood in a broad sense;

18. Recognises that low socioeconomic status and low education levels are, for many people, barriers to care services, which only compound the challenges they face in achieving a work-life balance; considers that this requires explicit programming and policy;

19. Notes that the private sector plays an important role in the provision of long-term care services for persons with disabilities and older persons, and that issues surrounding the accessibility and quality of such services have been raised across the EU; calls on the Commission to assess the situation in the care services market and to take the necessary regulatory initiatives to control and monitor the quality of the services offered in such settings;

Quality, affordability and accessibility of care

20. Believes that care services should be designed in such a way as to provide genuine choices for all users, their family members and their carers, be they in full- or part-time employment, self-employed or unemployed;

21. Believes that those planning, programming and providing care services have a responsibility to take cognisance of users' needs and that care services for older persons and persons with disabilities must be planned and developed with the active and meaningful participation of the users and should be designed and implemented using a rights-based approach; notes the positive experiences of persons with mental and intellectual disabilities in taking part in the development of infrastructure and services which enhance their independent living and quality of life;

22. Points out that the provision of quality care in the EU varies greatly both within and between the Member States: between private and public settings, urban and rural areas, and different age groups; takes note of the fact that a large proportion of childcare and long-term care responsibilities are borne by families, especially grandparents in the case of the former, something particularly evident in southern and eastern Europe ([1]);

23. Calls on the Member States to ensure good coverage of care services, both in urban and rural areas, in order to improve the accessibility and availability of care for people from disadvantaged backgrounds, including those living in rural and remote areas;

24. Believes that accessibility derives from a combination of cost and flexibility and that there should therefore be a range of care service provisions, both public and private, and for care at home and in home-like settings; considers, furthermore, that family members should either be able to voluntarily provide care or be subsidised to procure care services;

25. Emphasises that the quality of care services should be understood in a whole variety of ways, including the quality of facilities and services, the quality of teaching programmes for children, the professionalism of carers, the quality of the premises and environment, the education levels of carers and their working conditions;

26. Notes that care services should be developed so as to enhance the continuity of care, preventive health and social care, rehabilitation and independent living; believes that direct home care arrangements should be encouraged, so that people with care needs can obtain the services of qualified care professionals in their own homes and can live independently, where possible; takes the view that care services should, where relevant, be geared towards comprehensive family support, such as help with the household, tutoring and childcare;

27. Stresses that information about available care services and service providers should be accessible for parents, the elderly, persons with disabilities and/or with chronic diseases who are in need of long-term care as well as to informal carers;

28. Underlines the fact that the unavailability of services and the prohibitive costs of childcare have a negative impact on children from low income families, putting them at a disadvantage from an early age; emphasises that every child has the right to good-quality care and to early childhood development, including a full range of social stimuli; notes that the excessive costs of care services also affect dependent people from low-income families, placing them at a disadvantage;

29. Is of the opinion that the lack of investment in high-quality childcare for children below three years of age would extend women's career breaks and create difficulties when they return to work;

30. Believes that national programmes should be strengthened to improve the quality of life for older women, particularly those with memory-disabling diseases, and their carers, who are often themselves elderly women; proposes that Alzheimer associations should be consulted to map and implement such measures;

31. Calls on the Commission to develop guidance for Member States, in line with the proposals made herein, on developing comprehensive employment-friendly, person-centred, community-based and accessible care services which include childcare, care services for older persons and care services for persons with disabilities and/or chronic illnesses, and which are based on the participation of and consultation with the intended users of the services to ensure that they are accessible and meet the needs of the intended users;

([1]) Eurofound, European Quality of Life Survey 2016: overview report.

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32. Takes note of the various practices in the Member States and emphasises that the cooperation and exchange of best practices at a European level can support peer learning and peer counselling among the Member States and contribute to the development of quality care services by supporting and complementing measures taken at regional and national levels, in addition to helping Member States to address common challenges; calls on the Commission to serve as a platform and facilitate this exchange of experiences and good practices on the quality, accessibility and affordability of care services, as well as the different models of provision for care services tailored to individual circumstances and financial capabilities to address care challenges;

33. Is concerned about the working conditions in many care services, such as long working hours, inadequate pay, a lack of training and poor occupational health and safety policies; is concerned that care work is seen as an unattractive sector for employment, attracting mainly women and migrant workers; highlights that these conditions also have an impact on the quality of care delivered; calls on the Member States, therefore, to revalue care as a career choice and calls on the Commission to establish a legal framework for minimum standards for workers in the sector, in collaboration with the social partners, and to launch an initiative on quality in long-term care, taking inspiration from the available civil society-led voluntary tools and initiatives, such as the European Quality Framework for long-term care services and the recent Commission proposal for a Council recommendation on High Quality Early Childhood Education and Care Systems;

34. Calls on the Member States to monitor and ensure that institutions and other places providing care are safe and motivating settings to work in and that there is adequate investment in the well-being and occupational health of care service providers; believes that it is essential to ensure the well-being of carers in order to prevent the abuse of those receiving care; supports, in this context, the legislative initiatives for the certification and recognition of professional carers and calls on the Member States to take measures to improve carers' working conditions, such as securing their rights to a formal employment contract and paid leave; further calls on the Commission and the Member States to raise public awareness about the value of care services in order to improve the status of the care profession and to promote men's involvement in care activities;

35. Urges the Commission to present to the Council for approval a European carers' programme, with a view to identifying and recognising the various types of care-giving in Europe, and guaranteeing financial support for carers, and progressively developing their work-life balance;

36. Recalls that its resolution of 4 July 2013 on the impact of the crisis on access to care for vulnerable groups ([1]) specifically calls for a directive on carers' leave; notes that informal carers who choose to provide informal care to their relatives should receive adequate compensation and access to social rights on a comparable basis with other care providers; therefore calls, furthermore, for a comprehensive approach to address the challenges of informal carers which goes beyond employment legislation, such as continuing income support, access to healthcare, the possibility of annual leave and the accumulation of pension rights so that they are sufficient, even when carers' income levels are temporarily lower owing to the provision of informal care, a situation which mainly concerns women; believes that the provision of care services should not negatively impact the health and well-being of the informal carer; calls on Member States, in this context, to provide adequate services for respite and counselling, peer counselling, psychological support, day-care and respite care facilities for informal carers which would help to increase their participation in employment;

37. Calls on the Member States to introduce 'care credits' through labour and social security legislation for both women and men as equivalent periods for building up pension rights in order to protect those taking a break from employment to provide informal, unpaid care to a dependant or a family member, and to recognise the value of the work that these carers do for society as a whole;

([1]) OJ C 75, 26.2.2016, p. 130.

38. Calls on the Commission and Member States to ensure that informal carers are recognised as equal actors in care service provision and to develop, moreover, as part of lifelong learning programmes, training on and recognition of the acquired skills of informal carers; calls on the Commission and the Member States, in cooperation with NGOs and educational establishments, to provide support for young carers; asks the Commission to propose an action plan containing these and other measures to ensure the quality of care, and the quality of life of carers;

39. Calls on the Commission and the Member States to undertake research on the numbers of young carers and on the impact of this role on their well-being and livelihoods and, on the basis of this research, to provide support and address the specific needs of young carers, in cooperation with NGOs and educational establishments;

40. Calls on the Commission to take better account of care services and carers when developing research and policies, particularly with respect to the European Social Fund (ESF), Disability Strategy and the Health Programme;

Care targets

41. Underlines the fact that the current challenge in reaching the Barcelona targets is to increase the provision of childcare for children between 3-4 years of age; welcomes the Commission's recommendation to extend the target of the Education and Training 2020 Strategy to offer childcare places to at least 95 % of children between the age of three and the mandatory school age; invites the Commission to revise upwards, in consultation with the relevant actors including the Member States, the Barcelona targets and targets on early childhood education; calls on the Member States to step up their efforts to meet the targets and to place the provision of care high on their political agendas; invites the Member States to improve national quality frameworks of ECEC services by taking into account the Commission proposal for a Council recommendation on High Quality Early Childhood Education and Care Systems and encourages the Member States to review five crucial areas of ECEC services referred to in the proposal: access, workforce, curriculum, evaluation and monitoring, and governance and funding; calls on the Member States, when providing pre-school childcare, to place emphasis not only on accessibility, but also on the quality of care, particularly for children from disadvantaged backgrounds and children with disabilities;

42. Calls on the Commission to set up indicators and corresponding quality targets on care services for older people and for persons with disabilities and/or chronic illnesses who are in need of care, similar to the Barcelona targets, with monitoring tools to measure the quality, accessibility and affordability of these services;

43. Calls on the Commission to include care for the elderly and for persons with disabilities and/or chronic illnesses in its monitoring and review of data in the European Semester and in the annual report on gender equality; calls on Member States to consider including assessments of care services for the older persons and persons with disabilities and/or chronic illnesses in their country reports, taking into account feedback from carers and carer recipients; calls on the Commission to include data on this care in a set of social progress indicators, which should be monitored in the context of the European Semester; calls on the Commission and the Council to include these social indicators among the Semester rules; encourages the Member States to adopt and use corrective measures should progress prove to be slow;

44. Further calls on the Commission to improve the collection of gender-disaggregated data and to develop sector-specific statistics, comparable definitions and indicators, to assess gender dimensions of the accessibility, quality, availability and efficiency of care services for children, persons with disabilities and chronic diseases and older persons at EU level, while finding ways to prevent increasing the monitoring burden on care professionals; calls on the Commission to monitor the development of the care services and prepare recommendations for corrective action if needed;

45. Calls on the Member States to collect quality data on the provision of available care services through public and private financing for children, the elderly and persons with disabilities, in order to monitor the situation at large and improve care services by paying heed not only to users' needs, but also to the work-life balance and working conditions of the large numbers of carers; calls on the Member States to adopt effective policy instruments and corrective actions when needed;

Funding of care

46. Calls on the Member States, including with a view to tackling existing investment deficits, to increase public investment in care services and infrastructure for children, especially in early childhood, and for care for other dependants, to ensure the universal access to such services, to improve the quality of care, and to increase investment in special measures that enable carers to maintain an active professional life;

47. Notes the disproportionate impact that insufficient investment in care structures and services has on single parents, the vast majority of whom are women, and on families living in poverty and at risk of social exclusion;

48. Notes the importance of gender mainstreaming at all implementation stages of the various policies, and most crucially at the programming stage; calls on the Member States to ensure that the gender dimension is fully integrated into the National Reform Plans (NRPs) with the support not only of the ESF but also other EU funds that provide resources for general social infrastructure, which should be used by Member States for the development of care services;

49. Calls on the Commission to ensure that the European Semester process serves the attainment of the European Pillar of Social Rights, leaving effective room for Member States to fund and sustain their funding for care services;

50. Supports the inclusion in the Commission's Country Specific Recommendations (CSRs) of measures focusing on investment in childcare facilities and fiscal disincentives preventing second earners — mainly women — from working more or from working outright, and on other measures to address the gender pay gap;

51. Calls on the Commission to strengthen the provision of funding for all types of care services with particular regard, where appropriate, for the transition from institutional to community-based services through the ESF+ and other financial instruments whose purpose is to fund social infrastructure; calls on the Commission, in the same vein, to strengthen the endowment of the European Agricultural Fund for Rural Development (EAFRD) in order to support the provision of childcare facilities in rural areas, and to further utilise the European Fund for Strategic Investments (EFSI) in order to finance ECEC projects; calls on the Commission, furthermore, to rigorously monitor the spending of EU funding, especially under the European Structural and Investment (ESI) Funds in the area of social care services and long-term care and to ensure that investments are in line with the human rights obligations pursuant to the UN CRPD and the Charter of Fundamental Rights;

52. Calls on the Commission to consider making social security contributions applicable across borders, so that a person's Member State of origin could finance the placement of that citizen into a social service facility in another Member State (in cases where such a facility is not available in the Member State of origin);

53. Points out the need to undertake better analysis on the potential for public-private investment in the provision of care services with regard to existing company initiatives for workers with care responsibilities for persons with disabilities and adults;

54. Calls on the Member States to take a comprehensive approach towards all types of care services and to strengthen the provisions for the efficient and synergistic use of the relevant EU financial instruments in the fields of lifelong learning, research and infrastructural development; encourages the Member States to prioritise funding for childcare and long-term care using the financial instruments available within the next multiannual financial framework, not least the existing EFSI, ESI Funds, such as the ESF and the European Regional Development Fund, and the EAFRD; further encourages the Member States to distribute their resources more efficiently in such a way as to increase access to and the affordability of care services for disadvantaged and vulnerable groups, and to design efficient funding models, including targeted funding, which strike the right balance between public and private investment in line with national and local circumstances;

55. Calls on the Commission to ensure the European Institute for Gender Equality possesses adequate resources to monitor the development of care infrastructure and the implementation of work-life balance policies, and to analyse whether and how the policies are achieving the desired improvements in gender equality;

56. Welcomes the decision by some Member States to introduce fiscal incentives for companies that provide childcare for their employees in order to improve work-life balance;

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

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P8_TA(2018)0465

Lyme disease (Borreliosis)

European Parliament resolution of 15 November 2018 on Lyme disease (Borreliosis) (2018/2774(RSP))

(2020/C 363/13)

The European Parliament,

— having regard to the question to the Commission on Lyme disease (Borreliosis) (O-000088/2018 — B8-0417/2018),

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

— having regard to the European Centre for Disease Prevention and Control report relating to a systematic literature review on the diagnostic accuracy of serological tests for Lyme borreliosis,

— having regard to the Expert Network consultation meeting on Lyme borreliosis surveillance in the European Union held in January 2016 in Stockholm,

— having regard to Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community ([1]),

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the right to health is a fundamental right recognised by the European Treaties, in particular in Article 168 of the Treaty on the Functioning of the European Union (TFEU);

B. whereas Lyme disease, or Lyme borreliosis, is a bacterial disease caused by the bacterium Borrelia burgdorferi, and is transmitted to humans through the bite of a tick, which itself is contaminated by the bacterium; whereas Lyme disease is an infectious disease in humans and in various species of domestic and wild animals;

C. whereas Lyme borreliosis is the most common zoonotic disease in Europe, with an estimated 650 000 — 850 000 cases and a higher incidence in Central Europe; whereas infection occurs in the spring-summer semester (from April to October), and borreliosis is recognised as an occupational disease for farmers, forestry workers and field researchers in the countries in which it is present;

D. whereas infected ticks and the disease seem to be expanding geographically, with instances now also being recorded at higher altitudes and latitudes, as well as in towns and cities; whereas the suspected causes are, among other things, changes in land use, *inter alia* through the afforestation of low-quality land or the expansion of invasive plants, climate change, global warming, excessive humidity and other activities related to human behaviour;

E. whereas there is no European consensus on the treatment, diagnosis and screening of Lyme disease and national practices vary;

F. whereas a bite by an infected tick and the symptoms of Lyme disease can go unnoticed or even in some cases be asymptomatic, which can sometimes lead to severe complications and permanent damage similar to that of a chronic disease, in particular when the patient is not promptly diagnosed;

([1]) OJ L 268, 3.10.1998, p. 1.

G. whereas more reliable early diagnosis of Lyme disease will significantly reduce the number of later-stage cases, thus improving the quality of life of patients; whereas it will also reduce the financial burden of the disease, leading to savings of approximately EUR 330 million in healthcare costs already during the first 5 years, according to managers of the DualDur EU research project;

H. whereas many patients are neither promptly diagnosed nor have access to suitable treatment; whereas they feel deprived and ignored by the public authorities and some continue to have persistent symptoms that can lead to chronic disease;

I. whereas there is currently no vaccine available for Lyme disease;

J. whereas the true burden of Lyme borreliosis in the EU is unknown due to the lack of statistics on this disease and the very wide variety of applied case definitions, laboratory methods used and surveillance systems;

K. whereas there is no ICD code separation between early-stage and late-stage Lyme disease; whereas there are no individual ICD codes for the different late-stage Lyme disease symptoms;

L. whereas the ILADS (International Lyme and Associated Diseases Society) treatment practice guidelines differ from those of IDSA (Infectious Diseases Society of America) and these differences between the two approaches to the disease also have an impact on treatment practices in the EU;

M. whereas a profound understanding of the mechanism which turns Lyme disease into a chronic disease is lacking;

N. whereas health professionals have been sounding the alarm about this health issue for nearly a decade, as have patients' associations and whistle-blowers;

O. whereas, although well known to medical science, Lyme disease is still underdiagnosed, in particular because of the difficulties encountered in the detection of symptoms and the absence of appropriate diagnostic tests;

P. whereas the screening tests used for Lyme disease are not always able to provide accurate results, one such example being the Elisa test which only detects one infection at a time;

Q. whereas many Europeans are constantly exposed to Lyme borreliosis through their professional activities (farmers, forestry workers, researchers and students carrying out field research such as biologists, geologists, surveyors or archaeologists);

R. whereas the medical profession often follows outdated recommendations on Lyme disease that do not take sufficient account of research developments;

1. Expresses its concern at the alarming proportions of the spread of Lyme disease in the European population, with around 1 million citizens suffering from the disease according to the census methods used;

2. Recalls that all Member States, to varying degrees, are experiencing an upsurge in Lyme borreliosis, making it a European health problem;

3. Welcomes the funding allocated to date by the Union for research into the early detection and future treatment of Lyme borreliosis (some EUR 16 million through projects such as ANTIDotE, ID-LYME and LYMEDIADEX);

4. Calls for additional funding of the methods for diagnosing and treating Lyme disease; encourages, to that end, the promotion of research efforts, in terms both of increased allocation of funds and the exchange of epidemiological data, including data on the distribution and prevalence of pathogenic and non-pathogenic genospecies;

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5. Calls for additional international cooperation on research into Lyme disease;

6. Encourages the Commission to collect as much information as possible on Lyme disease screening methods or on treatments administered in the Member States;

7. Calls for mandatory reporting in all Member States affected by Lyme disease;

8. Calls on the Commission to facilitate cooperation and the exchange of best practices among Member States in terms of the monitoring, diagnosis and treatment of Lyme disease;

9. Welcomes the inclusion by certain Member States of Lyme disease in their national surveillance systems on the basis of a specific methodology;

10. Calls on the Commission to put in place uniform surveillance programmes and to work together with the Member States on facilitating the standardisation of diagnostic tests and treatments; calls on the Commission to recognise borreliosis as an occupational disease for agricultural and forestry workers, as well as for field scientists (such as biologists, geologists, surveyors or archaeologists);

11. Calls for individual tick prevention and control measures in the Member States in order to contain the spread of the Borrelia bacteria;

12. Calls for the development of evidence-based guidance on clinical and laboratory diagnosis of Lyme borreliosis; calls for ICD code separation between early-stage and late-stage Lyme disease; calls also for individual ICD codes for the different late-stage Lyme disease symptoms;

13. Requests that the Commission publish guidelines based on best practices within the EU with regard to the training of general practitioners so as to facilitate the diagnosis and screening of Lyme disease;

14. Asks Member States to expand the use of clinical examination so that doctors can diagnose Lyme disease even if the serology tests are negative, in order to help patients break the 'therapeutic deadlock';

15. Calls on the Commission to assess the magnitude of the phenomenon of some patients spending a long time seeking appropriate diagnosis and treatment of Lyme disease, in particular the cross-border movements of patients seeking treatment and the financial consequences thereof;

16. Calls for the planning and creation of innovative projects that can contribute to improved data gathering and the greater effectiveness of education and awareness-raising activities;

17. Welcomes the Commission Implementing Decision (EU) 2018/945 of 22 June 2018 on the communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions ([1]), that includes Lyme neuroborreliosis in the communicable diseases list;

18. Emphasises that the addition of Lyme disease to the European epidemiological surveillance network is enabling patients to benefit from the advantages of a robust and structured health system that permits permanent communication between competent national authorities, rapid and reliable identification of cases of Lyme borreliosis in the Union, mutual assistance in the field of analysis and interpretation of surveillance data collected, and deployment of devices necessary to stop its spread in humans;

19. Invites the Member States, which will be able to call on the Commission's logistical support, to set up an information and awareness campaign to alert the population and all those concerned to the existence of Lyme disease, first and foremost in the regions most affected by its spread;

([1]) OJ L 170, 6.7.2018, p. 1.

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20. Calls on the Commission to draw up a European plan to combat Lyme disease that is commensurate with the seriousness of this silent epidemic; encourages the set-up of a European network on Lyme disease that includes relevant stakeholders;

21. Calls on the Commission and the Member States to publish common prevention guidelines for those at high risk of getting Lyme disease, such as outdoors workers, as well as standardised diagnostic and treatment guidelines;

22. Calls on the Commission to introduce preventive tests and a method for rapidly treating and monitoring the course of Lyme borreliosis infections among professionals in the agroforestry sector and scientists involved in gathering field data;

23. Instructs its President to forward this resolution to the Commission.

Thursday 29 November 2018

P8_TA(2018)0474

Authorisation for certain uses of sodium dichromate

European Parliament resolution of 29 November 2018 on the draft Commission implementing decision granting an authorisation for certain uses of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Ilario Ormezzano Sai S.R.L.) (D058762/01 — 2018/2929(RSP))

(2020/C 363/14)

The European Parliament,

— having regard to the draft Commission implementing decision granting an authorisation for certain uses of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Ilario Ormezzano Sai S.R.L.) (D058762/01,

— having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ([1]) ('the REACH Regulation'), in particular Article 64(8) thereof,

— having regard to the opinions of the Committee for Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) ([2]), pursuant to the third subparagraph of Article 64(5) of the REACH Regulation,

— 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 ([3]),

— 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 sodium dichromate is included in Annex XIV to the REACH Regulation because of three intrinsic properties: carcinogenicity, mutagenicity and reproductive toxicity (category 1B); whereas sodium dichromate was added to the REACH Regulation candidate list in 2008 ([4]), because of its classification as carcinogenic, mutagenic and toxic for reproduction (category 1B) according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([5]);

([1]) OJ L 396, 30.12.2006, p. 1.

([2]) Opinion on Use of sodium dichromate as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3); Opinion on Repackaging of sodium dichromate to be supplied as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3).

([3]) OJ L 55, 28.2.2011, p. 13.

([4]) European Chemicals Agency Decision by the Executive Director of 28 October 2008 on the inclusion of substances of very high concern in the candidate list.

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

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B. whereas the molecular entity that drives the carcinogenicity of sodium dichromate is the chromium (VI) containing ion, which is released when sodium dichromate solubilises and dissociates; whereas chromium (VI) causes lung tumours in humans and animals by the inhalation route and tumours of the gastrointestinal tract in animals by the oral route;

C. whereas already in 1997 in the framework of Council Regulation (EEC) No 793/93 ([1]), sodium dichromate was identified as a priority substance for evaluation in accordance with Commission Regulation (EC) No 143/97 ([2]); whereas in 2008 the Commission issued a recommendation to reduce the risk from exposure to sodium dichromate ([3]);

D. whereas Ilario Ormezzano Sai S.R.L (the Applicant) submitted an application for authorisation to use sodium dichromate in the dyeing of wool; whereas the application is described in the opinions of the RAC and the SEAC as an 'upstream' application; whereas the Applicant is the supplier of sodium dichromate to 11 downstream users that either manufacture the dyes or are dyers themselves;

E. whereas the purpose of the REACH Regulation is to ensure a high level of protection of human health and the environment, including the promotion of alternative methods for assessment of the hazards posed by substances, and the free circulation of substances on the internal market, while enhancing competitiveness and innovation; whereas the primary objective of the REACH Regulation is the first of those three objectives, in light of Recital (16) in the preamble to the Regulation, as interpreted by the Court of Justice ([4]);

F. whereas the REACH Regulation does not provide for a special authorisation regime for so-called 'upstream applications'; whereas any applicant for authorisation, whatever their role or level in the supply chain, must provide the information listed in Article 62 of the REACH Regulation;

G. whereas RAC confirmed that it is not possible to determine a derived no-effect level for the carcinogenic properties of sodium dichromate and sodium dichromate is therefore considered as a 'non-threshold substance' for the purposes of Article 60(3)(a) of the REACH Regulation; whereas this means that a theoretical 'safe level of exposure' to this substance cannot be set and used as a benchmark to assess whether the risk of using it is adequately controlled;

H. whereas Recital (70) of the REACH Regulation states 'for any other substance for which it is not possible to establish a safe level of exposure, measures should always be taken to minimise, as far as technically and practically possible, exposure and emissions with a view to minimising the likelihood of adverse effects';

I. whereas RAC concluded that the operational conditions and risk management measures described in the application were not appropriate and effective in limiting the risk ([5]);

J. whereas Article 55 of the REACH Regulation provides that the substitution of substances of very high concern with safer alternative substances or technologies is a central aim of the authorisation chapter;

K. whereas Article 64(4) of the REACH Regulation provides that the mandate of SEAC is to assess the 'availability, suitability and technical feasibility of alternatives associated with the use(s) of the substance as described in the application […] and any third party contributions submitted under paragraph 2 of this Article';

([1]) Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances (OJ L 84, 5.4.1993, p. 1).

([2]) Commission Regulation (EC) No 143/97 of 27 January 1997 concerning the third list of priority substances as foreseen under Council Regulation (EEC) No 793/93 (OJ L 25, 28.1.1997, p. 13).

([3]) Commission Recommendation of 30 May 2008 on risk reduction measures for the substances sodium chromate, sodium dichromate and 2,2′,6,6′-tetrabromo- 4,4′-isopropylidenediphenol (tetrabromobisphenol A) (OJ L 158, 18.6.2008, p. 62).

([4]) Case C-558/07, *S.P.C.M. SA and Others* v *Secretary of State for the Environment, Food and Rural Affairs*, ECLI:EU:C:2009:430, § 45.

([5]) Opinion on Use of sodium dichromate as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3), p. 19, Question 6.

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L. whereas Article 62(4)(e) of the REACH Regulation requires the applicant for authorisation to provide 'an analysis of alternatives considering their risks and the technical and economic feasibility of substitution';

M. whereas Article 60(4) of the REACH Regulation provides that an authorisation to use a substance whose risks are not adequately controlled can only be granted if there are no suitable alternative substances or technologies;

N. whereas SEAC noted many deficiencies in the application for authorisation regarding the analysis of alternatives; whereas the Applicant, according to SEAC, failed to address key issues to the extent that this 'hinder[ed] the Committee's assessment of technical feasibility', and some aspects as important as the economic feasibility of alternatives were only 'briefly discussed' by the Applicant ([1]);

O. whereas the main argument used by the Applicant to conclude that no alternatives were suitable was that the customers (i.e. manufacturers/retailers of clothes) would not accept the quality of the colouring of the textile when dyed with an alternative;

P. whereas, however, the alleged requirements of the customers were not supported by any evidence, and it is not clear whether the reference to 'customers' preference' was made in full knowledge of the risks of sodium dichromate ([2]);

Q. whereas in addition, SEAC has noted, despite further inquiries with the Applicant, that 'whether an alternative product will ultimately be accepted by the customers of their downstream users still remains somewhat subjective and uncertain' ([3]), SEAC noted in its conclusion: 'After welcome clarifications by the Applicant, the Committee still finds a number of uncertainties in the analysis';

R. whereas despite these gaps and uncertainties in the application, SEAC still concluded that no suitable alternatives were available, simply making a general statement that these uncertainties 'are inherent to this kind of use (discussions on product quality can be marred by the subjectivity of fashion trends and consumer aesthetic tastes)' ([4]);

S. whereas, in this context, the SEAC opinion shows that the Applicant has not provided a comprehensive analysis of alternatives available on the market to substitute the use of sodium dichromate for the uses applied for, but fails to draw the adequate conclusions;

T. whereas such an outcome cannot be reconciled with the fact that alternatives are known to have been available for many years ([5]), that leading fashion brands are contributors to the ZDHC Roadmap to Zero Programme, which does not allow the use of chromium (VI) in textile manufacturing ([6]), and that individual textile companies have explicit policies that do not allow the use of chromium (VI) (e.g. H&M) ([7]), including companies in high-end fashion markets (Armani ([8]) and Lanificio Ermenegildo Zegna ([9]));

U. whereas Gruppo Colle and Ormezzano have been the only applicants for authorisation under the REACH Regulation for chrome dyes;

([1]) Opinion on Use of sodium dichromate as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3), pp. 24-25.
([2]) Applicant's analysis of alternative available at: https://echa.europa.eu/documents/10162/88b2f393-17cf-465e-95eb-ba07282ba400
([3]) Opinion on Use of sodium dichromate as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3), p. 24.
([4]) Opinion on Use of sodium dichromate as a mordant in the dyeing of wool as sliver and/or yarn with dark colours in industrial settings (EC No 234-190-3), p. 26.
([5]) See https://marketplace.chemsec.org/Alternative/LANASOL-CE-pioneering-replacement-of-chrome-dyes-since-20-years-44
([6]) See: https://www.roadmaptozero.com/mrsl_online/
([7]) See H&M Group Chemical Restrictions 2018 Manufacturing Restricted Substances List (MRSL).
([8]) See Armani's Restricted Substances List Version 9 — Effective as of the Season SS 18.
([9]) See Huntsman presentation entitled 'Turning risks into opportunities — How to dye wool sustainably' (p. 18).

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V. whereas the REACH Regulation places the burden of proof on the applicant for authorisation to show that the conditions for granting an authorisation are fulfilled; whereas SEAC has a duty to provide 'scientific advice founded on the principles of excellence, transparency and independence', which 'is an important procedural guarantee whose purpose is to ensure the scientific objectivity of the measures adopted and preclude any arbitrary measures' ([1]);

W. whereas it is not clear why, despite the deficiencies or uncertainties identified regarding the analysis of alternatives, SEAC concluded that sufficient information was available to reach a conclusion on the suitability of the alternatives; whereas it is also not clear why claims of subjective preferences were not rejected despite the absence of detailed objective and verifiable evidence, and why those claims were not assessed against best market practice;

X. whereas it is not acceptable to tolerate potentially numerous cases of infertility, cancer and mutagenic effects, despite the availability of alternatives to sodium chromate, on the basis of an assumption that manufacturers of clothes would not accept alternatives due to their subjective 'taste';

Y. whereas such an interpretation of the notion of alternatives and the level of proof required from the applicant is neither in line with the objective to replace substances of very high concern with alternatives, nor with the primary objective of the REACH Regulation to ensure a high level of protection of human health and the environment;

Z. whereas the Commission is aware of the availability of suitable alternatives, thanks in particular to information provided during the public consultation and trilogue ([2]) organised by the European Chemicals Agency in the context of the Gruppo Colle case ([3]);

AA. whereas it is not appropriate for the Commission to ignore critical information showing the availability of suitable alternatives from this parallel case;

AB. whereas Article 61(2)(b) of the REACH Regulation empowers the Commission to review an authorisation at any time if 'new information on possible substitutes become available';

AC. whereas the granting of an authorisation for the use of a non-threshold substance for applications for which alternatives are clearly known to be available is not in accordance with the conditions set out in the provisions of the REACH Regulation, and would unduly reward laggards and set a dangerous precedent for future authorisation decisions under the REACH Regulation;

1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1907/2006, by not respecting the conditions set by that Regulation for granting an authorisation;

2. Calls on the Commission to withdraw its draft implementing decision and to submit a new draft rejecting the application for authorisation for certain uses of sodium dichromate (Ilario Ormezzano Sai S.R.L.);

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]) Judgment of the Court of First Instance (Third Chamber) of 11 September 2002, *Pfizer Animal Health SA* v *Council of the European Union*, Case T-13/99, ECLI:EU:T:2002:209.

([2]) As explained in RAC and SEAC Opinion in the Gruppo Colle case: Use of sodium dichromate as mordant in wool dyeing (EC No 234-190-3) (p. 21 referring to two alternatives: Lanasol and Realan).

([3]) ECHA Adopted opinions and previous consultations on applications for authorisation — Gruppo Colle.S.r.l. — Use of Sodium dichromate as mordant in wool dyeing (EC No 234-190-3).

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The Cum Ex Scandal: financial crime and the loopholes in the current legal framework

European Parliament resolution of 29 November 2018 on the cum-ex scandal: financial crime and loopholes in the current legal framework (2018/2900(RSP))

(2020/C 363/15)

The European Parliament,

— having regard to the cum-ex revelations made by a consortium of investigative journalists led by the German non-profit media organisation CORRECTIV on 18 October 2018,

— having regard to 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 ([1]) ('ESMA Regulation'),

— having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC ([2]) ('EBA Regulation'),

— 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 (DAC2) ([3]),

— heaving regard to Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (DAC6) ([4]),

— having regard to the Fourth Inquiry Committee of the German Bundestag regarding the scandal, which culminated in a report ([5]) in June 2017,

— having regard to its resolutions of 25 November 2015 ([6]) and 6 July 2016 ([7]) on tax rulings and other measures similar in nature or effect,

— having regard to its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union ([8]),

— having regard to its recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion ([9]),

— having regard to its decision of 1 March 2018 on setting up a special committee on financial crimes, tax evasion and tax avoidance (TAX3), and defining its responsibilities, numerical strength and term of office ([10]),

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([1]) OJ L 331, 15.12.2010, p. 84.
([2]) OJ L 331, 15.12.2010, p. 12.
([3]) OJ L 359, 16.12.2014, p. 1.
([4]) OJ L 139, 5.6.2018, p. 1.
([5]) Deutscher Bundestag, Drucksache 18/12700, 20.6.2017.
([6]) OJ C 366, 27.10.2017, p. 51.
([7]) OJ C 101, 16.3.2018, p. 79.
([8]) OJ C 399, 24.11.2017, p. 74.
([9]) OJ C 369, 11.10.2018, p. 132.
([10]) Texts adopted, P8_TA(2018)0048.

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— having regard to its plenary debate of 23 October 2018 on the cum-ex scandal,

— having regard to its joint ECON/TAX3 committee meeting of 26 November 2018,

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas 'cum-ex' and 'cum-cum' — or dividend arbitrage trading schemes — refer to the practice of trading shares in such a way as to conceal the identity of the actual owner and to enable both or multiple parties involved to claim withholding tax refunds on capital gains tax that had only been paid once;

B. whereas the cum-ex scandal was revealed to the public through a collaborative investigation between 19 European news media outlets involving 12 countries and 38 reporters;

C. whereas it is reported that 11 Member States have lost up to EUR 55,2 billion in tax revenue as a result of cum-ex and cum-cum schemes;

D. whereas it is nonetheless difficult to calculate the maximum amount of the damage incurred, given that many actions started in the late 1990s and have long since been time-barred;

E. whereas the investigation by the consortium of European journalists identifies Germany, Denmark, Spain, Italy and France as allegedly the main target markets for cum-ex trading practices, followed by Norway, Finland, Poland, Denmark, the Netherlands, Austria and the Czech Republic, and whereas these practices potentially involve an unknown number of EU Member States as well as countries of the European Free Trade Association (Switzerland, for example);

F. whereas investigations in the most affected EU Member States are ongoing;

G. whereas cum-ex and cum-cum schemes bear some of the hallmarks of tax fraud, and it needs to be assessed whether there has been a breach of either national or EU law;

H. whereas it has been reported that these criminal practices involve EU Member States' financial institutions, including several large well-known commercial banks;

I. whereas in some cases relevant authorities did not conduct in-depth investigations into the information shared from other Member States regarding the cum-ex revelations;

J. whereas the fact that foreign investors are entitled to claim a refund of the withholding taxes on dividends plays a central part in the revelations;

K. whereas as of September 2017, the second Directive on Administrative Cooperation (DAC2) requires EU Member States to obtain information from their financial institutions and to exchange it with the Member State of residence of taxpayers on an annual basis;

L. whereas the sixth Directive on Administrative Cooperation (DAC6) requires any person that designs, markets, organises, makes available for implementation or manages the implementation of a reportable cross-border arrangement which meets pre-defined hallmarks to report those arrangements to national tax authorities;

M. whereas the mandate of the Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance (TAX3) explicitly covers any relevant developments within the remit of the committee that emerge during its term;

N. whereas the role of whistle-blowers over the last 25 years has proven significant in revealing sensitive information that is at the centre of public interest, which has also proven to be the case in the cum-ex revelations ([1]);

([1]) European Parliament ECON/TAX3 Hearing of 26 November 2018, 'Cum-ex scandal: financial crime and the loopholes in the current legal framework'.

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1. Strongly condemns the revealed tax fraud and tax avoidance which has led to publicly reported losses of Member States' tax revenue, amounting to as much as EUR 55,2 billion according to some media estimates, which are a blow to the European social market economy;

2. Highlights that, according to the EU Anti-Money Laundering Directive ([1]), 'tax crimes' relating to direct and indirect taxes are included in the broad definition of 'criminal activity' and are considered predicate offences for money laundering; recalls that both credit and financial institutions, as well as tax advisers, accountants and lawyers, are considered 'obliged entities' under the Anti-Money Laundering Directive and are therefore bound to comply with a set of duties to prevent, detect and report money laundering activities;

3. Notes with concern that the cum-ex scandal has shaken citizens' trust in tax systems and stresses how crucial it is to restore public confidence and ensure that any damage caused will not be repeated;

4. Deplores the fact that the Commissioner in charge of taxation does not recognise the need to extend the existing system for the exchange of information between national tax authorities;

5. Requests the European Securities and Markets Authority and the European Banking Authority to conduct an inquiry into dividend arbitrage trading schemes such as cum-ex or cum-cum in order to assess potential threats to the integrity of financial markets and to national budgets; to establish the nature and magnitude of actors in these schemes; to assess whether there were breaches of either national or Union law; to assess the actions taken by financial supervisors in Member States; and to make appropriate recommendations for reform and for action to the competent authorities concerned;

6. Underlines that the reported revelations do not affect the stability of the Union's financial system;

7. Recommends that the inquiry establish what failed in the coordination and surveillance tasks of financial supervisors, stock exchanges and tax authorities across the Member States which allowed these tax theft schemes to continue for years despite having been identified;

8. Calls for national and European supervisory authorities to be given a mandate to look into tax avoidance practices, as they may pose a risk to the integrity of the internal market;

9. Underlines that these new revelations seem to indicate possible shortcomings in national taxation laws and in the current systems of exchange of information and cooperation between Member State authorities; calls on Member States to effectively implement the mandatory automatic exchange of information in the field of taxation;

10. Calls for information exchange to be strengthened at the level of tax authorities in order to prevent the issues with tax confidentiality that have been seen in some Member States;

11. Urges all Member States' tax authorities to nominate Single Points of Contact (SPoCs) in line with the OECD's Joint International Taskforce on Shared Intelligence and Collaboration, and calls on the Commission to ensure and facilitate cooperation between them, with a view to making certain that information on cases with cross-border relevance is shared rapidly and efficiently between Member States;

([1]) 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, (ES) č. (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.

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12. Calls also on national competent authorities, where appropriate, to open criminal investigations, use legal tools to freeze suspicious assets, launch inquiries into the management boards potentially involved in this scandal and impose appropriate and dissuasive sanctions on the parties involved; takes the view that both perpetrators and enablers of these crimes, including not only tax advisers but also lawyers, accountants and banks, should be brought to justice; stresses the urgent need to end white-collar impunity and ensure better enforcement of financial regulations;

13. Calls on the EU and Member State authorities to investigate the role of insurance funds and insurance supervisors in the scandal;

14. Calls on national tax authorities to reap the full potential of DAC6 with regard to the mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, including the use of group requests; calls, furthermore, for DAC6 to be strengthened in order to require the mandatory disclosure of dividend arbitrage schemes and all information on capital gains, including the granting of dividend and capital gains tax refunds;

15. Urges all Member States, identified as allegedly being the main target markets for dividend arbitrage trading practices, to thoroughly investigate and analyse dividend payment practices in their jurisdictions, to identify the loopholes in their tax laws that generate opportunities for exploitation by tax fraudsters and avoiders, to analyse any potential cross-border dimension of these practices and to put an end to all these harmful tax practices;

16. Stresses the need for coordinated action between national authorities in order to guarantee recovery of illegally obtained resources from public accounts;

17. Urges the Commission to assess and the Member States to review and update bilateral taxation agreements between Member States and with third countries to close loopholes that incentivise tax-driven trading practices with the purpose of tax avoidance;

18. Calls on the Commission to start working immediately on a proposal for a European financial police within the framework of Europol with its own investigatory capacities, as well as on a European framework for cross-border tax investigations;

19. Calls on the Commission to revise the directive on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States in order to tackle dividend arbitrage practices;

20. Calls on the Commission to assess the role of Special Purpose Vehicles (SPVs) and Special Purpose Entities (SPEs) revealed by the cum-ex papers and, where appropriate, to propose limiting the use of these instruments;

21. Appeals to the Commission to consider the need for a European framework for capital income taxation that reduces incentives that destabilise cross-border financial flows, generate fiscal competition among Member States and undermine tax bases that guarantee the sustainability of European welfare states;

22. Asks the Commission to consider a legislative proposal for an EU Financial Intelligence Unit, a European hub for joint investigative work and an early warning mechanism;

23. Notes the fact that the 2008 crisis has resulted in generalised resource and personnel reductions in tax administrations; calls on Member States to invest in and modernise the tools available to tax authorities, and to allocate adequate human resources so as to improve surveillance and reduce timing and informational gaps; calls on Member States to improve the capacities and capabilities of their financial authorities to ensure they are fully functional for detecting tax fraud;

24. Stresses the need for the protection of whistle-blowers who disclose information for example on tax fraud and tax evasion at national and EU level; invites anyone who has information of value for the public interest to report it, either internally, externally to the national authorities or where necessary to the public; calls for the proposal for a directive of the European Parliament and of the Council on protection of persons reporting on breaches of Union law to be swiftly adopted considering the opinions adopted in the different European Parliament committees;

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25. Welcomes the Commission proposal of 12 September 2018 to amend, among other regulations, the regulation establishing the EBA in order to reinforce the role of the EBA in anti-money laundering supervision of the financial sector (COM(2018)0646); stresses that, in accordance with the Single Supervisory Mechanism, the ECB has the task of carrying out early intervention actions as laid down in relevant Union law; takes the view that the ECB should have a role in alerting competent national authorities and should coordinate any action regarding suspicions of non-compliance with anti-money laundering rules in supervised banks or groups;

26. Takes the view that the work of the TAXE, TAX2, PANA and TAX3 committees should be continued, in the forthcoming parliamentary term, in a permanent structure within Parliament such as a subcommittee to the Committee on Economic and Monetary Affairs (ECON);

27. Calls on the TAX3 Special Committee to conduct its own assessment of the cum-ex revelations and to include the results and any relevant recommendations in its final report;

28. Instructs its President to forward this resolution to the Council, the Commission, the European Banking Authority and the European Securities and Markets Authority.

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P8_TA(2018)0476

Role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes

European Parliament resolution of 29 November 2018 on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes (2018/2856(RSP))

(2020/C 363/16)

The European Parliament,

— having regard to Article 227 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Article 81(3) of the TFEU,

— having regard to Article 3(3) of the Treaty on European Union,

— having regard to the Charter of Fundamental Rights of the European Union, in particular Article 24 thereof,

— having regard to Articles 8 and 20 of the UN Convention on the Rights of the Child, which underline the obligation of governments to protect a child's identity, including his or her family relations,

— having regard to the Vienna Convention on Consular Relations of 1963, in particular Article 37(b) thereof,

— having regard to the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption,

— having regard to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa) ([1]), in particular Articles 8, 10, 15, 16, 21, 41, 55 and 57 thereof,

— having regard to Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 ([2]),

— having regard to the Commission communication of 15 February 2011 on an EU Agenda for the Rights of the Child (COM(2011)0060),

— having regard to the case law of the Court of Justice of the European Union (CJEU), notably its rulings of 22 December 2010 in case C-497/10 PPU, *Mercredi* v *Chaffe* ([3]), and of 2 April 2009 in case C-523/07, proceedings brought by A ([4]),

— having regard to the mapping of the child protection systems carried out by the European Union Agency for Fundamental Rights,

— having regard to the very large number of petitions received on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes,

— having regard to the recommendations made in the report on the fact-finding visit to Germany (23-24 November 2011) to investigate petitions concerning the role of the German Youth Welfare Office (Jugendamt),

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([1]) OJ L 338, 23.12.2003, p. 1.
([2]) OJ L 324, 10.12.2007, p. 79.
([3]) Judgment of the Court (First Chamber) of 22 December 2010, *Barbara Mercredi* v *Richard Chaffe*, C-497/10 PPU, ECLI:EU:C:2010:829.
([4]) Judgment of the Court (Third Chamber) of 2 April 2009, A, C-523/07, ECLI:EU:C:2009:225.

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— having regard to its resolution of 28 April 2016 on safeguarding the best interests of the child across the EU on the basis of petitions addressed to the European Parliament ([1]),

— having regard to the recommendations of 3 May 2017 of the Committee on Petitions' Working Group on Child Welfare Issues,

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas Parliament's Committee on Petitions has, for over 10 years, been receiving petitions in which a very large number of non-German parents denounce systematic discrimination and arbitrary measures taken against them by the German Youth Welfare Office (Jugendamt) in family disputes with cross-border implications involving children, on matters concerning, inter alia, parental responsibility and child custody;

B. whereas the Committee on Petitions relies mainly on the subjective report of the petitioner and generally does not have access to judicial decisions that give a full and objective description of the situation, containing testimonies of both the parents, the children and witnesses;

C. whereas the Jugendamt plays a central role in the German family law system, as it is one of the parties in all family disputes involving children;

D. whereas in family disputes involving children, the Jugendamt delivers a recommendation to the judges, the nature of which is practically binding, and can adopt temporary measures, such as the 'Beistandschaft' (legal advisership), which cannot be challenged;

E. whereas the Jugendamt is responsible for the implementation of the decisions taken by the German courts; whereas the broad interpretation of these decisions by the Jugendamt has, according to petitioners, often been detrimental to the effective protection of the rights of non-German parents;

F. whereas the non-recognition and non-enforcement by the competent German authorities of decisions and judgments taken by other EU Member States' judicial authorities in family disputes having cross-border implications can represent a breach of the principle of mutual recognition and mutual trust among Member States, thus jeopardising the effective protection of the best interests of the child;

G. whereas petitioners denounced the fact that in family disputes having cross-border implications the protection of the best interests of the child is systematically interpreted by the competent German authorities with the need to ensure that children remain on the German territory, even in cases where abuse and domestic violence against the non-German parent have been reported;

H. whereas non-German parents denounced in their petitions the insufficient counselling and legal support, or the lack thereof, provided by the national authorities of their country of origin in cases where alleged discriminatory or disadvantageous judicial and administrative procedures were adopted against them by the German authorities, including the Jugendamt, in family disputes involving children;

I. whereas according to the information provided by the European Court of Human Rights, there have been 17 cases lodged with the Court against Germany by non-German petitioners on parental responsibility or child custody in cross-border family disputes, all of them assessed as inadmissible;

J. whereas all EU institutions and Member States must fully guarantee the protection of the rights of the child as enshrined in the Charter of Fundamental Rights of the EU; whereas the best interests of the child, primarily and best realised within its own family, is a fundamental principle that should be respected as a guiding rule for all decisions related to childcare issues at all levels;

([1]) OJ C 66, 21.2.2018, p. 2.

K. whereas increased mobility within the EU has led to a growing number of cross-border disputes on parental responsibility and child custody; whereas the Commission must step up its efforts to promote in all Member States, including Germany, the consistent and concrete implementation of the principles set out in the UN Convention on the Rights of the Child, ratified by all EU Member States;

L. whereas the scope and objectives of the Brussels IIa Regulation are based on the principle of non-discrimination on the grounds of nationality between citizens of the Union and on the principle of mutual trust between the Member States' legal systems;

M. whereas the provisions of the Brussels IIa Regulation should in no way allow for any abuse of its underlying aims of ensuring mutual respect and recognition, avoiding discrimination on the grounds of nationality and, first and foremost, truly protecting the best interests of the child in an objective manner;

N. whereas the absence of accurate and detailed checks on the non-discriminatory nature of procedures and practices adopted by the German competent authorities in family disputes having cross-border implications involving children can have detrimental effects on children's welfare and lead to increased violation of rights for non-German parents;

O. whereas the subsidiarity principle applies in all matters of substantive family law issues;

P. whereas the German Federal Constitutional Court ruled that a court can ask to hear a child who is still not quite three years old at the time of the decision; whereas in other EU Member States children of this age are considered too young and not mature enough to be consulted in disputes involving their parents;

Q. whereas the child's right to family life should not be threatened by the exercise of a fundamental right such as the freedom of movement and residence;

R. whereas the case law of the CJEU establishes the autonomous notion in EU law of the 'habitual residence' of the child and the plurality of the criteria to be used by the national jurisdictions to determine the habitual residence;

S. whereas it follows from Article 24 of the Charter of Fundamental Rights of the EU that, unless contrary to the interests of the child, children have the right to uphold on a regular basis a personal relationship and direct contact with their parents when their parents are exercising their right to free movement;

1. Notes with great concern that problems concerning the German family law system, including the controversial role of the Jugendamt, denounced through petitions by non-German parents, still remain unsolved; underlines that the Committee on Petitions continuously receives petitions by non-German parents in which serious discrimination is reported as a result of the procedures and practices concretely adopted by the competent German authorities in cross-border family disputes involving children;

2. Notes with concern all cases of alleged discrimination against non-German parents by the Jugendamt;

3. Points to the long-standing work of the Committee on Petitions on the treatment of petitions concerning the role of the Jugendamt; takes note of the responses given by the competent German ministry on the functioning of the German family law system, but underlines that the Committee on Petitions continuously receives petitions concerning alleged discrimination against the non-German parent;

4. Stresses the obligation, as provided for in the Brussels IIa Regulation, for national authorities to recognise and enforce judgments delivered in another Member State in child-related cases; is concerned about the fact that in family disputes having cross-border implications, the German authorities can, allegedly, systematically refuse to recognise judicial decisions taken in other Member States in cases where children who are still not quite three years old have not been heard; underlines that this aspect undermines the principle of mutual trust with other Member States whose legal systems set different age limits for the hearing of a child;

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5. Regrets the fact that for years the Commission has not implemented accurate checks on the procedures and practices used in the German family law system, including the Jugendamt, in the framework of family disputes having cross-border implications, thus failing to effectively protect the best interests of the child and all other related rights;

6. Recalls the Commission's reply with respect to the petitions on the role of the Jugendamt in cross-border family disputes; reiterates that the EU has no general competence to act in matters of family law, that substantive family law remains the sole responsibility of the Member States and cannot be monitored by the Commission, that, in case of concern about the functioning of the Jugendamt, redress must be sought at national level, and that if parents consider that any of their fundamental rights have been violated, they may lodge a complaint with the European Court of Human Rights in Strasbourg, once the domestic remedies have been exhausted;

7. Insists on the importance of Member States collecting statistical data on the administrative and judicial proceedings concerning child custody and involving foreign parents, particularly on the outcome of the judgments, in order to allow for a detailed analysis of existing trends over time and to provide benchmarks;

8. Emphasises, in accordance with the case law of the CJEU, the autonomous notion of the 'habitual residence' of the child in EU law and the plurality of the criteria to be used by the national jurisdictions to determine the habitual residence;

9. Calls on the Commission to ensure that the habitual residence of the child has been properly determined by the German jurisdictions in the cases referred to in the petitions received by the Committee on Petitions;

10. Strongly criticises the absence of statistical data on the number of cases in Germany in which court rulings were not in line with the recommendations of the Jugendamt and on the outcomes of family disputes involving children of binational couples, despite the repeated requests over many years for such data to be collected and made publicly available;

11. Calls on the Commission to assess in the petitions in question whether German jurisdictions have duly respected the provisions of the Brussels IIa Regulation when establishing their competences, and whether they have taken into consideration judgments or decisions issued by jurisdictions of other Member States;

12. Condemns the fact that, in cases of supervised parental access, the failure by non-German parents to comply with the Jugendamt officials' procedure to adopt German as the language during conversations with their children has led to the interruption of conversations and to a ban on contact between the non-German parents and their children; believes that this procedure adopted by the Jugendamt officials constitutes clear discrimination based on origin and language against non-German parents;

13. Stresses that the Jugendamt generally allows the use of a common mother tongue and, if needed for the child's well-being and safety, such as in possible abduction cases, they endeavour to provide an interpreter in order to ensure that the Jugendamt officials understand the content of the discussion;

14. Is firmly convinced that in cases of supervised parental access, the German authorities must permit all parental languages during conversations between parents and their children; asks for mechanisms to be put in place to guarantee that non-German parents and their children can communicate in their common language, as the use of this language plays a crucial role in maintaining strong emotional bonds between parents and their children and ensures the effective protection of children's cultural heritage and welfare;

15. Firmly believes that consistent and effective follow-up must be given to the recommendations of the final report of 3 May 2017 of the Committee on Petitions' Working Group on Child Welfare Issues, and notably to those related directly or indirectly to the role of the Jugendamt and to the German family law system;

16. Reminds Germany of its international obligations under the UN Convention on the Rights of the Child, including Article 8 thereof; believes that major improvements must be made by all German competent authorities to adequately safeguard the right of the children of binational couples to preserve their identity, including family relations, as recognised by law without unlawful interference;

17. Considers that in light of Article 81 of the TFEU the Commission can and must play an active role in ensuring fair and consistent non-discriminatory practices towards parents in the treatment of cross-border child custody cases throughout the Union;

18. Calls on the Commission to ensure that accurate checks are carried out on the non-discriminatory nature of procedures and practices used in the German family law system, including by the Jugendamt, in the framework of cross-border family disputes;

19. Reiterates that the principle of subsidiarity applies in matters of substantive family law;

20. Calls on the Commission to increase training for and international exchanges between social services officials in order to raise awareness of the functioning of their counterparts in other Member States and to exchange good practices;

21. Emphasises the importance of close cooperation and efficient communication between the different national and local authorities involved in childcare proceedings, from the social services to the jurisdictional and central authorities;

22. Stresses the need to improve mutual judicial and administrative cooperation between the German authorities and the authorities of the other EU Member States in order to ensure mutual trust in matters concerning the recognition and enforcement in Germany of decisions and judgments adopted by other EU Member States' authorities in family disputes having cross-border elements involving children;

23. Recalls the importance of providing non-German parents without delay, from the outset and at every stage of child-related proceedings, with complete and clear information on the proceedings and on the possible consequences thereof, in a language that the parents in question fully understand, in order to avoid cases where parents give their consent without fully understanding the implications of their commitments; calls on the Member States to implement targeted measures aimed at improving legal support, aid, counselling and information for their nationals in cases where they denounce discriminatory or disadvantageous judicial and administrative procedures adopted against them by the German authorities in cross-border family disputes involving children;

24. Stresses that the denounced instances whereby non-German parents are prevented from communicating with their children in their common mother tongue during visits constitute discrimination on the grounds of language, and are also contrary to the aim of fostering multilingualism and diversity of cultural backgrounds within the Union and in breach of the fundamental rights of freedom of thought, conscience and religion;

25. Calls on Germany to step up its efforts in order to ensure that parents are allowed to use a common mother tongue with their children during supervised visits;

26. Expresses its concern about cases raised by petitioners regarding short deadlines set by the competent German authorities and documents sent by the competent German authorities which were not provided in the language of the non-German petitioner; stresses the right of citizens to refuse to accept documents that are not written or translated into a language they understand, as laid down in Article 8(1) of Regulation (EC) No 1393/2007 on the service of documents; calls on the Commission to thoroughly assess the implementation in Germany of the provisions of this regulation in order to properly address all possible violations;

27. Calls on the Commission to verify the respect of language requirements in the course of proceedings before the German jurisdictions in the cases mentioned in the petitions presented to the European Parliament;

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28. Calls on the Member States to implement targeted measures aimed at improving legal support, aid, counselling and information for their nationals in cross-border family disputes involving children; notes, in this context, that the competent German ministries at federal level have established the German Central Contact Point for Cross-border Family Conflicts in order to provide counselling and information in cross-border family disputes involving parental responsibility;

29. Reiterates its call on the Commission and the Member States to co-finance and promote the establishment of a platform providing assistance to non-national EU citizens in family proceedings;

30. Reminds the Member States about the importance of systematically implementing the provisions of the Vienna Convention of 1963 and of ensuring that embassies or consular representations are informed from the start of all childcare proceedings involving their nationals and have full access to the relevant documents; stresses the importance of trustworthy consular cooperation in this field and suggests that consular authorities should be allowed to attend every stage of the proceedings;

31. Reminds the Member States of the need to provide the child with any necessary and justified foster care in accordance with the wording of Articles 8 and 20 of the UN Convention on the Rights of the Child, and in particular to enable continuous childcare that takes into account the child's ethnic, religious, linguistic and cultural identity;

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

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P8_TA(2018)0477

WTO: the way forward

European Parliament resolution of 29 November 2018 on WTO: the way forward (2018/2084(INI))

(2020/C 363/17)

The European Parliament,

— having regard to the Marrakesh Agreement of 15 April 1994 establishing the World Trade Organisation (WTO),

— having regard to the Doha Ministerial Declaration of the WTO of 14 November 2001 ([1]),

— having regard to its previous resolutions on the WTO, in particular those of 24 April 2008 on 'Towards a reform of the World Trade Organisation' ([2]) and of 15 November 2017 on 'Multilateral negotiations in view of the 11th WTO Ministerial Conference' ([3]),

— having regard to the Outcome Document adopted by consensus on 10 December 2017 at the Annual Session of the Parliamentary Conference on the WTO in Buenos Aires ([4]),

— having regard to the results, which include a series of Ministerial Decisions, of the 11th Ministerial Conference held in Buenos Aires in December 2017, at which it was not possible to adopt a Ministerial Declaration ([5]),

— having regard to the 6th Global Review of Aid for Trade, which took place in Geneva from 11 to 13 July 2017 ([6]),

— having regard to the UN Sustainable Development Goals ([7]),

— having regard to the Paris Agreement within the United Nations Framework Convention on Climate Change (UNFCCC), effective since November 2016,

— having regard to the latest report of the Intergovernmental Panel on Climate Change, published on 8 October 2018, which shows that limiting global warming to 1,5 °C is still possible if countries ratchet up their Nationally Determined Contributions by 2020,

— having regard to paragraph 16 of the European Council conclusions of 28 June 2018 ([8]),

— having regard to the joint statement of the trilateral meeting of the trade ministers of the United States, Japan and the European Union adopted on 31 May 2018 ([9]),

— having regard to the joint statement of the 20th EU-China Summit establishing a joint working group on WTO reform chaired at vice-ministerial level ([10]);

([1]) Doha Ministerial Declaration (WT/MIN(01)/DEC/1) of 14 November 2001 — https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm
([2]) OJ C 259 E, 29.10.2009, p. 77.
([3]) Texts adopted, P8_TA(2017)0439.
([4]) http://www.europarl.europa.eu/pcwto/en/sessions/2017.html
([5]) https://www.wto.org/english/news_e/news17_e/mc11_10dec17_e.htm
([6]) https://www.wto.org/english/tratop_e/devel_e/a4t_e/gr17_e/gr17programme_e.htm
([7]) http://www.un.org/sustainabledevelopment/sustainable-development-goals/
([8]) http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/
([9]) http://trade.ec.europa.eu/doclib/docs/2018/may/tradoc_156906.pdf
([10]) https://www.consilium.europa.eu/media/36165/final-eu-cn-joint-statement-consolidated-text-with-climate-change-clean-energy-annex.pdf

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— having regard to the Commission's concept paper of 18 September 2018 on WTO modernisation ([1]),

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

— having regard to the report of the Committee on International Trade and the opinion of the Committee on Development (A8-0379/2018),

A. whereas since its creation, the WTO has played a pivotal role in strengthening multilateralism, promoting an inclusive world economic order and fostering an open, rules-based and non-discriminatory multilateral trading system; whereas developing countries now account for about half of world trade, up from 33 % in 2000, while the number of people living in extreme poverty has been cut by half since 1990, to just under one billion; whereas the WTO is built upon a system of rights and obligations, which obligates members to open their own markets and not to discriminate;

B. whereas the WTO should remain the main point of reference for governments and businesses in rule-setting and trade disputes;

C. whereas the EU has consistently advocated a strong multilateral and rules-based approach to trade, as the EU economy, and workers and consumers in the EU and its partners, are increasingly integrated with global value chains and depend on predictable developments in international trade for both imports and exports and in social and environmental conditions;

D. whereas the results of the 11th WTO Ministerial Conference in Buenos Aires in December 2017 were disappointing, and clearly showed that the negotiating function of the organisation is paralysed;

E. whereas the rules-based multilateral trading system is facing its deepest crisis since the creation of the WTO, threatening the basic functions of the organisation, namely setting the essential rules and structure for international trade and delivering the most effective and developed dispute settlement mechanism of any multilateral organisation;

F. whereas despite important exceptions such as the Trade Facilitation Agreement, WTO trade reform has lagged since the 2000s;

G. whereas the Appellate Body is the 'jewel in the crown' of the WTO owing to the binding character of its decisions and its status as an independent and impartial review body; whereas the Appellate Body's membership fell to the minimum number of judges it needs to function after the ending of the term of Judge Shree Baboo Chekitan Servansing, leaving only three judges appointed; whereas this deadlock, caused by the US administration, could lead to the collapse of a system that is essential to managing disputes among all WTO members;

1. Reiterates its full commitment to the enduring value of multilateralism, and calls for a trade agenda based on fair and rules-based trade for the benefit of all, which contributes to peace, security and the sustainable development agenda by including and enhancing social, environmental and human rights, and ensuring that multilaterally agreed and harmonised rules are uniformly applied to all and effectively upheld; stresses that the WTO must also contribute to promoting fair trade and combating unfair practices; underlines that trade is not an end in itself but a tool for reaching globally defined development goals;

([1]) http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157331.pdf

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2. Considers that it is now a matter of urgency to proceed to the modernisation of the WTO, in the light of the latest developments but also owing to the long-standing lack of progress on the Doha Development Agenda (DDA), and to fundamentally review several aspects of the WTO's functioning with a view to increasing both its effectiveness and its legitimacy; considers it essential, in this perspective, for the WTO Secretariat to create opportunities for all WTO members to be involved in the debate from the beginning; calls on the Commission and the EU Member States in the WTO to reach out to other WTO members, in particular our major trading partners such as the US, Japan, China, Canada, Brazil and India, in order to agree on common positions; is encouraged by the initial statements from the EU-China summit regarding the reform of the WTO;

3. Welcomes in this regard the mandate given by the European Council to the Commission on 28-29 June 2018, and takes note of the approach outlined in the conclusions, as well as of the Commission's concept paper on WTO modernisation of 18 September 2018 and Canada's proposals for WTO reform of 25 September 2018; looks forward to the publication of more proposals, especially from developing countries, as well as from working groups already established among WTO member states;

4. Expresses its utmost concern over the fact that only three posts on the Appellate Body are filled, thus severely undermining the current and proper functioning of the dispute settlement process, and calls firmly on the US to resolve this situation in a way that allows for the vacant Appellate Body seats to be filled expeditiously; welcomes the initial proposals put forward by the Commission in its concept paper on WTO modernisation to resolve the deadlock by addressing some of the concerns that have been raised, including through transitional rules for outgoing members or changes to the length of terms on the Appellate Body or to the maximum time allowed before the publication of a report, as well as to the setting of new case-law by the Appellate Body; notes that the concerns expressed by the US regarding the Appellate Body extend beyond procedural changes and entail significant reforms to the rulings of the body's judges;

5. Views the decision of the US to impose tariffs on steel and aluminium products on 31 May 2018 on grounds of 'national security' under Section 232 of the Trade Expansion Act of 1962 as unjustified and considers that it fails to address the challenge posed by excess steel in global markets and does not comply with WTO rules; strongly encourages the Commission to work with the US to address trade disagreements and remove barriers to trade within the WTO's rules-based dispute settlement framework;

6. Is of the view that, as a way to address the root causes of the current crisis, it is necessary for the WTO to adapt to a changing world while delivering on some of the outstanding issues of the DDA, especially regarding food security; considers that it is therefore necessary:

a) to address current gaps in the rulebook in order to level the playing field as regards market-distorting subsidies and state-owned enterprises, as well as to keep intellectual property protection and investment market access up to date; also to address issues of protection and forced source code disclosure and other state- directed activities giving rise to overcapacities, as well as regulatory barriers to services and investment including technology transfers, requirements of joint ventures and local content requirements; and to monitor the implementation, administration and operation of existing agreements;

b) to create the necessary regulatory framework to cope with technological developments by covering e-commerce, global value chains, public procurement, updated domestic regulation for services, and micro, small and medium-sized enterprises (MSMEs);

c) to master the most pressing global environmental and social challenges, ensuring systemic policy coherence between trade, labour and environmental agendas;

d) to welcome in this regard, the joint statements that were adopted in Buenos Aires on e-commerce, domestic regulation, investment facilitation and women's economic empowerment, as well as the work that has been done on these issues since then;

7. Stresses that the EU should emphasise its rules on privacy and data protection so that they may be promoted at international level and become a benchmark for the development of international and multilateral standards;

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8. Recalls that access to public procurement is one of the European Union's priorities in its trade negotiations and that, in this sense, the fulfilment of the commitments of WTO members to join the Government Procurement Agreement (GPA) and improvements in the functioning of and respect for the provisions of this agreement are expected in a spirit of reciprocity and mutual benefit; notes that the full effectiveness of potential improvements in the state aid framework and the role of public enterprises partly depends on progress in this area; calls on the Commission to work with those members who are in the process of acceding to the GPA to accelerate their efforts in order to extend the benefits of procurement liberalisation among WTO members;

9. Is convinced that the current differentiation between developed and developing countries does not reflect the economic reality and the effective situation in the WTO, and that this has been an obstacle to advancing the Doha Round, to the detriment of countries most in need; urges advanced developing countries to take up their share of responsibility and make contributions commensurate to their level of development and (sectoral) competitiveness; notes that the Commission's concept paper calls for rules under which developing countries will graduate from their low-income status as they grow richer; believes the special and differential treatment (S&DT) mechanism should be re-examined in order to better reflect human development indexes, as a policy tool enabling developing countries to link implementation of multilateral agreements with receiving assistance from richer countries and donor organisations;

10. Strongly welcomes the ratification by two thirds of the WTO membership of the Trade Facilitation Agreement (TFA) in February 2017; is convinced that the TFA sets an important example and could provide a model for future WTO deals, taking into account the differences in the development status and needs of the WTO's members; encourages WTO members to take responsibility and maintain their commitments in accordance with their real economic power and capabilities; considers that the next challenges will be the full ratification of the agreement, especially by the African members who are expected to benefit the most from the agreement, the effective implementation of the TFA, and the notification of development assistance under the agreement;

11. Acknowledges that on the whole China's accession to the WTO in 2001 has increased access to its domestic market, which has benefited the global economy; is concerned that China does not apply the spirit and principles of the WTO's tenets of national treatment;

12. Takes the view that it is necessary to revise the functioning of the negotiating process by introducing more flexibility than has currently been the case under the consensus rule, while recognising that the Single Undertaking approach has limited the effectiveness of multilateral trade governance; express its support for the concept of flexible multilateralism, whereby WTO members interested in pursuing a certain issue where full consensus is not yet possible should be able to advance and conclude plurilateral agreements, either through so-called WTO Annex 4 agreements, in accordance with Article II:3, Article III:1, and Article X:9 of the Marrakesh Agreement, or via 'critical mass' agreements that extend negotiated concessions to the WTO membership on a most-favoured-nation (MFN) basis; encourages the Commission not to use these articles as an alternative to constructive dialogue with WTO members to address barriers to trade and reform of the WTO and its functions; considers in this regard that its members should boost the WTO's capacity-building to ensure that it is equipped with financial and human resources in accordance with expanded needs so as to maintain the same quality of work; believes that, in general, the monetary contributions of new members should increase the WTO's budget and not lead to lower membership fees for existing members;

13. Recognises that while rules-based multilateralism remains the key part of the WTO's structure, there are possibilities for deeper and more flexible plurilateral cooperation among interested states in areas where consensus has proven difficult to achieve; notes that such agreements must complement and not undermine the multilateral agenda and should be used not as alternative fora to address trade barriers, but rather as stepping-stones towards progress at the multilateral level; calls for the resumption of plurilateral negotiations for the Environmental Goods Agreement (EGA) and the Trade in Services Agreement (TiSA), and asks for special rules for SMEs in plurilateral and multilateral agreements; stresses the importance of the WTO continuing and deepening its work in international cooperation with other international organisations such as, but not limited to the UN, the OECD, the WCO, and the ILO;

14. Stresses the role that trade can and must play in contributing to development and the achievement of the 2030 Sustainable Development Goals (SDGs) and of the Paris Agreement commitments in the fight against climate change; regrets that the EGA was blocked in 2016 and recalls its potential to provide greater access to green technologies and help meet the above-mentioned commitments; underlines that beyond the negotiations on fisheries subsidies, the WTO must now define the more concrete action that needs to be taken in this regard to protect marine life; recalls that the WTO concept of Process and Production Methods (PPM) offers possibilities to differentiate among so-called 'like-products' for their environmental impact; suggests revitalising the WTO's Committee on Trade and Environment (CTE), with the mandate of drawing up criteria for combating environmental free-riding and establishing closer links to the UNFCCC Secretariat;

15. Reaffirms the links between gender equality and inclusive development, as also expressed in SDG 5, emphasising that women's empowerment is key to the eradication of poverty and that removing barriers to women's participation in trade is critical for economic development; welcomes the increased focus of the WTO on issues related to trade and gender, and encourages all 121 signatories to the 2017 Buenos Aires Declaration on Trade and Women's Economic Empowerment to deliver on their commitments; emphasises the need for a systemic gender approach to all fields of WTO rule-making in the form of gender-specific impact assessments; notes the importance of initiatives such as SheTrades in highlighting the positive role of women in trade and encouraging greater participation of women in international trade around the world;

16. Draws attention to the conclusions of the 6th Global Review of Aid for Trade, held in Geneva in July 2017, entitled 'Promoting Trade, Inclusiveness and Connectivity for Sustainable Development'; supports the view that this should be translated into concrete action in order to facilitate e-commerce and turn digital opportunities, such as blockchain, into trade realities, for developing countries as well; notes in this regard that investment in both physical and digital infrastructure, as being crucial to achieving progress in this area, remains a key challenge; calls, therefore, on WTO members to promote investment in both physical and digital infrastructure, encouraging, among other initiatives, public-private partnerships;

17. Reiterates its call for the EU to ensure that its activities with developing countries, in the areas of both development and trade, are based on a balanced framework among equal partners, are aligned with the principle of Policy Coherence for Development established in Article 208 of the Treaty on the Functioning of the European Union, and are aimed at the promotion of and respect for human rights;

18. Regrets that the WTO's 11th Ministerial Conference did not secure progress on issues of key importance to developing countries; welcomes, however, the enhanced preferential treatment previously secured at the WTO for least-developed countries (LDCs), including preferential rules of origin and treatment for service providers, and emphasises the need to undertake capacity building measures that would allow suppliers from LDCs to benefit from the LDC services waiver;

19. Stresses that transparency is a key element in ensuring a stable and predictable trading and investment environment; believes it is important to enhance the transparency of monitoring procedures by increasing incentives for WTO members to comply with notification requirements, reducing their complexity and burdens and by providing capacity-building if needed, while wilful non-compliance should be discouraged and challenged;

20. Stresses that the role of the WTO Secretariat in facilitating and safeguarding a bottom-up approach for the active participation of all members is critical and that it should be further strengthened and made more flexible in support of various negotiating processes, as well as in implementation and monitoring functions; considers it necessary to strengthen the financial and human means and resources available to the WTO Secretariat, and urges WTO members to mutually fulfil their responsibilities in this regard; expresses the view that the regular work of the WTO committees should also be revitalised by giving their chairs a more active role in developing and proposing solutions and compromises, thus going beyond simply moderating the contributions of members, and that this extended task should be supported by the Secretariat;

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21. Urges the WTO members to ensure democratic legitimacy and transparency by strengthening the parliamentary dimension of the WTO, and to support a memorandum of understanding establishing a formal working relationship with the Parliamentary Conference on the WTO; stresses, in this regard, the need to ensure that parliamentarians have full access to trade negotiations and are involved in the formulation and implementation of WTO decisions, and that trade policies are properly scrutinised in the interests of their citizens;

22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Director-General of the WTO.

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P8_TA(2018)0478

2018 Report on Serbia

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Serbia (2018/2146(INI))

(2020/C 363/18)

The European Parliament,

— having regard to the Presidency conclusions of the Thessaloniki European Council meeting of 19-20 June 2003,

— having regard to the Sofia declaration of the EU-Western Balkans summit of 17 May 2018 and its 'Sofia priority agenda',

— having regard to Council Decision 2008/213/EC ([1]) of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia and repealing Decision 2006/56/EC,

— having regard to the Commission opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208), the European Council's decision of 2 March 2012 to grant Serbia candidate status and the European Council's decision of 27-28 June 2013 to open EU accession negotiations with Serbia,

— having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia, which entered into force on 1 September 2013,

— having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,

— having regard to the Berlin Process launched on 28 August 2014,

— having regard to the declaration and recommendations adopted at the eighth EU-Serbia Stabilisation and Association Parliamentary Committee (SAPC) meeting of 13-14 June 2018,

— having regard to the final report of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODHIR) on its limited election observation mission on the early parliamentary elections in Serbia of 29 July 2016,

— having regard to the OSCE/ODIHR election assessment mission report on the presidential elections in Serbia of 2 April 2017,

— having regard to the Commission's 2018 report on Serbia of 17 April 2018 (SWD(2018)0152),

— having regard to the Commission communication on a credible enlargement perspective for and enhanced EU engagement with the Western Balkans of 6 February 2018 (COM(2018)0065),

— having regard to the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 23 May 2017 (9655/17),

([1]) OJ L 80, 19.3.2008, p. 46.

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— having regard to the fourth meeting of the EU-Serbia Stabilisation and Association Council held on 16 November 2017,

— having regard to the eight meeting of the Accession Conference with Serbia at Ministerial level held on 25 June 2018,

— having regard to the report of July 2015 of the Council of Europe's anti-corruption body — GRECO — on Serbia and GRECO's Fourth Evaluation Round report of 20 October 2017 on 'Corruption prevention in respect of members of parliament, judges and prosecutors',

— having regard to the Commission assessment of 17 April 2018 on the Serbia 2018-2020 Economic Reform Programme (SWD(2018)0132) and to the joint conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans adopted by the Council on 25 May 2018,

— having regard to the Venice Commission's 'Opinion on the draft amendments to the constitutional provisions on the judiciary' of 25 June 2018,

— having regard to the outcome of the 2017 survey on marginalised Roma in the Western Balkans, supported by the Commission and conducted by the World Bank and the UN Development Programme,

— having regard to the joint staff working document entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020',

— having regard to its resolution of 14 June 2017 on the 2016 Commission Report on Serbia ([1]),

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

— having regard to the report of the Committee on Foreign Affairs (A8-0331/2018),

A. whereas Serbia, like every country aspiring to EU membership, must be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria and whereas the quality of and the dedication to the necessary reforms determines the timetable for accession; whereas accession is and will remain a merit-based process fully dependent on the objective progress achieved by each country, including Serbia;

B. whereas since the opening of negotiations with Serbia 14 chapters have been opened, two of which have been provisionally closed;

C. whereas Serbia has been continuously engaged in the normalisation of relations with Kosovo, resulting in the 'First Agreement of Principles Governing the Normalisation of Relations' of 19 April 2013 and the agreements of August 2015; whereas Serbia has remained engaged in the dialogue;

D. whereas Serbia has contributed to strengthening regional cooperation and good neighbourly relations, as well as peace and stability, reconciliation and a climate conducive to addressing open bilateral issues from the past;

E. whereas Serbia has remained committed to creating a functioning market economy and has continued to build a track record in implementing the obligations of the SAA;

F. whereas rule of law is a fundamental value on which the EU is founded and is at the heart of both the enlargement process and the stabilisation and association process; whereas reforms are needed to tackle the important challenges that remain in this area, notably in ensuring an independent, impartial, accountable and efficient judiciary, and in the fight against corruption and organised crime, as well as in the protection of fundamental rights;

([1]) OJ C 331, 18.9.2018, p. 71.

G. whereas Serbia has ratified all fundamental International Labour Organisation conventions, including in particular the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No 87), the Right to Organise and Collective Bargaining Convention of 1949 (No 98) and the Forced Labour Convention of 1930 (No 29);

H. whereas the situation as regards freedom of expression and independence of the media remains a particularly serious concern which needs to be addressed in a determined and effective way as a matter of priority;

I. whereas Serbia benefits from pre-accession assistance under the Instrument for Pre-accession Assistance (IPA II), with a total indicative allocation of EUR 1,5 billion for 2014-2020; whereas a revised indicative allocation of IPA II for Serbia for the period of 2018-2020 is EUR 722 million; whereas Serbia has been granted a mid-term performance reward;

1. Welcomes Serbia's continued engagement on the path of integration into the European Union; calls on Serbia, with the support of the Commission, to actively promote this strategic decision among the Serbian public and to further increase timely and transparent information and visibility of the EU and its funded projects and programmes;

2. Underlines that thorough implementation of reforms and policies is a key indicator of a successful integration process; calls on Serbia to improve the planning, coordination and monitoring of the implementation of new legislation and policies; welcomes the adoption of a third revision of the national programme for the adoption of the EU *acquis* and warns against the consequences of inadequate transposition of important EU laws on alignment with the *acquis*; welcomes the Commission's assessment in its communication entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' that, with strong political will, the delivery of real and sustained reforms, and definitive solutions to disputes with neighbours, Serbia could become a member of the EU; calls on the Council and the Commission, provided that the necessary progress warrants this, in particular in the fundamental area of rule of law, to support the opening of the technically prepared chapters and to accelerate the overall accession negotiation process;

3. Welcomes the successful completion of the IPA 2018 programming process and the signing of the Financing Agreement for IPARD II; calls on the Commission, in designing the new Instrument for Pre-Accession Assistance (IPA III), to include adequate provisions to cater for a possible accession of Serbia to the EU;

4. Welcomes the progress made by Serbia in developing a functioning market economy, ensuring economic growth and preserving macroeconomic and monetary stability; stresses that Serbia has made good progress in addressing some of the policy weaknesses that have been an issue in the past, in particular through budget consolidation; stresses, however, that unemployment, brain-drain and economic inactivity are still high; calls on Serbia to develop a sustainable plan for the future of state-owned enterprises; stresses the paramount importance to Serbia's economy of small and medium-sized enterprises (SMEs) and calls for a more transparent and less burdensome business environment; supports Serbia's accession to the World Trade Organisation (WTO);

5. Expresses concern about persistent unemployment and underlines the importance of training and developing entrepreneurial skills among young people; calls on Serbia to improve the position of women on the labour market; calls on Serbia to strengthen tripartite dialogue; calls for an amendment to the Law on Contributions for Compulsory Social Insurance and the Law on Health Insurance in order to prevent discrimination against small agricultural producers;

6. Takes note of the presidential elections of 2 April 2017; welcomes the general conduct of the elections and calls on the authorities to ensure that international standards are applied; calls on the authorities to fully address and implement the recommendations of the OSCE/ODIHR election observation mission, in particular to ensure a level playing field during the campaigning period, and to engage in a dialogue with independent domestic election observation missions; calls on the authorities to properly investigate claims of irregularities, violence and intimidation that arose during past electoral processes; notes with concern the lack of transparency in the financing of political parties and election campaigns; points out that funding of political parties needs to be transparent and in accordance with international standards;

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7. Calls on Serbia to increase its alignment with the EU's foreign and security policy, including its policy on Russia, also within the United Nations; welcomes Serbia's important contribution and continued participation in a number of EU common security and defence policy (CSDP) missions and operations (EUTM Mali, EUTM Somalia, EUNAVFOR Atalanta, EUTM RCA), with Serbia taking part in 4 of the 6 military missions or operations currently being carried out by the Union; is concerned, however, about Serbia's continuing military cooperation with Russia and Belarus;

8. Commends Serbia's constructive approach in managing the effects of the migration and refugee crisis, and the substantial efforts the country has made to provide shelter and humanitarian supplies, primarily with EU support; welcomes Serbia's adoption of the new Asylum Law, the Law on Foreigners and the Border Control Law; urges Serbia to progressively align its visa policy with that of the EU; notes with concern that Serbia's nonaligned visa policy opened a possibility for illegal migration and smuggling towards EU countries, as well as neighbouring non-EU countries; urges Serbia to put in place a return mechanism for irregular migrants which is in line with the EU *acquis* and to further improve its capacity to address the needs of unaccompanied minors; calls on Serbia to find a viable solution for refugees from neighbouring countries, including as regards their housing needs and access to work and education;

Rule of law

9. Urges Serbia to step up its reform efforts in the area of rule of law, and in particular to ensure the independence and overall efficiency of the judicial system; stresses that special focus should be put on implementing effective reform in this area; notes that while some progress has been made in reducing the backlog of old enforcement cases, and in putting in place measures to harmonise court practice, judicial independence in Serbia is not fully assured and the scope for political influence over the judiciary remains a concern; calls on Serbia to strengthen the accountability, impartiality, professionalism and overall efficiency of the judiciary, and to establish a free legal aid system ensuring a broad range of free legal aid providers; calls for the implementation of all rulings of the European Court of Human Rights;

10. Reiterates the importance of intensifying the fight against corruption and urges Serbia to show a clear commitment to tackling this issue; welcomes the implementation of the Law on Organisation and Jurisdiction of Government Authorities in the Suppression of Organised Crime, Terrorism and Corruption; welcomes the adoption of the amendments made in the economic crimes section of the country's criminal code and encourages Serbia to fully implement these, including the amendment on abuse of office, so as to prevent any misuse; calls for continued implementation of the national anti-corruption strategy and action plan; reiterates its call for Serbia to swiftly adopt a new law on its Anti-Corruption Agency to improve the planning, coordination and monitoring of the implementation of new and existing legislation and policies; stresses that it is critical that the Agency receives and maintains the human and financial resources it needs to carry out its mandate in an independent manner; stresses that the members of the Anti-Corruption Agency must be elected according to the principles of transparency, absence of conflict of interest or political affiliation; calls on the authorities to fill all open positions in the Agency; calls on Serbia to further improve its track record on investigations, indictments and final convictions in high-level corruption cases and to publish statistics on a regular basis about the results of investigations in all cases of alleged corruption of public officials;

11. Calls on the Serbian authorities to implement the recommendations of the Group of States against Corruption (GRECO); calls on the Serbian Parliament to address in particular the recommendations with regard to corruption prevention and conflicts of interest, and to adopt the Code of Conduct;

12. Acknowledges that some progress has been made in the fight against corruption and organised crime and welcomes Serbia's active role in international and regional police and judicial cooperation; calls on Serbia to show further commitment and deliver tangible results in this fight, notably through a convincing track record of investigations, prosecutions and convictions in organised crime cases, including illegal trafficking and smuggling of migrants from Serbia to the EU and to non-EU countries, organised crime related murders, cybercrime, financial flows supporting terrorist activities and money laundering; calls on Serbia to continue with the full implementation of the action plan agreed with the Financial Action Task Force (FATF); draws attention to the rising number of criminal assaults and calls for their resolution through full cooperation with the judicial authorities;

Democracy and social dialogue

13. Stresses that the Serbian Parliament still does not exercise effective oversight of the executive, and that the transparency, inclusiveness and quality of the legislative process need to be further improved; welcomes the declining use of urgent procedures to adopt legislation; stresses, however, that the still-frequent use of urgent procedures undermines parliamentary and public scrutiny; stresses that all actions that limit the ability of the Serbian Parliament to conduct an effective debate on, and scrutiny of, legislation should be avoided; stresses the importance of the work of the opposition in a democracy and underlines that its politicians should not be subject to slander and libel; expresses concern that some politicians are misusing public discourse to fuel the rise of radicalism; calls for additional measures to ensure cross-party dialogue and effective involvement of civil society; calls on the Serbian Parliament to review the practice of filibustering and whether it stifles democratic debate; welcomes the Serbian Parliament's continued efforts to improve transparency through debates on Serbia's negotiating positions on EU accession chapters, and through exchanges with the core negotiating team and with the National Convention on the European Union; stresses that the role of independent regulatory bodies, including the country's Ombudsperson, the Anti-Corruption Agency, the National Audit Authority and the Commissioner for Information of Public Importance and Personal Data Protection, needs to be fully acknowledged and supported; calls for the Serbian Parliament to engage in the implementation of independent regulatory bodies' findings and recommendations, notably those of the Ombudsperson; recalls that one of the pillars of the European social model is social dialogue and that regular consultation between the government and social partners is instrumental in the prevention of social tension and conflict; underlines that it is essential for social dialogue to go beyond the exchange of information and that interested parties should be consulted on important laws before they are subject to parliamentary procedure;

14. Welcomes the presentation of the draft constitutional reform of the country's judiciary submitted to the Venice Commission for opinion; stresses the importance of fully implementing the recommendations of the Venice Commission; encourages the Serbian authorities to enter into an inclusive and meaningful public debate conducted in a constructive manner in order to raise awareness of the constitutional reform process in the country; calls for a comprehensive public consultation before the final draft is submitted to the Serbian Parliament;

15. Welcomes Serbia's progress in reforming its public administration, notably through the adoption of several new laws on public service salaries and employment relations, on local government and salaries in autonomous provinces, and on the national training academy; stresses that political influence on senior managerial appointments remains an issue of concern; calls on Serbia to amend the civil service law to guarantee the neutrality of the public administration; notes that strengthening administrative capacities at all levels is important for the successful implementation of key reforms; welcomes the creation of a Ministry for European Integration, incorporating the structures of the former Serbian European Integration Office, which has continued to provide political guidance for European integration;

Human rights

16. Underlines that the legislative and institutional framework for upholding human rights is in place; stresses that consistent and efficient implementation across the whole country is needed; calls on Serbia to adopt the new Law on Data Protection and ensure that it is fully in line with EU standards and best practices; notes that further sustained efforts are necessary to improve the situation of persons belonging to vulnerable groups, including children, persons with disabilities, persons with HIV/AIDS, and LGBTI persons; condemns the continued occurrence of hate crimes against Roma and LGBTI persons; calls on Serbia to actively pursue investigations, prosecutions and convictions of hate-motivated crimes; calls on the Serbian authorities to promote a climate of tolerance and to condemn all forms of hate speech, public approval and denial of genocide, crimes against humanity and war crimes;

17. Urges Serbia to strengthen the role and capacity of its authorities concerning the protection of vulnerable groups, including women, children and people with disabilities and to ensure better cooperation between the police, public prosecutors and social services in this regard; welcomes Serbia's ratification of the Istanbul Convention and the recent developments as regards measures for the protection of children from violence, including the government's announcement of the creation of an Ombudsperson for children, and calls on the authorities to monitor the effect of legislation and other measures; underlines that shortcomings in upholding the human rights of people with disabilities still persist, and urges the government to adopt a national strategy on persons with disabilities;

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18. Strongly encourages the Serbian authorities to step up their efforts to improve the situation regarding freedom of expression and of the media; welcomes the establishment of the new working group dedicated to development of the Draft Media Strategy; stresses that threats, violence and intimidation against journalists and media outlets, including administrative harassment and intimidation through court procedures, remain an issue of concern; calls on officials to be consistent in publicly condemning any form of intimidation of journalists and to refrain from interference in activities of media and journalists, including in the context of elections; notes, in this regard, that while several cases have been solved and some criminal charges have been filed, convictions are still rare; welcomes the effort of the standing working group that was established through the Agreement on Cooperation and Measures for Increasing the Safety of Journalists and calls on the authorities to demonstrate their full commitment to investigate and prosecute any cases of attacks against journalists and media outlets; calls for the full implementation of media laws and the strengthening of the independence of the country's Regulatory Body for Electronic Media; welcomes the renewed efforts to adopt a media strategy to create a pluralistic media environment, and stresses, in this regard, the importance of a transparent and inclusive consultation with stakeholders; underlines the need for complete transparency in media ownership and funding; calls for the adoption of policies that will protect media and programmes in languages of national minorities living in Serbia;

19. Calls on the Serbian authorities to enhance cooperation with civil society organisations, including women's organisations and human rights groups, whose role is key for a well-functioning democracy; condemns the negative campaigns and restrictions against certain CSOs; calls for the adoption of a national strategy and related action plan to regulate the environment in which CSOs operate; believes that further efforts are required to ensure systematic cooperation between the government and civil society and calls for increased attention when drafting and implementing legislation in areas affecting civil society;

20. Notes some progress in the case of the unlawful demolition of private property and the deprivation of the freedom of movement in the Belgrade neighbourhood of Savamala in April 2016; calls for it to be resolved and for full cooperation with the judicial authorities in the investigations to bring the perpetrators to justice;

Respect for and protection of minorities

21. Welcomes the adoption of an action plan for the realisation of the rights of national minorities, and the adoption of a decree establishing a fund for national minorities; invites the Serbian Government to fully implement all international treaties concerning minority rights; stresses that progress in the field of guaranteeing the rights of national minorities is not satisfactory and calls for full implementation of the action plan and for improved coordination and inclusion of stakeholders, including neighbouring countries for transport and communication needs; notes that the fund for national minorities is operational and that its funding has been increased; welcomes the adoption of crucial laws on the framework of minority rights; reiterates its call on Serbia to ensure consistent implementation of legislation on the protection of minorities, including in relation to education and culture, the use of minority languages, representation in public administration and the judiciary, and continued access to media and religious services in minority languages; acknowledges the active participation of the country's national minorities election cycles and calls for the adoption of policies that will guarantee their just political representation in the Serbian national assembly; calls for full implementation of the right to timely birth registration; stresses that the promotion and protection of human rights, including the rights of national minorities, is a precondition for joining the EU;

22. Notes that Vojvodina's cultural diversity contributes to Serbia's identity; stresses that the autonomy of Vojvodina should be preserved and that the law on Vojvodina's financing resources should be adopted without further delay, as provided for in the Constitution;

23. Welcomes the adoption of the new Roma social inclusion strategy for the period 2016-2025 along with an action plan covering education, health, housing and employment; welcomes the strategy's recognition that Roma women face particular discrimination; urges Serbia to set clear targets and indicators to monitor the implementation of the new strategy; is concerned about the high rate of Roma girls dropping out of school; notes that the majority of Roma suffer from social exclusion and face systematic violations of their rights; calls for full implementation of the new strategy for Roma inclusion and the action plan; highlights the importance of formulating policies that will combat discrimination against Roma and anti-Gypsism; calls for meaningful public and political participation of Roma to be enabled at all levels;

Regional cooperation and good neighbourly relations

24. Welcomes the fact that Serbia remains committed to constructive bilateral relations with other enlargement countries and neighbouring Member States; welcomes the fact that Serbia has maintained its engagement in a number of regional cooperation initiatives such as the South-East European Cooperation Process, the Regional Cooperation Council, the Central European Free Trade Agreement (CEFTA), the Adriatic-Ionian Initiative, the EU Macro-Regional Strategies for the Danube Region (EUSDR), the EU Strategy for the Adriatic and Ionian Region (EUSAIR), the Brdo-Brijuni Process, the Western Balkan Six initiative and its connectivity agenda, and the Berlin Process; welcomes the results of the Western Balkans Six initiative so far and calls for the further development of the Regional Economic Area (REA); reiterates its call on Serbia to implement the connectivity reform measures associated with the connectivity agenda; welcomes Serbia's efforts to prioritise infrastructure investments and underlines the importance of increased connectivity in the region; notes that more efforts need to be put in the economic and social development of the border regions in order to prevent them from depopulation; supports the proposal to reduce roaming charges in the Western Balkans; stresses that outstanding bilateral disputes should not have a detrimental effect on the accession process; strongly supports the Western Balkans partners' pledge to continue strengthening good neighbourly relations, regional stability and mutual cooperation; recalls that the EU is determined to strengthen and intensify its engagement to support the region's transformation;

25. Welcomes the adoption of a national strategy for the investigation and prosecution of war crimes; takes note of the adoption of a prosecutorial strategy for the investigation and prosecution of war crimes and urges Serbia to carry out all foreseen activities; welcomes the appointment in May 2017 of a new war crimes prosecutor; reiterates its call for the implementation of this strategy, in particular by means of bringing forward indictments, and for the adoption of an operational prosecutorial strategy; calls on Serbia to effectively investigate all war crimes cases, in particular those that are high profile, and to cooperate with its regional partners in these cases; calls on the Commission and the Member States to make further efforts to resolve these issues in the EU-Serbia negotiation process; urges the authorities to continue to address the problem of missing persons during the wars of the 1990s; calls on Serbia to again cooperate fully with the current International Residual Mechanism for Criminal Tribunals; urges the Serbian authorities to continue working on the issue of the fate of missing persons, including opening state archives related to the war period; urges Serbia to prepare a reparations scheme for victims and their families; reiterates its support for the initiative to establish the Regional Commission for the establishment of facts about war crimes and other gross human rights violations on the territory of the former Yugoslavia; highlights the importance of the work carried out by the Regional Youth Cooperation Office (RYCO) and its local branches in promoting reconciliation among young people; calls for further amendments to the Law on Restitution and stresses the importance of non-discriminatory treatment of restitution claimants in comparison with other beneficiaries, in particular in the area of registration of public property;

26. Regrets the reiterated denial of the Srebrenica genocide by some Serbian authorities; reminds them that fully cooperating with the International Criminal Tribunal for the former Yugoslavia, and its successor the International Residual Mechanism for Criminal Tribunals, also implies fully accepting and implementing its rulings and decisions; stresses that the recognition of the Srebrenica genocide is a fundamental step in Serbia's path towards joining the European Union;

27. Welcomes Serbia's continued engagement in the normalisation process with Kosovo, and its commitment to the implementation of the agreements reached in the EU-facilitated dialogue; welcomes the fact that the Serbian President has launched an internal dialogue on Kosovo; reiterates its call to move forward with the full implementation, in good faith and in a timely manner, of all the agreements already reached, including the ones on energy, and encourages both sides to determinedly continue the normalisation process; highlights the importance of creating an association / community of Serb majority municipalities; stresses that the work on a new phase of the dialogue with a view to a comprehensive normalisation of relations between Serbia and Kosovo, to be defined in a legally binding agreement, needs to be accelerated; reiterates its call on the EEAS to carry out an evaluation of the performance of the sides in fulfilling their obligations; unequivocally condemns the killing of Kosovo Serb politician Oliver Ivanović and stresses the need for genuine cooperation between Kosovan and Serbian investigators and for international support, so that the perpetrators are brought to justice;

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28. Notes the ongoing debate and public statements concerning possible adjustments of the border between Serbia and Kosovo, including exchanges of territories; underlines the multi-ethnic nature of both Kosovo and Serbia and that ethnically homogeneous states should not be the objective in the region; supports the dialogue facilitated by the EU as the framework to reach a comprehensive normalisation agreement between Serbia and Kosovo; considers that any agreement could only be acceptable if mutually agreed, taking into account the overall stability in the region and international law;

29. Expresses its concern over repeated statements by high-ranking politicians putting into question the territorial integrity of Bosnia and Herzegovina and condemns any form of nationalist rhetoric aimed at encouraging its disintegration;

Energy and transport

30. Calls on Serbia to fully implement the connectivity reform measures in the energy sector; encourages Serbia to develop competition in the gas market and to fulfil the corresponding obligations regarding unbundling as provided for by the Third Energy Package; calls on Serbia to develop its energy policy in order to decrease dependence on Russian gas imports; welcomes the country's efforts to promote investments in the fields of energy efficiency and renewable energy; recalls that the legislation on efficient use of energy is not fully in line with the corresponding EU directives; calls on Serbia to diversify its energy sources towards other renewables;

31. Calls on the Serbian Government to adopt the necessary measures to preserve protected areas with regard, in particular, to the development of hydroelectricity plants in environmentally sensitive areas such as Stara Planina Nature Park; calls, in this context, for thorough environmental impact assessments based on EU standards as established by the Birds and Habitats Directives and the Water Framework Directive; encourages the Serbian Government to increase transparency on planned projects through public participation and consultation involving all the stakeholders;

32. Welcomes the joint commitment signed by Serbia and Bulgaria on 17 May 2018, on the occasion of the Western Balkans summit of Leaders in Sofia, to build the gas interconnector between the two countries and the adoption of the IPA 2018 package, which includes the strategically important infrastructure project 'Nis-Merdare-Pristina highway of peace', which will enable a better transport connection between central Serbia and Kosovo and has symbolic significance for relations in the region;

33. Expresses its deep concern at the alarming level of air pollution in Serbia on account of which, according to World Health Organisation data, in 2016 some 6 500 people died of respiratory ailments; calls, in this regard, on the Serbian authorities to adopt the necessary short-term measures to tackle this situation and to reform effectively in the medium and long term transport and mobility policies in the big cities;

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34. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.

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2018 Report on Kosovo

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Kosovo (2018/2149(INI))

(2020/C 363/19)

The European Parliament,

— having regard to the Presidency conclusions of the Thessaloniki European Council meeting of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,

— having regard to the Sofia Declaration of the EU-Western Balkans summit of 17 May 2018 and the Sofia Priority Agenda annexed thereto,

— having regard to the Stabilisation and Association Agreement between the EU and Kosovo, in force since 1 April 2016,

— having regard to the European Reform Agenda (ERA) for Kosovo, launched in Pristina on 11 November 2016,

— having regard to the framework agreement with Kosovo on participation in Union programmes, in force since 1 August 2017,

— having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),

— having regard to the Commission communication of 17 April 2018 on EU Enlargement Policy (COM(2018)0450) and the accompanying staff working document, the Kosovo 2018 Report (SWD(2018)0156),

— having regard to the first agreement on principles governing the normalisation of relations between the governments of Serbia and Kosovo of 19 April 2013, and to other Brussels agreements under the EU-facilitated dialogue for the normalisation of relations, including the Integrated Border Management (IBM) protocol, the legal framework on the Association/Community of Serb majority municipalities, and the agreements on the Mitrovica bridge and on energy,

— having regard to the integration of Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary in line with the Justice Agreement reached in February 2015,

— having regard to Council Decision (CFSP) 2018/856 of 8 June 2018 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo) ([1]), which also extended the mission's duration until 14 June 2020,

— having regard to the Common Security and Defence Policy (CSDP) Mission and Operations Annual Report 2017 and EULEX Compact Progress Report 2017,

— having regard to the reports of the Secretary-General of the UN on the ongoing activities of the UN Interim Administration Mission in Kosovo (UNMIK), including the most recent report of 1 May 2018, and the report on the operations of the Kosovo Forces (KFOR) of 7 February 2018,

([1]) OJ L 146, 11.6.2018, p. 5.

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— having regard to the Commission assessment of 17 April 2018 on the Kosovo 2018-2020 Economic Reform Programme (SWD(2018)0133) and the Council joint conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 25 May 2018,

— having regard to the final reports of the EU election observation mission (EUEOM) of 11 June 2017 on the legislative elections in Kosovo and 22 October 2017 on the mayoral and municipal assembly elections in Kosovo,

— having regard to the fourth meeting of the EU-Kosovo Stabilisation and Association Parliamentary Committee (SAPC), held in Strasbourg on 17-18 January 2018,

— having regard to the Commission proposal of 4 May 2016 for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Kosovo) (COM(2016)0277), and to the fourth Commission report of 4 May 2016 on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap (COM(2016)0276),

— having regard to the ratification of the Border Demarcation Agreement between Kosovo and Montenegro by the parliaments of Montenegro and Kosovo,

— having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,

— having regard to the outcome of the 2017 survey on Marginalised Roma in Western Balkans, undertaken by the Commission, the World Bank and the UN Development Programme,

— having regard to the joint staff working document from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 21 September 2015 entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020' (SWD(2015)0182),

— having regard to its previous resolutions on Kosovo,

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

— having regard to the report of the Committee on Foreign Affairs (A8-0332/2018),

A. whereas continued substantial efforts, backed by a constructive dialogue between political forces and with the neighbouring countries, are needed in order to prepare for the challenges of EU membership;

B. whereas each enlargement country is judged individually on its own merits, and it is the speed and quality of reforms that determines the timetable for accession;

C. whereas 114 countries have recognised Kosovo's independence, including 23 of the 28 EU Member States;

D. whereas the EU has repeatedly demonstrated its willingness to assist with the economic and political development of Kosovo through a clear European perspective, while Kosovo has shown aspiration on its path towards European integration;

E. whereas owing to persistent polarisation among its political parties, Kosovo has demonstrated limited progress on EU-related reforms, which are essential for making further progress in the EU accession process;

F. whereas Kosovo's flourishing informal economy is hindering the development of a viable economy for the country overall;

G. whereas the Kosovo Specialist Chambers and Specialist Prosecutor Office in the Hague have been fully judicially operational since 5 July 2017;

H. whereas on 8 June 2018 the Council decided to refocus and extend the mandate of the EU rule of law mission (EULEX) in Kosovo, bringing the judicial executive part of the mission's mandate to an end; whereas the mandate's new end date was set at 14 June 2020;

I. whereas Kosovo remains the only country in the Western Balkans whose citizens need a visa to travel to the Schengen Area;

1. Welcomes the important pieces of legislation adopted within the framework of the European Reform Agenda (ERA) and calls for their full implementation; believes that cross-party consensus should be built to adopt key EU-related reforms; looks forward to the adoption of a new ERA in 2019;

2. Points out, however, the slow pace in implementing fundamental reforms, caused by a lack of cross-party consensus and continued political polarisation; notes that this has adversely affected the ability of the assembly and the government to deliver sustained and sustainable reforms; condemns the obstructive behaviour of some parliamentarians; calls on all political parties to establish an inclusive political dialogue; stresses the need to improve the assembly's effective oversight of the executive and the transparency and quality of law-making, including by ensuring active and constructive participation and limiting the use of urgent procedures for adopting laws; encourages consensus on EU accession-related reforms;

3. Welcomes the fact that the area of public administration has registered some progress, but underlines the need for further reform; calls, in particular, for the state administration to be depoliticised and restructured;

4. Welcomes the long overdue ratification of the August 2015 Border Demarcation Agreement with Montenegro in March 2018, which marks a step forward in the spirit of good neighbourly relations; underlines the significance of this step towards visa liberalisation;

5. Urges Kosovo's authorities to comprehensively deal with previously identified electoral shortcomings, including a lack of transparency and accountability of funding for political parties and campaigns, and allegations of widespread voter intimidation, particularly within many Kosovo Serb communities, by enacting timely legislative and administrative measures to address the outstanding recommendations of EU and European Parliament observation missions and of the Venice Commission well in advance of the next round of elections, in order to ensure they are fully aligned with international standards; welcomes the steps forward made within the electoral administration in relation to gender equality and calls on Kosovo to further step up its efforts to increase female political participation and to strengthen the overall legal framework;

6. Expresses its concerns about Kosovo's under-financed judiciary, widespread corruption, elements of state capture, undue political influence and issues of a lack of respect for fair trials and due process, including in cases of extradition; underlines the importance of reform processes in rule of law, with a particular focus on independence and efficiency and the need to further strengthen witness protection;

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7. Stresses that a representative judiciary and a uniform implementation of Kosovo law are prerequisites for addressing an inconsistent, slow and inefficient delivery of justice; welcomes the integration of Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary in line with the 2015 Justice Agreement between Serbia and Kosovo; believes the judiciary is still vulnerable to undue political influence and that further efforts are needed to build up capacity and ensure the disciplinary liability of judges and prosecutors, including through a substantial judicial functional review for all judges, prosecutors, high-ranking police officers and criminal investigators; welcomes the establishment in November 2017 of the Government Commission on the Recognition and Verification of the Status of Sexual Violence Victims During the Conflict in Kosovo;

8. Notes that corruption and organised crime, including drug and human trafficking, and cybercrime, remain issues of concern that require concerted efforts; welcomes the initial progress made in strengthening the track record on the investigation and prosecution of high-level corruption and cases of organised crime; expects decisive and sustained efforts under the obligations of the EU accession process; welcomes the Ombudsperson's continued efforts to strengthen its capacity to review cases;

9. Calls for the establishment of an improved legal framework and for greater efficiency and capacity of the prosecution, so as to enable a comprehensive approach to investigations and prosecutions, which should be substantiated by the freezing, confiscation and recovery of assets, and final convictions in cases of high-level corruption, organised and financial crime, money laundering and terrorist financing; calls for safeguards ensuring independence in law enforcement and prosecution and preventive counter-corruption measures across various sectors; believes that further measures are required to ensure better cooperation and coordination between law enforcement institutions and to maximise the independence and accountability of the judiciary; calls on Kosovo to abide by international procedures and rules on the extradition of foreign nationals, putting in place the necessary measures to prevent cases such as that of the six Turkish nationals deported from Kosovo to Turkey at the end of March 2018; welcomes, in this regard, the decision of the Kosovo Assembly to set up a committee of inquiry to investigate this case;

10. Calls for genuine and constructive judicial and police cooperation between Kosovo and Serbia's authorities; believes that Kosovo's membership of Interpol and increased cooperation with Europol would further improve the effectiveness of measures targeting transnational crime; encourages, in the meantime, further cooperation in the fight against terrorism;

11. Deems it essential to implement, in a timely and comprehensive manner, the recommendations of Kosovo's Ombudsperson, Auditor General, Anti-Corruption Agency and the Public Procurement Regulatory Commission; stresses the need to remedy deficiencies in the public procurement system and to improve interinstitutional cooperation and the exchange of information; strongly recommends the stepping up of monitoring, evaluation and audit capabilities and the adoption and implementation of an anti-fraud strategy to protect Kosovo and the EU's financial interests;

12. Welcomes the Commission's confirmation, issued on 18 July 2018, that the benchmarks for visa liberalisation have been fulfilled; considers it vital to grant visa liberalisation to Kosovo without undue delay; takes the view that visa liberalisation will improve stability and bring Kosovo closer to the EU by improving the ease of travelling and doing business, while helping to counter people smuggling and corruption; calls on the Council to swiftly adopt its mandate to move forward towards the adoption of a visa-free regime;

13. Notes that beyond the progress made on meeting visa liberalisation requirements, sustained efforts must continue to fight organised crime, drug trafficking, human smuggling and corruption, in addition to concrete efforts to manage irregular migration flows and bring down the number of unfounded asylum claims;

14. Takes positive note of the steep reduction in the number of asylum requests and readmissions of Kosovo's citizens, and of applications for readmission agreements; takes positive note of the new reintegration strategy and calls for it to be fully implemented;

15. Commends Kosovo's efforts in stemming the outflow of foreign fighters, who are almost exclusively jihadist fighters, and in tackling terrorist threats; calls for active regional cooperation in countering potential terrorist activities and disrupting financial flows destined for terrorist financing; urges Kosovo to address online radicalisation and external extremist influences; underlines the importance of terrorism prevention, and of prosecuting suspected fighters, together with their rehabilitation, education and social reintegration and that of their families; stresses the need to prevent the radicalisation of prisoners and vulnerable young people in particular, and to actively work on their deradicalisation;

16. Unequivocally condemns the killing of Kosovo Serb politician Oliver Ivanović; considers his murder to be a major blow to the constructive and moderate voices in the Kosovo Serbian community; stresses, as a matter of urgency, the need for genuine cooperation between Kosovo and Serbia's investigators and for international support, so that both the perpetrators of the killing and those who ordered it are brought to justice without further delay;

17. Regrets reluctance to handle war crimes cases and underlines the importance of a clear political commitment to their prosecution; urges Kosovo's authorities to demonstrate their firm and sustained commitment to their international obligations regarding the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague; expresses its deep concern about attempts by members of the Kosovo Assembly to abrogate the Law on the Kosovo Specialist Chambers and Specialist Prosecutor's Office in December 2017; deeply regrets the fact that these attempts resulted in a failure to adopt joint recommendations following the postponement of the fourth meeting of the EU-Kosovo Stabilisation and Association Parliamentary Committee (SAPC) to 17-18 January 2018; calls for a constructive approach to the EU-Kosovo SAPC and for enhanced parliamentary cooperation in this regard;

18. Urges the authorities to increase mutual legal cooperation between Kosovo and Serbia's prosecution offices and to support the creation of a regional commission (RECOM) for the establishment of the facts about war crimes and other gross human rights violations committed in the former Yugoslavia between 1991 and 2001;

19. Notes the important role played by EULEX in strengthening the independent judiciary, police and customs systems; acknowledges, moreover, the preventive and reconciliatory role of EULEX in prosecuting and adjudicating in cases of war crimes, corruption and organised crime, and its continuing efforts to identify missing persons and uncover grave-sites in order to solve cases fully; recommends an assessment of the mission's strengths and weaknesses;

20. Reiterates its call on EULEX to increase its effectiveness and uphold the highest standards of transparency and a zero-tolerance approach to corruption, maladministration, misconduct and political pressure and interference;

21. Underlines the need to promptly inform the Kosovo Assembly of EULEX's activities and of any changes to its legal status;

22. Takes note of EULEX's new mandate and end date; stresses, however, that making concrete progress in Kosovo is more important than a set timetable;

23. Calls for the enforcement of the human rights framework to be made a top priority, and backed by suitable and sufficient coordination and funding, especially in the field of gender equality, child and labour protection, social exclusion and discrimination against persons with disabilities, and ethnic and linguistic minorities and communities, as well as LGBTI people; underlines the need to reinforce the Agency for Gender Equality and the National Coordinator for the Protection from Domestic Violence and to strengthen prevention and enforcement of justice against related offences; reiterates the fact that the draft law on freedom of religion needs to be adopted;

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24. Expresses its deep concern about gender inequality and gender-based violence; urges Kosovo to ensure the full and timely implementation of gender equality and anti-discrimination legislation; expresses its deep concern at the lack of progress in implementing the strategy and action plan against domestic violence and calls on the authorities to adopt more stringent and effective action to fight gender-based violence, including through the reinforcement of the Agency for Gender Equality and the National Coordinator for the Protection from Domestic Violence; expresses its concern at the under-representation of women in decision-making positions; calls on Kosovo's authorities to address gender mainstreaming as a priority, including in the European Reform Agenda and with civil society, including women's organisations; encourages Kosovo to further address the issue of justice and support for women who were subjected to sexual violence during the war; urges Kosovo to implement the provisions of the Istanbul Convention;

25. Calls on the Kosovo Assembly to take into consideration the position paper jointly signed by the EU, UNICEF, the Coalition of NGOs for Child Protection in Kosovo (KOMF) and Save the Children when drafting the Child Protection Law;

26. Notes with concern that Kosovo has made limited progress in the area of the rights of people with disabilities; calls on Kosovo to safeguard non-discrimination and equal opportunities for people with disabilities;

27. Calls on Kosovo's authorities to address minorities issues as a matter of priority, including their rights, both cultural and linguistic, and their opportunities; regrets the fact that minorities, such us Roma, Ashkali and Egyptians, continue to face problems acquiring personal documents, which affects their ability to access citizenship, education, healthcare and social assistance, and calls on the Kosovo authorities to address these problems; welcomes the willingness of the authorities to recognise the rights of people with historical Bulgarian ethnicity in the Gora and Zhupa regions; welcomes the adoption of the new Strategy and Action Plan for Inclusion of Roma and Ashkali Communities in Kosovo Society 2017-2021 and calls for Kosovo to take an active role in the regional cooperation of the Roma Integration 2020 project, implemented by the Regional Cooperation Council;

28. Regrets the persistent discrimination against LGBTI people and the increase in online hate speech in connection with the Gay Pride event in Pristina;

29. Stresses the need to adopt the new draft law on freedom of association of NGOs; calls for greater attention to be paid when drafting and implementing legislation in areas affecting civil society space, in order to ensure that the legislation does not place a disproportionate burden or have a discriminatory impact on civil society organisations (CSOs) or diminish the space for civil society; underlines the need for public funding available for CSOs;

30. Stresses the need to ensure the editorial freedom, financial sustainability and independence of the Kosovo public broadcaster, and to guarantee transparency of private media ownership in line with the recommendations of the annual Commission report; urges the implementation of all relevant laws in this regard; calls for improvements to multilingual broadcasting and to the quality of information offered to all Kosovo communities; expresses its concern at the increase in the number of threats and attacks against journalists and urges Kosovo's authorities to promptly investigate and prosecute those responsible; welcomes the Government of Kosovo's approval of the draft law on the protection of whistleblowers;

31. Calls for sustained efforts to comprehensively normalise relations between Serbia and Kosovo; considers that a full normalisation of relations with Serbia, under a legally binding agreement and its implementing arrangements, will not be possible without a comprehensive and mutual application of the existing agreements and is a key element of both parties' paths towards European integration;

32. Notes the ongoing debate and public statements concerning possible adjustments of the border between Serbia and Kosovo, including exchanges of territories; underlines the multi-ethnic nature of both Kosovo and Serbia and that ethnically homogeneous states should not be the objective in the region; supports the dialogue facilitated by the EU as the framework to reach a comprehensive normalisation agreement between Serbia and Kosovo; considers that any agreement could only be acceptable if mutually agreed, taking into account the overall stability in the region and international law;

33. Notes that five EU Member States have not yet recognised Kosovo and invites them to do so; stresses that recognition would be beneficial to the normalisation of relations between Kosovo and Serbia;

34. Takes the view that the conduct of the Belgrade-Pristina dialogue must be open and transparent and that those responsible for it should regularly consult with the Kosovo Assembly on its developments;

35. Regrets the fact that many of the agreements signed hitherto have not been implemented or have been delayed, such as those on energy and on the association of Serb majority municipalities; urges both parties to implement all the agreements in full and in good faith; reiterates its call on the European External Action Service (EEAS) to carry out an evaluation of the performance of both sides in fulfilling their obligations so as to address all the challenges facing implementation; urges the Serbian and Kosovo Governments to refrain from any action that could undermine trust between the parties and put the constructive continuation of the dialogue at risk;

36. Expresses its deep concern at the rising number of inter-ethnic incidents; strongly condemns all acts of intimidation and violence; expects Kosovo's authorities to immediately distance themselves from such acts and calls for the perpetrators to be identified and brought to justice; calls on national and local authorities to make further efforts to implement adopted laws to further develop a multi-ethnic society; regrets the rise of nationalist and extreme rhetoric in the region and requests that the Commission further support reconciliation through cultural projects;

37. Calls once again for the prompt and unimpeded opening of the Mitrovica bridge, which constitutes an important step towards the reunification of the city; calls for the full implementation of the freedom of movement agreement; calls on the Serbian and Kosovar authorities to promote people-to-people contacts between local communities in order to strengthen dialogue, including at a non-governmental level; welcomes, in this respect, the Peja/Sabac mutual cooperation programme and calls on the Commission to support similar initiatives; welcomes the development of infrastructure projects allowing for increased contacts, such as the Nis-Merdare-Pristina highway;

38. Welcomes Kosovo's efforts in maintaining constructive neighbourly relations throughout the region and in proactively aligning with the EU's common foreign and security policy (CFSP), and calls for further progress in this field; considers that Kosovo's membership in international bodies would confer rights and obligations that entail the application of international norms and standards; encourages a positive approach with regard to Kosovo's participation in international organisations;

39. Highlights the urgent need to adopt and implement measures ensuring transparent and competitive privatisation procedures and to investigate alleged irregularities; is concerned that migrant remittances constitute a significant driver of domestic demand; expresses concern about the discrimination against women on the labour market, especially during the hiring process;

40. Expresses its concern about the dire medical registration procedures and the quality of medicines, and about corruption in the health sector generally; urges the Kosovar Ministry of Health to speed up its efforts to investigate such crimes and to address the registration and quality problems as soon as possible; calls for a comprehensive reform of the health sector, including the implementation of universal health insurance, in order to ensure universal access to healthcare; underlines the need for adequate funding of the public health system;

41. Calls on the Commission to develop a regional strategy to address the persistent youth unemployment and brain drain by tackling the skills mismatch between the education system and the labour market, improving the quality of teaching, and ensuring adequate funding for active labour market measures and vocational training schemes, along with adequate childcare and pre-school education facilities; regrets the lack of progress in improving the quality of education; calls on the relevant actors to include persons belonging to minority groups in the design and implementation of employment measures;

42. Urges Kosovo to fully harness the potential offered by EU programmes; welcomes the signing of the agreement on Kosovo's participation in the Erasmus+ and Creative Europe programmes; calls on Kosovo's authorities and the Commission to further support SMEs in order to develop a viable economy for Kosovo; supports the proposal to reduce roaming charges in the Western Balkans;

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43. Draws attention to the extremely poor air quality of Pristina and other heavily polluted cities; calls for effective air and water quality monitoring systems, for the improvement of water treatment infrastructure and for reliable and readily available real-time pollution data; expresses concern about waste mismanagement, unsustainable landfilling and widespread illegal dumping practices; urges the authorities to adopt waste separation and recycling targets, to improve local collection disposal and recycling facilities and to hold polluters to account; calls on the UN to swiftly deliver the necessary support to the victims of lead poisoning in some refugee camps set up in Kosovo, including through the anticipated trust fund;

44. Notes that most of the energy policy recommendations from last year's report have not been implemented; stresses the need to move away from the use of lignite for unsustainable energy generation and the urgency of decommissioning Kosovo A Power Station and of ensuring additional sustainable generation and import capacity; notes partial progress on the Third Energy Package and stresses the need to ensure the independence of the Kosovo energy regulator; calls for stronger efforts in energy efficiency and energy saving, particularly in the construction sector; notes that while the first reading of the draft law on energy efficiency has been adopted, energy efficiency is hampered by the lack of progress in implementing the Energy Agreement between Kosovo and Serbia; calls on the authorities to establish the energy efficiency fund;

45. Stresses that the envisaged hydro power plants should meet the EU environmental standards; welcomes, in this regard, the decision of the Minister for Environment to assess and suspend permits issued for hydropower projects;

46. Regrets the lack of progress in exploiting the potential of renewables; calls on the authorities to adopt the Action Plan for Energy Strategy 2017-2026 for reaching the mandatory renewable energy target of 25 % by 2020; urges the Commission to step up assistance in this regard;

47. Urges Kosovo's authorities to adopt credible and sustainable public transport and mobility policies for addressing long-standing infrastructure deficiencies;

48. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service and the Government and Assembly of Kosovo.

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2018 Report on the former Yugoslav Republic of Macedonia

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on the former Yugoslav Republic of Macedonia (2018/2145(INI))

(2020/C 363/20)

The European Parliament,

— having regard to the European Council's decision of 16 December 2005 to grant the country the status of candidate for EU membership,

— having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part,

— having regard to the Final Agreement for the Settlement of the Differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995 and the Establishment of a Strategic Partnership between Greece and the former Yugoslav Republic of Macedonia of 17 June 2018, also known as the Prespa Agreement,

— having regard to the Framework Agreement concluded at Ohrid and signed at Skopje on 13 August 2001 (Ohrid Framework Agreement, 'the OFA'),

— having regard to the Commission's June 2015 Urgent Reform Priorities for the former Yugoslav Republic of Macedonia,

— having regard to the political agreement (the so-called 'Pržino Agreement') reached between the four main political parties in Skopje on 2 June and 15 July 2015, and the four-party agreement on its implementation of 20 July and 31 August 2016,

— having regard to the Recommendations of the Senior Experts' Group on Systematic Rule of Law Issues of 14 September 2017,

— having regard to the Berlin Process launched on 28 August 2014,

— having regard to the final reports of the OSCE/ODIHR concerning the early parliamentary elections of 11 December 2016, which were also observed by the European Parliament, and the municipal elections of 15 October and 29 October 2017,

— having regard to the declaration of the EU-Western Balkans summit of 17 May 2018 and its Sofia Priority Agenda,

— having regard to the European Council conclusions of 28 June 2018, endorsing the conclusions on enlargement and the stabilisation and association process adopted by the Council on 26 June 2018,

— having regard to the decision of the Heads of State and Government of the NATO meeting of 11-12 July 2018 to invite the country to begin accession talks to join the alliance,

— having regard to the 14th meeting of the Stabilisation and Association Council between the former Yugoslav Republic of Macedonia and the EU on 13 July 2018,

— having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),

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— having regard to the Commission communication of 17 April 2018 entitled '2018 Communication on EU Enlargement Policy' (COM(2018)0450), accompanied by the Commission staff working document entitled 'The former Yugoslav Republic of Macedonia 2018 Report' (SWD(2018)0154), recommending opening accession negotiations in light of the progress achieved and in view of the sustained commitment to reforms,

— having regard to the Commission staff working document on its assessment of the Economic Reform Programme of the former Yugoslav Republic of Macedonia (SWD(2018)0134) and the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 25 May 2018,

— having regard to the recommendations adopted at the 14th meeting of the EU-former Yugoslav Republic of Macedonia Joint Parliamentary Committee (JPC), held in Strasbourg on 7-8 February 2018,

— having regard to the 'Jean Monnet Dialogue' process with the parliamentary leadership and political parties in the Assembly (Sobranie), launched in Ohrid on 17-18 May 2018,

— having regard to its previous resolutions on the country,

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

— having regard to the report of the Committee on Foreign Affairs (A8-0341/2018),

A. whereas by implementing robust and inclusive democratic reforms and actively improving neighbourly relations, the new government is demonstrating continuity in the commitment to the country's European and Euro-Atlantic path; whereas reform efforts should be paired with continued EU support for implementation of the Urgent Reform Priorities and measurable deliverables; whereas the prospect of EU membership is the great spur to reforms in the former Yugoslav Republic of Macedonia, especially as regards the rule of law, the independence of the judiciary and the fight against corruption; whereas the former Yugoslav Republic of Macedonia is considered to be the candidate country which has made the most progress in aligning its legislation with the EU acquis;

B. whereas the Prespa Agreement of 17 June 2018 on the settlement of differences and the establishment of a strategic partnership between the former Yugoslav Republic of Macedonia and Greece sends a much-needed positive signal for stability and reconciliation in the whole Western Balkans region, improves the spirit of good neighbourly relations and regional cooperation and paves the way for the country's European integration;

C. whereas 11 Confidence-Building Measures were agreed between Greece and the former Yugoslav Republic of Macedonia, mainly in the fields of political and EU affairs, education and culture, trade and economic cooperation, connectivity, justice and home affairs, and health cooperation; whereas these Confidence-Building Measures have already produced tangible results;

D. whereas all political parties and state institutions have a duty to contribute to a more inclusive and open political atmosphere, enabling further progress in the EU accession process;

E. whereas the country must further strengthen, inter alia, parliamentary legislative and oversight capacity, the judiciary, respect for the rule of law, media freedom and the fight against organised crime and corruption; whereas sustained reform efforts are needed in the areas of public administration, the economy and employment, and a comprehensive review of the implementation of the Ohrid Framework Agreement (OFA) is also required;

F. whereas the accession of the former Yugoslav Republic of Macedonia to NATO will contribute to the peace and stability of the entire region;

G. whereas on 28 June 2018 the European Council endorsed the 26 June 2018 Council conclusions, setting out the path towards opening accession negotiations in June 2019;

H. whereas on 18 July 2018 the Commission initialled a status agreement with the former Yugoslav Republic of Macedonia to allow European Border and Coast Guard Agency (Frontex) teams to carry out joint operations with and within the country for the purpose of migration and borders management, as a core element of the Commission's strategy for the Western Balkans;

I. whereas air pollution is a major problem in Macedonian cities and according to the latest study by the Finnish Meteorological Institute and the Macedonian Institute of Public Health, Skopje and Tetovo have the highest concentration of fine particles in the air ($PM_{2,5}$) out of all European cities;

J. whereas the Balkans region is strategically important;

K. whereas each candidate country is judged individually on its own merits, and it is the speed and quality of reforms that determine the timetable for accession and the pace of negotiations;

L. whereas, after a thorough and transparent legal process, Nikola Gruevski was convicted by the Macedonian courts for abuse of power and sentenced to two years in prison; whereas multiple courts upheld this conviction and the decision came into force after all the appeals had been exhausted; whereas he has also been indicted in four additional pending criminal cases and is involved in a further five ongoing criminal investigations;

Overall reforms and good neighbourly relations

1. Welcomes the government's strong political commitment to fully implement the Pržino Agreement and the Urgent Reform Priorities, leading to intensified efforts on EU-related reforms, based on cross-party and inter-ethnic cooperation and consultations with civil society, and underlines the importance of pursuing these efforts for the European future of the country; encourages the new government to maintain the positive momentum and to secure progress in, accelerate and fully implement EU-related reforms, in a transparent and inclusive manner; calls for support for the former Yugoslav Republic of Macedonia to join the Euro-Atlantic organisations so as to enhance regional security;

2. Highly commends the positive diplomacy and active trust-building efforts leading to compromise, the settlement of open bilateral issues and the promotion of good neighbourly relations; stresses that bilateral issues should not obstruct the accession process; warmly welcomes the entry into force on 14 February 2018 of the friendship treaty with Bulgaria, that should provide for long-lasting and conciliatory good-neighbourly relations between the two countries;

3. Welcomes the Prespa Agreement of 17 June 2018 between Greece and the former Yugoslav Republic of Macedonia and commends both sides for their significant efforts to reach a mutually satisfactory solution to the name issue; welcomes its ratification by the Parliament of the former Yugoslav Republic of Macedonia on 20 June and 5 July 2018; considers that it is in the interests of the citizens of the country that all political actors and civil society act in a constructive manner and assume their historic responsibilities; urges the parties to prioritise the interests of their country over party-political interests, to duly inform their citizens of the contents and implications of the agreement and to diligently complete all internal procedures for the ratification and implementation of this strategically important agreement, bringing an end to a protracted geopolitical limbo and setting a good example for peace and stability in the region; underlines the importance of the 30 September 2018 referendum concerning the former Yugoslav Republic of Macedonia's integration into the EU and NATO;

4. Takes note of the result of the 30 September 2018 referendum; stresses the need for further support to the Euro-Atlantic future of the country and for the implementation of the Prespa Agreement of 17 June 2018; encourages the government in Skopje to undertake all necessary and possible steps in order to honour the provisions of the Prespa Agreement, which opens the door to EU and NATO accession negotiations;

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5. Welcomes the vote of 19 October 2018 in the Sobranie to initiate the process of constitutional amendment in order to implement the provisions laid down in the Prespa Agreement; calls on all political parties to continue cooperating in a spirit of shared responsibility in the next steps of the amendment procedure; reiterates its strong support for the country's European and Euro-Atlantic future and urges the government and parliament to continue their work on reforms which will pave the way for EU accession; encourages the Special Public Prosecutor and the courts to carry out their independent investigations on all pending cases of political and criminal wrongdoing and bring those responsible to justice;

6. Welcomes the country's diplomatic efforts to foster bilateral and regional cooperation with Albania and establish new qualitative relations in fields such as trade, law enforcement, the fight against fraud and the prevention of terrorism;

7. Recalls that the country has already achieved a high level of alignment with the acquis; regrets the fact, nevertheless, that some of this legislation has not yet been implemented; takes note of the improvement in alignment with EU declarations and Council decisions on the Common Foreign and Security Policy and stresses the importance of progressively reaching full alignment, which is a prerequisite for the Euro-Atlantic future of the country;

8. Acknowledges the progress made in the public sector with the adoption of the public administration reform strategy and the financial management reform programme; calls on the government to ensure full implementation of these reforms; encourages the country to further strengthen professionalism by improving transparency and equitable representation and ensuring full respect of merit-based recruitment for public service positions;

9. Condemns in the strongest possible terms the 27 April 2017 attack on the Parliament of the country, which constitutes an attack on democracy and during which several MPs and journalists sustained severe injuries, and calls for the organisers and perpetrators to be brought to justice; welcomes the ongoing investigation and trial on the case; stresses that the establishment of accountability for these acts of violence should continue to be conducted in line with the law and in a transparent, independent and proportionate manner; further condemns any form of obstruction and any abuse of procedures of the Parliament or of Presidential powers in violation of the constitution;

10. Fully endorses the Commission's recommendation and ensuing Council decision setting June 2019 as a date for opening accession negotiations in recognition of the encouraging reform efforts; considers that a swift opening of the screening process and accession talks will sustain and deepen the reform momentum; considers that the opening of negotiations would provide further incentives for democratisation and enhance scrutiny and accountability;

11. Welcomes the formal invitation of 11 July 2018 from NATO to the country to begin the membership negotiations to join the organisation;

12. Considers that the former Yugoslav Republic of Macedonia's membership of NATO could contribute to achieving greater security and political stability in south-east Europe; calls on all EU Member States which are NATO members to actively support the country's accession to NATO;

13. Welcomes the country's upcoming passage to the second stage of the Stabilisation and Association Agreement and its inclusion in the Adriatic-Ionian Initiative, and calls on the Council to include the country in the EU Strategy for the Adriatic and Ionian Region;

Democratisation

14. Welcomes the initial steps taken towards reinstating checks and balances and increasing inclusion through measures improving the environment in which independent oversight institutions, the media and civil society organisations (CSOs) operate; welcomes the constructive dialogue between the government and CSOs and the role the latter have played in ensuring greater checks and balances; emphasises that the undergoing fundamental changes should be made in an inclusive and open political atmosphere;

15. Appreciates the government's efforts to prevent backsliding and eliminate the remaining elements of state capture and encourages it to step up these efforts; recalls that the country was a frontrunner in the accession process in the 2000s;

16. Welcomes improvements in electoral legislation, but stresses the need for a timely revision of the Electoral Code by comprehensively addressing the remaining OSCE/ODIHR, Venice Commission and GRECO recommendations on campaign financing and on political parties; stresses that further efforts are needed to prevent and investigate any form of intimidation of voters; urges political parties to democratise their internal decision-making processes;

17. Encourages the authorities to complete the interrupted census, which would provide accurate statistics on population data to serve as basis for government development programmes and adequate budget planning, along with organising elections and calculating election results;

18. Welcomes the resumption of the EU-former Yugoslav Republic of Macedonia Joint Parliamentary Committee meetings and encourages continued constructive work within this interparliamentary framework;

19. Welcomes the launch of the Jean Monnet Dialogue process in Ohrid on 17 and 18 May 2018 and the resulting adoption by unanimous cross-party support of the Code of Ethics; encourages the Working Group on Reforms and Functioning of the Sobranie to review the Rules of Procedure of the Parliament and put forward proposals for amendments and timelines for adoption in the priority areas outlined in the conclusions in Ohrid; encourages all stakeholders involved in the political process to continue strengthening the culture of compromise and constructive political dialogue, especially among the Members of Parliament, and to refrain from creating any obstruction that would hamper the effective functioning of the Parliament;

20. Recommends that the country's Parliament make full use of its oversight and legislative functions, while strictly limiting the use of urgency procedures which undermine parliamentary and public scrutiny; calls for a credible track record to be established in the oversight of intelligence services and in the monitoring of human rights and fundamental freedoms in the country;

21. Welcomes the significant steps the government has taken to gradually restore a culture of compromise by reaching out to all stakeholders, including the opposition, with a view to strengthening democracy and the rule of law and the genuine desire to reform in an inclusive and transparent manner;

22. Calls for effective implementation of the public administration reform strategy to begin and for clear lines of accountability to be established; underlines the importance of merit-based recruitment and open competition for all recruitment procedures, and calls for an increase in human resources management capacity; calls for enhanced measures to improve the sectoral and financial planning capabilities across the public administration;

23. Welcomes the strengthening of decentralisation processes by the government with the adoption of the Action Plan for decentralisation and development 2018-2020 as an important step in addressing the scarcity of funding and services in the municipalities;

24. Welcomes the ongoing efforts to promote good governance, accountability and a free media environment, and to increase transparency and improve access to public information, including through publication of the expenditure of state institutions; calls for further steps to guarantee citizens' rights to access public information; calls for sustained efforts in increasing the inclusiveness of the decision-making process and improving interinstitutional coordination;

25. Calls for further progress to be made in digitising public information with a view to making it more accessible, and encourages the authorities to find innovative e-solutions to further enhance transparency and easy access to public information and to reduce the related bureaucracy;

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Rule of law

26. Recalls that proper functioning of the judicial system and effective measures to combat corruption are of paramount importance in the EU accession process;

27. Welcomes the judicial reform strategy aimed at restoring judicial independence, accountability and professionalism and ending political interference and selective justice, and calls on the country's government and other stakeholders to intensify efforts to properly implement the judicial reform strategy by putting in place sound monitoring and evaluation mechanisms; stresses the need to complete legislative alignment in line with the recommendations of the Venice Commission; calls for continuous adoption and implementation of measures envisaged in the judicial reform strategy; underlines that further efforts are needed to shield the judiciary from political interference;

28. Welcomes the establishment of the Council on Judicial Ethics in January 2018 and the organisation of training courses by the Academy of Judges and Public Prosecutors on ethical behaviours for judges to prevent conflicts of interest and establish anti-corruption measures;

29. Remains concerned by widespread corruption and welcomes initial achievements in the prevention and prosecution thereof; is concerned about limited final court rulings in high-level corruption cases, but notes the first court verdicts on cases of corruption and abuse of power, and on the events of 27 April 2017; calls for sustained efforts to establish a track record of investigations, prosecutions and final convictions in cases of high-level corruption and organised crime; commends the work carried out by the Special Prosecutor's Office (SPO) in difficult circumstances and remains concerned about attacks on and obstruction of its work and the lack of cooperation from other institutions;

30. Calls upon the authorities to intensify the fight against money laundering and conflicts of interest by establishing and strengthening the capacities of anti-corruption, counter-crime and financial investigation cells, and through freezing, confiscation, recovery and management of assets; urges the authorities to establish a track record of investigations and prosecutions and to increase the number of convictions in high-level money laundering and financial crime cases; welcomes the adoption of the law on the protection of whistle-blowers, which ensures better protection for whistle-blowers and strengthens government policies against corruption; calls for an urgent review of laws on anti-corruption, financial control and public procurement; encourages a reform of the general legal framework so that the State Commission for Prevention of Corruption has clear powers and can work in full independence and so that the Public Prosecutor's Office against Organised Crime and Corruption can carry out regular investigations;

31. Points out that corruption and organised crime are widespread in the region and also represent an obstacle to the country's democratic, social and economic development; considers that a regional strategy and enhanced cooperation between all the countries in the region are essential to tackle these issues more effectively;

32. Calls for political and legal accountability for criminal offences to be strictly ensured, including for offences arising from the wiretap scandal; urges the Parliament to complete the reform of intelligence services, ensuring proper external oversight of security and intelligence agencies;

33. Urges the authorities to take decisive action to dismantle criminal networks engaged in human, arms and drug trafficking, and to increase the institutional capacity of and the interinstitutional cooperation between law enforcement agencies and improve the track record of investigations, prosecutions and final convictions;

34. Acknowledges the efforts made and the constructive role the country has played in addressing the challenges of the European migration and refugee crisis; notes the sustained effort and calls for further improvement of the asylum system and migration management; encourages the country to step up and further deepen the mutually beneficial regional cooperation and partnership with Frontex under a new status agreement with a view to dismantling human trafficking networks;

35. Emphasises the need to ensure that migrants and refugees, especially women and children, applying for asylum in the country or travelling through its territory are treated in accordance with international and EU law;

36. Deems it necessary for the authorities to continue and intensify their efforts to combat Islamic radicalisation and foreign terrorist fighters; calls for this to be implemented through increased cooperation between security agencies and CSOs, religious leaders, local communities and other state institutions in the education, health and social services sectors; calls for continued monitoring of returning foreign fighters by the security services, their proper reintegration into society and the constant exchange of information with the authorities of the EU and of neighbouring countries;

37. Calls for further improvement of the children's justice system; calls on the competent authorities to make sufficient budget allocations for implementation of the Justice for Children Law, and to improve support services for girls and boys who are victims of violence and abuse, and for children in conflict with the law;

38. Calls on the Hungarian authorities to provide all relevant information and the necessary explanations concerning the case of former Macedonian Prime Minister Gruevski who fled his country with the secret diplomatic assistance of Hungary to avoid a prison sentence; considers this an act of interference in the internal affairs of the former Yugoslav Republic of Macedonia and, in particular, an act of contempt towards the judiciary of and the rule of law in this country; notes the extradition request issued by the Skopje authorities, and expects Hungary to act strictly in line with the relevant national and international laws by responding positively to this request;

Fundamental rights and civil society

39. Welcomes measures to improve inter-ethnic trust and calls for an inclusive and transparent review of outstanding aspects of the implementation of the OFA; considers it essential to ensure a full affirmation of ethnic minorities in public life; calls for further measures to foster educational inclusion of minorities with a view to reinvigorating social cohesion and integration of communities;

40. Believes that the Macedonian legal proceedings have to continue according to the procedures in the country and that Nikola Gruevski has to be held accountable within the Macedonian justice system; invites Hungary to respect the independence of the Macedonian justice system and the rule of law in the country, re-evaluate the political asylum granted to Nikola Gruevski and proceed with his extradition to Skopje; expects all parties concerned to act strictly in line with the relevant national and international laws; stresses that these judicial procedures should not be politicised;

41. Welcomes the reforms and efforts made to gradually align the legal framework with EU standards, the country's decision to become an observer in the European Union Agency for Fundamental Rights and the ratification of most international human rights instruments; encourages full implementation of human rights standards and policy documents such as the European Convention on Human Rights (ECHR), with particular attention being paid to the right of fair trial, freedom of assembly and association, the right to life, freedom of expression and respect for private and family life;

42. Notes that the adoption of the law on the use of languages constitutes an important achievement and regrets the disruptive tactics aimed at undermining its adoption in full compliance with standard procedures;

43. Welcomes the country's ratification on 23 March 2018 of the Istanbul Convention and urges it to complete legal reforms for tackling discrimination and violence against women, girls and all children and to continue eradicating domestic and gender-based violence, which are still widespread;

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44. Underlines the need to ensure autonomy and adequate human and financial resources for independent oversight bodies; commends the role of the Ombudsman's Office in enforcing human rights and underlines the need to ensure a systemic follow-up of the Ombudsman's decisions;

45. Remains concerned about the dire situation of people with disabilities and the persistent discrimination against them; calls for effective implementation of the existing instruments and strategies;

46. Welcomes the initial steps taken in enhancing the prevention of discrimination and urges the authorities to include sexual orientation and gender identity as grounds for discrimination in the Law on Prevention and Protection against Discrimination; calls on the authorities to allocate an appropriate budget for the implementation of the National Strategy for Equality and Non-Discrimination 2016-2020; urges the authorities to effectively address hate crime and hate speech against minorities, including vulnerable groups such as the Roma and the LGBTI community, and to punish homophobic and transphobic violence and incitement to violence; remains concerned that societal prejudice continues and that hate speech is prevalent against LGBTI persons in the media and on the internet and social media; calls upon the authorities to ensure effective protection and to put in place dissuasive and proportionate sanctions for hate speech and homophobic/transphobic actions and violence; stresses the need to grant access to healthcare for transgender persons; deplores persistent deficiencies in the work of the Commission for Protection from Discrimination; welcomes the setting-up of the Inter-party parliamentary group for the rights of the LGBTI community and also the Inter-party parliamentary group for the rights of the Roma;

47. Calls for strategies and legislation on the rights of persons belonging to minority groups and their protection to be fully implemented and supported by public funds; insists that measures be taken to further improve the education, employment rates, health, housing, access to goods and services, and living conditions for the Roma, condemning school segregation and other forms of discrimination;

48. Welcomes the substantial improvement in the operational environment for, and the consultations with, CSOs, including the establishment of the Council for cooperation with civil society; stresses the need to enhance the legal, financial, administrative and policy framework, including through laws on foundations and donations; highlights the importance of a structured involvement of CSOs through a more regular, comprehensive, non-discriminatory and predictable consultative process;

49. Reiterates its support for the initiative to establish the Regional Commission tasked with establishing the facts about all victims of war crimes and other serious human rights violations committed on the territory of the former Yugoslavia (RECOM); urges the government to take the lead in its establishment; underlines the importance of this process and of the active engagement of all regional political leaders in order for RECOM to start its work without further delay; draws attention to the Coalition for RECOM's Proposal of the Action Plan for RECOM, with clear dates and benchmarks;

50. Welcomes the increased efforts of the government to intensify the process of deinstitutionalisation and social sector reform; commends the commitment to ending the placement of children in large public institutions and to establishing family and community-based care services instead; calls on the authorities to take urgent measures to reverse the growing rate of perinatal mortality and to establish a system for analysis of the causes of this alarming trend;

51. Welcomes the partnership between the government and the country's National Youth Council in the implementation of the Youth Guarantee Scheme as a good mechanism of cooperation between young people and decision-makers in the formulation and implementation of youth policies; calls on the government to increase financial support to youth organisations and young people with a view to tackling the brain drain issue;

Media

52. Underlines the crucial role of independent media for a democratic and enabling environment; notes modest improvements in the media environment and conditions for independent reporting; calls for initiatives to create a climate that is favourable to the professional conduct of all media stakeholders, free from any internal and external influences, as well as to investigative journalism; welcomes the termination of state-sponsored advertising in the media based on political favouritism as an important measure to foster a level playing field in the sector and calls for further safeguards against politicisation of the media; stresses the need to strengthen the independence and capacity of the media regulator and the public service broadcaster; calls for measures to increase the protection of the labour and social rights of journalists and to ensure that there is no impunity in cases of violence, abuse or threats against journalists, which would also contribute to minimising the prevalent self-censorship in the media;

53. Welcomes improvements in ensuring access to information; stresses the need to update regulations on media services and access to public information; stresses the need to demonstrate zero tolerance for and to effectively follow up on threats, intimidation and attacks against journalists through adequate registration and thorough investigation of such incidents; condemns any form of hate speech and inflammatory language; calls for effective measures to counter this and to counter violations of the journalistic code of ethics taking place online; points, furthermore, to the need to reform the media sector without delay with a view to strengthening the Agency for Audio and Audiovisual Media Services and guaranteeing objective and professional reporting;

Economy

54. Stresses the need to improve the business environment by ensuring fiscal consolidation and regulatory transparency and reliability, while addressing remaining rule-of-law deficiencies, cumbersome regulatory procedures and arbitrary inspections;

55. Urges the authorities to address the large informal economy and the persistent problems of tax evasion and weak contract enforcement which continue to deter foreign direct investment; stresses the need to implement measures on public procurement and internal financial control; notes the need to improve transparency of data on public spending, procurement, State aid and the use of EU funds; calls for measures to improve the planning, programming and management capacities of the national Instrument for Pre-Accession Assistance (IPA) structures;

56. Calls on the government to make digitalisation one of its cross-cutting core priorities; urges the development, without further delay, of a long-term digital agenda, including, among other things, an e-governance strategy, an ICT strategy and a national cybersecurity strategy; underlines that a comprehensive digital agenda will enhance the economic environment and performance and increase the transparency and efficiency of the public administration and services;

57. Appreciates the government's efforts to improve conditions for young people and strengthen youth participation in politics, for instance through the National Youth Strategy (2016-2025); encourages the government to address the high youth unemployment rate by bridging the mismatch between the skills of young graduates and the needs of private companies;

58. Urges the government to tackle long-term unemployment, youth unemployment and the low rate of participation of women on the employment market in a comprehensive and innovative manner; calls for urgent reforms in education to ensure that skills acquired match the needs on the labour market, thus preventing a brain drain; encourages the government to come up with a digital skills strategy and to increase digital literacy among the population;

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59. Recalls that the former Yugoslav Republic of Macedonia completed its last population census in 2002; underlines the importance of conducting a new and long-overdue population census to obtain updated and realistic demographic statistics in line with EU standards;

60. Welcomes the adoption of the new Energy Law by the Macedonian Parliament, which transposes the EU Third Energy Package and is fully compatible with the Energy Community Treaty; calls upon the authorities to focus on energy market reforms, while ensuring security of supply and diversification of energy sources, especially through renewables;

61. Takes note of a number of planned infrastructure projects within protected areas that would be likely to have significant impacts on future Natura 2000 sites; calls, in this regard, for the recommendation of the Bern Convention Standing Committee (No. 184(2015)) to be respected by suspending the implementation of the projects within the territory of the Mavrovo National Park until a Strategic Environmental Assessment has been completed in full compliance with EU environmental legislation; further calls for UNESCO World Heritage Committee's Decision(40 COM 7B.68) concerning the Natural and Cultural Heritage of the Ohrid region to be respected and for an overall Strategic Environmental Assessment (SEA) and a Heritage Impact Assessment (HIA) to be carried out before any further work is undertaken; urges that a national hydropower strategy be developed in line with EU environmental legislation;

62. Encourages the country to develop competition in the gas and energy market with a view to the complete unbundling of utilities in line with the Third Energy Package; calls for substantial improvements as regards energy efficiency, the production of renewable energy and the fight against climate change;

63. Commends the former Yugoslav Republic of Macedonia for ratifying the Paris Agreement on 9 January 2018, as combating climate change will only be achieved through common efforts;

64. Welcomes the government's positive approach to regional cooperation and good neighbourly relations, and its active participation in regional initiatives such as the South-East European Cooperation Process, the Regional Cooperation Council, CEFTA, the Western Balkans Six, the Energy Community Treaty, the European Common Aviation Area Agreement, the Central European Initiative, the Migration, Asylum, Refugees Regional Initiative (MARRI) and the Brdo-Brijuni Process;

65. Welcomes the country's commitment to connectivity projects carried out in the framework of the Berlin Process; notes the need to diversify from road transport through the implementation of rail reform measures, including by upgrading or constructing railway links from Skopje to the capitals of the neighbouring countries; calls for greater progress in the finalisation of the railway and road connections within Corridors VIII and X;

66. Calls for further trade and customs facilitation and diversification of exports, including by using the intra-regional trade potential; calls on the Commission to exempt the country from the steel and aluminium safeguard measures;

67. Expresses its concern at the alarming level of air pollution in Skopje and other heavily polluted cities, and calls on the state and local authorities to take adequate measures as a matter of urgency to cope with this emergency situation, through effective targeted measures for air quality monitoring and improvement, including by enhancing public transport and effective mobility plans; urges the country to harmonise urgently its legislation with the acquis in the field of environmental, nature and climate protection; calls for waste management systems to be developed;

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68. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of the former Yugoslav Republic of Macedonia.

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2018 Report on Albania

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Albania (2018/2147(INI))

(2020/C 363/21)

The European Parliament,

— having regard to the EU-Albania Stabilisation and Association Agreement,

— having regard to the European Council conclusions of 19-20 June 2003 and the Thessaloniki Agenda for the Western Balkans,

— having regard to the European Council decision of 26-27 June 2014 to grant the status of candidate country for EU membership to Albania,

— having regard to the General Affairs Council decision of 26 June 2018,

— having regard to the European Council decision of 28-29 June 2018,

— having regard to the recommendations of the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE) on the draft secondary legislation on the protection of national minorities in Albania,

— having regard to the declaration of the EU-Western Balkans summit of 17 May 2018 and its 'Sofia Priority Agenda',

— having regard to the 9th meeting of the Stabilisation and Association Council between Albania and the EU of 15 November 2017,

— having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),

— having regard to the Commission communication of 17 April 2018 entitled '2018 Communication on EU Enlargement Policy' (COM(2018)0450), accompanied by the Commission staff working document entitled 'Albania 2018 Report' (SWD(2018)0151),

— having regard to the recommendations adopted at the 12th meeting of the EU-Albania Stabilisation and Association Parliamentary Committee (SAPC), held in Tirana on 12-13 February 2018,

— having regard to the outcome of the 2017 survey on marginalised Roma in the Western Balkans, supported by the Commission and conducted by the World Bank and the UN Development Programme,

— having regard to the joint staff working document entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020',

— having regard to its previous resolutions on Albania,

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

— having regard to the report of the Committee on Foreign Affairs (A8-0334/2018),

A. whereas EU enlargement continues to constitute a strategic investment in peace, democracy, prosperity, security and stability in Europe;

B. whereas Albania has continued to make steady progress towards meeting the political criteria and the five key priorities for the opening of accession negotiations as well as in consolidating democratic institutions and practices;

C. whereas the Commission has recommended the opening of accession negotiations with Albania given the good progress achieved in the fulfilment of the five key priorities; whereas accession negotiations will allow closer EU scrutiny and are a powerful catalyst for implementing further reforms and consolidating democratic institutions and practices;

D. whereas on 28 June 2018 the European Council endorsed the Council conclusions of 26 June 2018, setting out the path towards opening accession negotiations in June 2019;

E. whereas challenges still persist and need to be addressed swiftly and efficiently in a spirit of dialogue and cooperation;

F. whereas constructive dialogue between the government and the opposition on EU-related reforms remains crucial to advance with the reform agenda to the benefit of citizens and to bring the country closer to the EU;

G. whereas there is wide public support in Albania for the country's accession to the EU;

H. whereas the rule of law is a fundamental value on which the EU is founded and is at the heart of both the enlargement and stabilisation and association process; whereas reforms are needed to tackle the important challenges that remain in this area, notably in ensuring an independent, impartial, accountable and efficient judiciary, and in the fight against corruption and organised crime, as well as in the protection of fundamental rights;

I. whereas the protection of religious freedom, cultural heritage, and the rights of minorities are among the fundamental values of the European Union;

J. whereas Albania has ratified all fundamental International Labour Organisation conventions, including in particular the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No 87) and the Right to Organise and Collective Bargaining Convention of 1949 (No 98);

K. whereas each enlargement country is judged individually on its own merits, and it is the speed and quality of reforms that determine the timetable for accession;

L. whereas regional cooperation and good neighbourly relations are essential for Albania's progress on its path towards EU accession;

1. Welcomes Albania's intensified efforts in this regard, leading to steady progress on the implementation of EU-related reforms, especially on the comprehensive justice reform; calls on Albania to consolidate the reforms achieved and to continue preparing for EU membership obligations across all chapters;

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2. Fully supports the Commission's recommendation that accession negotiations be opened in recognition of the reform efforts made by Albania; takes note of the Council decision to re-evaluate the situation in June 2019; welcomes the clear path that has been outlined towards the start of accession talks in 2019 and highlights the fact that the preparatory screening process has begun; recalls that the decision to open accession negotiations will depend on further progress in the reform process, calls on the Council to evaluate objectively and fairly the progress achieved by the country and to convene the first Intergovernmental Conference by the end of that year, and encourages Albania to maintain the reform momentum to that end; considers that the opening of negotiations would positively contribute to the reinforcement of democracy and rule of law by providing further incentives for the reform process and enhance its scrutiny;

3. Calls on the Commission to apply the reinforced approach for negotiating Chapter 23 (judiciary and fundamental rights) and Chapter 24 (justice, freedom and security);

4. Recalls the need to strengthen the Albanian Parliament's oversight capacities, including in the EU accession process; calls for more efficient use of various oversight mechanisms and institutions, including inquiry committees; welcomes the adoption of the Albanian Parliament's Code of Conduct, which will enhance the integrity and transparency of the parliamentary process and public trust in the institution; underlines the need for an enforcement mechanism, including sanctions, to make the code effective; underlines the central role of the Committee on EU Integration and the responsibility of the National Council for European Integration as a forum for consultation on accession preparations; calls for further cooperation with the Albanian Parliament within the framework of the European Parliament support programme for parliaments of enlargement countries, in order to enhance its capacity to produce quality legislation in line with the EU *acquis* and exercise its oversight role;

5. Highlights the importance of raising awareness among the general population of the process of joining the EU and the role of the EU and Albanian institutions involved;

6. Urges action and legislative and administrative measures addressing the outstanding recommendations of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR); underlines that inclusive and timely electoral reform is needed with a view to increasing public trust in the electoral process; recalls the need for due attention to be given to allegations of illegal and undeclared funding of political parties; welcomes the work by the Ad-hoc Committee on Electoral Reform of the Albanian Parliament related to independence and depoliticisation of the election administration, transparency in campaign finance, voter registration, vote buying, the use of new voting technologies and out-of-country voting, and urges it to reach consensus on, and adopt, the necessary reforms in due time before the 2019 local elections;

7. Welcomes Albania's revised law on political party financing; reiterates its calls on the country's political parties to fulfil their obligation to ensure the exclusion of criminal offenders from public office at all branches and levels of government;

8. Reiterates that constructive political dialogue, willingness to compromise, sustainable cross-party cooperation and a continued unwavering commitment to the implementation and consolidation of the reforms across all five key priorities are vital to the effort to advance the EU accession process and for the proper functioning of a democratic regime; welcomes the growing bipartisan collaboration and wide cross-party consensus that was reached when dealing with certain key reforms; encourages all political forces to make further efforts to establish a genuine political dialogue and to achieve constructive cooperation, thus supporting the reform process; reiterates its strong belief that political dialogue should take place within democratic institutions; is greatly concerned about the *de facto* boycott of the parliamentary process by the opposition following the summer recess of 2018;

9. Underlines the fact that judiciary reform is a major demand by Albania's citizens and a prerequisite for re-establishing trust in the rule of law, public institutions and political representatives; reiterates that the credibility and effectiveness of the overall reform process, especially the fight against corruption and organised crime, and the implementation of property rights, depend on the success of the vetting process and the continued and determined implementation of judicial reform;

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10. Welcomes the progress made in judicial reform aimed at increasing the independence, accountability, professionalism and efficiency of the country's judicial institutions and at improving people's trust in judicial bodies; regrets that the administration of justice continues to be slow and inefficient; notes that the re-evaluation process for all judges and prosecutors has delivered the first tangible results; welcomes the fact that a majority of priority dossiers have already been processed; calls on the Albanian authorities, however, to further advance the impartial vetting process, without compromising on quality or fairness; stresses the importance that the vetting process be implemented in line with the highest international standards and encourages Albania to continue its close cooperation with the International Monitoring Operation; takes note of the first dismissals and voluntary resignations of candidates prior to their hearings; considers in this light that the preparation of the next generation of judges and prosecutors is even more important and regrets therefore that political parties in Albania have so far not reached an agreement on the necessary amendments to the law on the status of judges and prosecutors with regard to a higher capacity of recruitment and training; encourages adequate financial and human resources to be continuously provided to the vetting institutions;

11. Urges the Albanian authorities to complete as soon as possible the establishment of the new judicial bodies and to return to the Constitutional Court and the High Court to a functioning state; underlines the need to support the effective functioning of these institutions by means of adequate human resources and funding;

12. Welcomes the continued progress made towards establishing a more citizen-friendly, transparent, professional and de-politicised public administration, including at local level; urges the full implementation of the oversight institutions' recommendations as well as the Ombudsperson's recommendations; notes also the progress made with regard to territorial reform and to further consolidation, administratively and financially, of the newly created municipalities, as well as the establishment of the Consultative Council to improve coordination between central and local governments; welcomes the setting up of local EU Desks and EU coordinators;

13. Calls for further strengthening of the administrative capacity of institutions and bodies responsible for the implementation of accession-related reforms, for the transposition of EU legislation into national law and for preparations to be made for EU accession negotiations;

14. Commends the significant improvements made in the legal and institutional framework with a view to preventing and eradicating corruption in public institutions, as corruption is still a major point of concern; calls for additional efforts to reduce the corruption affecting the daily life of Albania's citizens, to improve the investment climate and to guarantee legal certainty of investments; underlines that high-ranking officials must not benefit from preferential treatment compared with ordinary citizens, should they be charged; calls on Albania to increase the use of financial investigations and establish a track record of seizures and confiscation/recovery of criminal assets resulting from corruption-related offences and to show tangible results in the fight against drug trafficking and money laundering;

15. Welcomes the recent updates to the country's anti-corruption legislation; stresses the need to complete the establishment of the National Bureau of Investigation, the Special Tribunal and the Special Prosecution Office Against Corruption and Organised Crime; calls for further improvement in interinstitutional cooperation and exchange of information between the police and prosecution; welcomes the re-evaluation of law enforcement personnel under the police vetting law;

16. Calls for increased attention to be given to political and public-private corruption; calls for strengthening the track record of proactive investigations, prosecutions and final convictions in the fight against corruption and organised crime, including high-level cases;

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17. Welcomes the progress made in the fight against corruption and organised crime, in particular the recent arrests of members of the Bajri criminal group, and calls for tangible and sustainable results to be pursued further, including in the specific area of countering cultivation and trafficking of drugs, through the implementation of action plans against cannabis cultivation; welcomes that the Albanian police force is becoming more active in the fight against organised crime, and is encouraged by Albania's intensified international police cooperation — leading to effective operations against criminal networks — including in joint working groups with Member States; believes that cooperation between the police, prosecution and other relevant agencies and bodies should be further consolidated;

18. Urges the Albanian authorities to take decisive action to dismantle criminal networks engaged in human, firearms and drug trafficking, and to increase the number of investigations and prosecutions, but also of final convictions, especially of high-level members of organised crime groups; points to the need to step up efforts in preventing human trafficking, paying particular attention to unaccompanied children and child victims of trafficking, especially among children in street situations;

19. Reiterates its call on the Albanian authorities to effectively ensure enforcement and progress towards the protection of property rights in an effective and transparent manner, while at the same time taking into account property registration, restitution and compensation; calls for necessary progress to be made on the digitalisation and mapping of property; urges the Albanian authorities to adequately inform citizens about their rights and possibilities for enforcement of their claims; underlines the importance of an effective property rights regime for guaranteeing the rule of law and an attractive business environment;

20. Welcomes the steps taken to reinforce the protection of human rights, minority rights and anti-discrimination policies, including the equal treatment of all minorities; welcomes the adoption of a framework law on minorities, which abolished the differentiation between national minorities and ethno-linguistic communities and introduced the principle of self-identification, the prohibition of discrimination and the right to preserve cultures, traditions and mother tongues; calls for its full implementation in practice and encourages Albania to continue its efforts by adopting the necessary secondary legislation to the framework law, in line with European standards and with the involvement of all relevant stakeholders in its drafting; insists that measures be taken to further improve the education, health, employment rates and living conditions of Roma, Egyptians and other ethnic minorities;

21. Notes the tensions following an incident involving the loss of life of Konstantinos Katsifas, a member of the Greek National Minority and dual (Albanian and Greek) citizen, who was shot dead by the Albanian Special Police Forces (RENEA) during a World War II commemoration of fallen Greek soldiers in Bularat on 28 October 2018; calls for restraint on all sides and expects the Albanian authorities to investigate and clarify the circumstances which led to the loss of life;

22. Welcomes the progress made in increasing women's participation and representation in politics, in particular through the introduction of the gender quota system, and the equal representation of women in the new government; reiterates, however, its concern about discrimination against and lack of appropriate measures for the protection of women and girls belonging to disadvantaged and marginalised groups, such as Roma ([1]) women and women with disabilities, the still existing gender-discriminatory provisions in a number of laws, the difficult access to justice for women, the proportion of women in the informal labour market, and the high number of cases of domestic violence against women and children, especially those belonging to vulnerable groups; calls for an adequate response to these issues and commends the adoption of the resolution on the fight against gender-based violence and the establishment of a parliamentary sub-committee on gender equality;

23. Notes with concern that women living in rural and remote areas and Roma and Egyptian women continue to have limited access to primary health care and sexual and reproductive health services, and are often unaware about the availability of such services; calls therefore on the Albanian authorities to ensure better information about such services and ensure that they are accessible, affordable and of quality.

([1]) The word 'Roma' is used as an umbrella term which includes different related groups, whether sedentary or not, such as Roma, Ashkalis, Egyptians, etc., which may be diverse in culture and lifestyles.

24. Welcomes reinforcement of the legislative framework on rights of children through the adoption of the law on the protection of children's rights, the Criminal Justice for Children Code and the 'Children's Agenda 2020'; recalls that institutional mechanisms to protect children's rights still need to be improved; urges the authorities to implement secondary legislation on protection of children rights and juvenile justice and calls for a significant increase in financial allocations for the child protection system, in particular child protection units (CPU) at local and regional level;

25. Commends the climate of tolerance and cooperation among the country's religious communities; calls on the Albanian authorities to effectively combat hate speech and the exclusion and discrimination of minorities, including LGBTI persons; welcomes the Gender Equality Action Plans recently adopted by five Albanian municipalities, in line with the European Charter for Equality of Women and Men in Local Life;

26. Calls on the Albanian authorities to enhance cooperation with civil society organisations, ensuring effective public participation and consultation throughout the decision-making and ongoing EU integration process, including at national and local levels, thus strengthening democracy and transparency; draws attention to the need to reform the legal and fiscal framework for civil society organisations as well as public funding available for CSOs working on human rights, democracy, and the rule of law, including watchdog, advocacy, and small grassroots organisations, as financial sustainability remains a considerable challenge for a significant number of these organisations as the current registration process is characterised by lengthy procedures and high costs, and the current tax system imposes a significant burden on CSOs and hampers both corporate and individual donations; recalls that an empowered civil society is a key feature of a vibrant democracy and strategically important for Albania's transformation into an EU Member State;

27. Welcomes the signing of the cooperation agreement between the Albanian Government and the International Commission on Missing Persons, which will enable the latter to help in locating and identifying missing persons from the Communist era;

28. Calls on the Albanian authorities to strengthen their policies towards people with disabilities, who continue to face difficulties in accessing education, employment, healthcare and social services and participating in decision-making;

29. Regrets the delays encountered in setting up the Regional Youth Cooperation Office (RYCO) in Tirana; urges the authorities to support the activities of the RYCO in a flexible way that allows a maximum number of young people to benefit from its work;

30. Reiterates the critical importance of professional and independent private and public service media; notes the partial progress made in increasing the independence of the country's audio-visual media authority and public broadcaster; calls for measures to improve the financial transparency of state advertising in the media; calls as well for measures to strengthen the protection of the labour and social rights of journalists;

31. Welcomes the setting-up of the Albanian Media Council and underlines its role in establishing high ethical and professional standards for journalists and the media while promoting their independence and freedom; welcomes the adoption of the revised Journalistic Code of Ethics as well as the Ethical Guidelines for Online Media and calls for their principles to be reinforced in order to maintain public trust, truthfulness, fairness, integrity, independence and accountability;

32. Urges the Albanian authorities to step up reforms aimed at increasing competitiveness and tackling the informal economy; stresses that corruption, rule-of-law deficiencies and cumbersome regulatory procedures continue to deter investment and Albania's sustainable development; calls for the business and investment environment to be further improved by ensuring a predictable regulatory and legislative framework, legal certainty, the rule of law, enforcement of property rights and strengthened contract enforcement, vigorously pursuing fiscal consolidation, and reinforcing tax administration;

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33. Stresses the need to ensure positive convergence in social standards during the accession process; welcomes the adoption of the Sofia Priority Agenda, in particular its focus on socio-economic development and a focus on youth; calls on the Albanian authorities to reconsider the role of public-private partnerships and their impact on common resources and on goods of public interest such as highways, health, nature and cultural heritage in accordance with UNESCO obligations; calls on Albania to make public the criteria for awarding social assistance;

34. Fears possible negative impacts on employment and social policy-making following the dismantling of Albania's Ministry of Social Welfare as a result of governmental restructuring; calls on the Albanian authorities to foster cooperation with trade unions and strengthen social dialogue; urges effective measures to address the high unemployment rate, especially among young people and women, and to prevent child labour; calls for further improvement of the quality of education, while making sure that education remains accessible to the entire population;

35. Commends the fact that, according to the Institute of Statistics in Albania (INSTAT), unemployment in Albania has decreased; stresses the need to improve the quality of the education system, including increasing capacity in order to better equip people with skills and knowledge in line with labour market needs; underlines the need to support long-term growth by developing the capacity for technological absorption, research, development and innovation;

36. Urges the government to modernise the education system with a view to building a more inclusive society, reducing inequalities and discrimination and better equipping young people with skills and knowledge;

37. Welcomes Albania's commitment to implementing the Connectivity Agenda within the framework of the Berlin Process and the adoption of the Instrument for Pre-accession Assistance (IPA) 2018 package, which includes the strategically important infrastructure project of reconstructing the Port of Durrës, which is strengthening Albania's connections with Croatia and Italy and providing Albania's landlocked neighbours, Kosovo and Macedonia with access to maritime transport routes; urges the Albanian authorities to accelerate planning and construction of the Albanian sections of the trans-European networks and proceed with harmonising the legal framework with the EU *acquis*; supports the proposal to reduce roaming fees in the Western Balkans in order to promote a market- and investment-friendly environment towards a digital economy; notes that 40 % of Albania's population live in rural areas but only 1 % of these people are connected to the internet;

38. Reiterates the importance of improving public infrastructure within the Western Balkan countries and with the EU Member States; recommends that the authorities speed up the construction of major infrastructure projects such as the rail link and modern highway between Tirana and Skopje as part of Corridor VIII;

39. Expresses deep concern about certain economic projects that have led to grave environmental damage in protected areas, such as large-scale tourist resorts and the hydropower plants along the Vjosa and Valbona rivers; recommends that Albania review its strategy as regards renewable energy and decrease its dependency on hydropower for electricity generation; calls therefore on the authorities to explore investments in renewable energy projects other than hydropower; urges the authorities to step up the quality of strategic environmental assessments, environmental impact assessments and public consultations on such projects, taking into account local community views; urges the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) to review their support for hydropower plant projects should they lack sound *ex ante* strategic environmental assessments and environmental impact assessments; stresses the need to ensure that the Trans Adriatic Pipeline project (TAP) is in line with the environmental and social aspects of the *acquis*; reiterates its call on Albania to implement relevant waste management measures and to align itself with the EU environmental *acquis*;

40. Expresses concern that Albania remains the Western Balkan country from which the highest number of illegal entries and stays as well as unfounded asylum claims are made in Member States; calls for an increase in the measures taken in recent months to address effectively the phenomenon of unfounded asylum applications in the EU, as well as arrivals of unaccompanied minors, including their root causes; encourages concrete measures to boost employment, especially for young people, education, living conditions and health; calls on the Albanian authorities to establish systems to assist with the effective reintegration of families and children on their return to the country;

41. Welcomes the steps made to reach the agreement on operational cooperation between the European Border and Coast Guard Agency and Albania, the first country in the region with which such an agreement was concluded, and encourages further cooperation on the operational level;

42. Calls on the Albanian Government to abide by the provisions of Article 3 of the European Convention on Extradition, issued by the Council on Europe, and of Article 19 of the EU Charter of Fundamental Rights and not to allow any extradition for political offences, or when the person may be subject to torture or inhuman treatment in the country requesting the extradition;

43. Commends Albania's success in stemming the outflow of foreign fighters; welcomes the regional cooperation that has been achieved in countering potential terrorist threats; reiterates the need for further measures to disrupt financial flows aimed at financing terrorism, to strengthen the prevention and monitoring mechanisms involving civil society and religious communities, and to effectively address online radicalisation; reiterates the need to further improve programmes to reintegrate returnees and their families and to prevent radicalisation in prisons by also strengthening the involvement of civil society and religious communities;

44. Calls for greater cooperation between Albania and the EU against cybercrime and on cyber defence issues;

45. Welcomes Albania's active participation in the Berlin Process, the Western Balkans Six initiative and other regional initiatives, and its contribution to strengthening the profile of the Regional Cooperation Council; welcomes the signing of a Joint Declaration on Regional Cooperation and Good Neighbourly Relations within the framework of the Berlin Process; welcomes Albania's proactive role in promoting regional cooperation and good neighbourly relations with other enlargement countries and with neighbouring Member States and underlines that good relations are an essential part of the enlargement process; welcomes the official launch of the Western Balkans Fund, which should promote common values and develop regional cooperation between citizens, civil society and institutions of the Western Balkans region; welcomes the establishment of the Albania-Serbia Joint Chamber of Commerce in Tirana and encourages strengthening trade and business cooperation in the region; welcomes continued efforts to enhance regional cooperation, especially in the area of environmental protection as outlined in the Adriatic Trilateral initiative; recalls that statements and actions that could negatively impact the good neighbourly relations should be avoided;

46. Reiterates its support for the initiative to establish the Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia (RECOM); urges the Albanian Government to take the lead on its establishment; underlines the importance of this process and the active engagement of all regional political leaders in order for it to start its work without further delay; calls attention to the Coalition for RECOM's proposal for an action plan with clear dates and benchmarks;

47. Highly commends Albania on its continued full alignment with all EU positions and declarations made in the context of common foreign and security policy; calls on Albania to align itself with the EU common position on the integrity of the Rome Statute of the International Criminal Court and to renounce its bilateral immunity agreement with the United States; commends Albania's active participation in military crisis management missions under the common security and defence policy, as well as its contribution to NATO missions of strategic importance to the EU;

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48. Urges the Albanian authorities to make the most effective use of EU funds in all regions of the country; calls on the Commission to ensure strict conditionality of IPA funds and to assess, as part of its country reports, the effectiveness of IPA support for Albania, especially on the key priorities and relevant projects;

49. Takes note of the constructive atmosphere at the 12th meeting of the EU-Albania Stabilisation and Association Parliamentary Committee (SAPC), held in Tirana from 12 to 13 February 2018; notes the improved cooperation achieved between majority and opposition representatives in the SAPC; underlines the importance of continued cross-party collaboration on the reform path towards EU accession;

50. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Albania.

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P8_TA(2018)0482

2018 Report on Montenegro

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Montenegro (2018/2144(INI))

(2020/C 363/22)

The European Parliament,

— having regard to the EU-Montenegro Stabilisation and Association Agreement, in force since 1 May 2010,

— having regard to the declaration of the EU-Western Balkans summit of 17 May 2018 and its Sofia Priority Agenda,

— having regard to the 9th meeting of the EU-Montenegro Stabilisation and Association Council on 25 June 2018,

— having regard to Montenegro's accession to NATO on 5 June 2017,

— having regard to the ratification by the parliaments of Montenegro and Kosovo of the Border Demarcation Agreement between Montenegro and Kosovo,

— having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),

— having regard to the Commission communication of 17 April 2018 entitled '2018 Communication on EU Enlargement Policy' (COM(2018)0450), accompanied by the Commission staff working document entitled 'Montenegro 2018 Report' (SWD(2018)0150),

— having regard to the Commission assessment of 17 April 2018 of the Economic Reform Programme of Montenegro (2018-2020) (SWD(2018)0131) and the Joint Council Conclusions of 25 May 2018 of the Economic and Financial Dialogue between the EU and the Western Balkans,

— having regard to the reports of the Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR) and to the statement by the European Parliament election observation delegation, on the presidential election of 15 April 2018,

— having regard to the declaration and recommendations adopted at the 15th meeting of the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC), held in Podgorica on 16-17 July 2018,

— having regard to the outcome of the 2017 survey on Marginalised Roma in Western Balkans, undertaken by the Commission, the World Bank and the UN Development Programme,

— having regard to the Berlin Process launched on 28 August 2014,

— having regard to its previous resolutions on Montenegro,

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

— having regard to the report of the Committee on Foreign Affairs (A8-0339/2018),

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A. whereas each enlargement country is judged individually on its own merits, and it is the speed and quality of reforms that determine the timetable for accession;

B. whereas Montenegro is currently the most advanced in the negotiation process, having opened 31 of the 35 chapters of the EU's *acquis communautaire* and having provisionally closed negotiations on three;

C. whereas constructive dialogue among internal political forces and with neighbouring countries will be essential for making further progress in the EU accession process;

D. whereas Montenegro has remained committed to creating a functioning market economy and has continued to build a track record in implementing the obligations of the Stabilisation and Association Agreement (SAA);

E. whereas Montenegro benefits from pre-accession assistance under the Instrument for Pre-accession Assistance (IPA II);

F. whereas Montenegro has to further strengthen, inter alia, parliamentary, legislative and oversight capacity, institutional transparency, respect for the rule of law and independence of the judiciary, domestic handling of war crimes cases, integrity of the electoral process, media freedom, and the fight against corruption, organised crime and the informal economy;

1. Welcomes the continued engagement of Montenegro in the EU integration process and its continuing good progress overall, based on broad public support for this strategic decision;

2. Underlines that the implementation and application of reforms remain a key indicator of successful integration; calls on Montenegro to improve the planning, coordination and monitoring of the implementation of new legislation and policies and calls for the timely implementation of interim benchmarks for chapters 23 and 24;

3. Welcomes the Commission's assessment, as stated in its communication of 6 February 2018 on the Western Balkans Strategy, that with strong political will, with delivery of real and sustained reforms and with definitive solutions to disputes with neighbours, Montenegro could potentially be ready for membership by 2025;

4. Calls on the Commission and the Council to ensure adequate provision in the next multiannual financial framework (MFF) to cater for Montenegro's possible accession to the European Union, as outlined in the Western Balkans Strategy;

Democratisation

5. Reminds all political parties that constructive political engagement depends on a fully functioning parliament in which all politicians assume their responsibility towards voters by taking up their seats in the parliament; welcomes the fact that most opposition parties have returned to the parliament following a longstanding parliamentary boycott; urges all other political parties to return to the parliament and to make more concerted efforts to bring about genuine political dialogue in order to ensure that it has the means to fully play its role of legislator and oversight, thereby restoring a functioning democratic process;

6. Calls for the implementation of the legislation on public and political participation of women and minorities, in particular Roma ([1]) people, including by enabling minority women to meaningfully participate in decision-making processes and take up positions within the public administration and other public institutions;

7. Calls on Montenegro's political leadership to focus on the remaining challenges, by tackling problems with the rule of law, media freedom, corruption, money laundering, organised crime and its associated violence, and to approach these issues as a matter of priority;

([1]) The word 'Roma' is used as an umbrella term that includes different related groups, whether sedentary or not; not only Roma people, but also Ashkalis, Egyptians and others, which may be diverse in culture and lifestyles.

8. Notes that fundamental freedoms were respected in the April 2018 presidential elections; calls on the government to work together with opposition parties and civil society so as to comprehensively address shortcomings identified by the OSCE ODIHR and fully implement its Election Observation Mission Priority Recommendations by adopting pending national legislation, and to reinforce the transparency and professionalisation of the electoral administration, in order to improve public trust in the electoral process; calls for local elections to be held simultaneously across the country and for the quality and transparency of elections to be improved; urges that provisions on the transparency of political party financing be strengthened;

9. Calls for full investigations into all alleged electoral irregularities; insists, once again, on due follow-up on the 2012 'audio-recording affair'; calls on the Anti-Corruption Agency (ACA) to step up the monitoring of possible abuse of public resources for political party purposes;

10. Raises its concern at the Montenegrin Parliament's decision to dismiss Vanja Ćalović Marković from the Council of the Agency for the Prevention of Corruption; urges full transparency in the handling of this case;

Rule of law

11. Notes the central role played by the Audit Authority, the ACA, the Public Procurement Control Commission, the Competition Agency and the State Aid Authority in tackling organised crime and corruption; welcomes the continued reforms aimed at improving the capacity and independence of these institutions, but notes the need to improve efficiency, establish better track records, encourage the prevention of corruption, including by means of appropriate sanctions, and remove remaining obstacles to achieving their full independence;

12. Notes the progress made in strengthening the capacity of the ACA when it comes to investigating campaign funding; stresses the need, however, to improve trust in the agency and to enhance its reputation, which could be achieved by further distancing its work from all political influence;

13. Welcomes the efforts made to improve the transparency of public administration and information sharing, but encourages the establishment of a more citizen-friendly, professional and de-politicised public administration; commends the more effective work of the Ombudsman; calls for improved regulatory impact assessments, comprehensive reports on audits and inclusive public consultations on law proposals; stresses the importance of cooperation with civil society organisations (CSOs) and of open access to information for the purposes of fighting corruption effectively, and encourages a revision of the legislative changes made in May 2017; recommends that resources and human capital in the public administration be optimised;

14. Welcomes the considerable progress shown by Montenegro in e-governance and e-participation, with the country now one of the top 25 performers in these areas according to the UN E-Government Survey 2016; calls on the Montenegrin Government to maintain this pace of reform in order to further enhance the efficiency of and accessibility to the public administration;

15. Welcomes the moderate progress made towards increasing the independence, transparency, accountability, professionalism and efficiency of judicial institutions; calls for safeguards against political interference and for a coherent application of codes of ethics and disciplinary measures; welcomes the fact that new judges and prosecutors have been appointed for the first time using the new recruitment system;

16. Notes the need to advance the judicial proceedings on the alleged October 2016 coup attempt by ensuring full judicial cooperation with third countries; welcomes the decision to publicly broadcast the court case proceedings in the interests of transparency;

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17. Welcomes the amendments to the Law on the Judicial Council passed on 29 June 2018, which allow for the regular functioning of the Judicial Council to continue; notes that these amendments were adopted in line with the Venice Commission's recommendations; highlights that these changes with regard to the election of lay members to the Council only represent a temporary solution; urges Parliament's newly formed ad-hoc working group to resolve this issue swiftly;

18. Is concerned by the increasing instances of violence and assassinations linked to organised crime, which have a detrimental effect on the daily life of ordinary citizens; welcomes the fact that the authorities have identified this issue but calls for more robust preventative action, including the use of non-conviction-based asset forfeiture; commends the investigation, prosecution and the handing down of convictions in high-level corruption cases; acknowledges, however, that this track record must be further strengthened, particularly in money laundering and human trafficking;

19. Calls for progress in preventing conflicts of interest and the illicit enrichment of public officials, including at municipal level; calls on the authorities to intensify the confiscation of criminal assets, to advance inquiries into unjustified wealth and to take other steps leading to the dismantlement of criminal gangs, severing the links between organised crime, business and politics; denounces, meanwhile, the practice of issuing sanctions below the statutory minimum, as it is counterproductive to the prevention of corruption offences;

20. Recalls that Montenegro must make further efforts to ensure the effective protection of the right to property, in line with the EU *acquis* and international human rights standards; urges the state authorities to provide for fair proceedings within a reasonable time when implementing the existing national legal framework, including on property rights and restitution of property; notes that a robust, non-discriminatory and stable property rights' regime is a prerequisite to citizens' and outside investors' trust and business confidence;

Border management and migration

21. Notes that Montenegro has hitherto proven itself capable of handling asylum requests, but underlines that further progress must be made; encourages Montenegro to work in closer cooperation with the European Border and Coast Guard Agency in order to improve border management in line with European norms, address irregular migration and disrupt migrant smuggling networks; calls for intensified efforts and cross-border cooperation to prevent and dismantle organised criminal networks related to human trafficking, as well as drug and tobacco smuggling; emphasises the persistent concerns related to illicit tobacco trade in Montenegro, particularly those surrounding its free trade zones; calls on the Commission to continue to support Montenegro in controlling its free trade zones and in working to prevent illicit trade;

22. Regrets the lack of progress in addressing human trafficking and urges that particular attention be paid to the prevention of forced organised prostitution and child begging; stresses that additional efforts are needed with regard to the identification of victims and their access to assistance, compensation and protection measures; calls on Montenegro to provide effective protection to the victims of trafficking, and to devote particular attention to the rehabilitation of the child victims of trafficking and to Roma women and girls, on account of the vulnerable circumstances in which they find themselves as a result of poverty and marginalisation;

Media

23. Is increasingly concerned about the state of freedom of expression and media freedom, in which three successive Commission reports have noted 'no progress'; recalls that the related chapter 23 was opened in December 2013 and that it is progress in this chapter and chapter 24 that determines the overall pace of negotiations; condemns in the strongest possible terms intimidation, smear campaigns and verbal and physical attacks against journalists; notes that there were seven reported cases of attacks against journalists in 2017; urges the government to ensure that journalists are protected in practice; calls for further steps to be taken to ensure the independence of the media and journalists and encourages the systematic collection of data on threats against journalists; notes that the EU Delegation in Montenegro is following the situation closely;

24. Is particularly concerned by the attack on 8 May 2018 against Vijesti journalist Olivera Lakić, and calls for a full investigation into the case; deems it unacceptable that there have been no new developments regarding investigations into old cases of violence against journalists; calls on the authorities to firmly condemn all attacks against journalists and to promote measures to protect journalists and eradicate impunity;

25. Deplores the ongoing financial and editorial pressure placed on Montenegro's public broadcaster (RTCG) and the Agency for Electronic Media (AEM); urges that safeguards against undue political and business influences be put in place, and that full transparency in matters of state advertising in the media be ensured; reiterates the need for the RTCG and all other media outlets to be protected from undue political influence; urges the state authorities to provide both the media regulators and the public broadcaster with sufficient funds to secure the financial autonomy and independence of both RTCG and AEM, which are crucial for a solid media environment during electoral campaigns; regrets the change in composition of the RTCG council and the dismissal of the Director-General of RTCG, Ms Andrijana Kadija; believes that early dismissals should only be permitted in limited circumstances;

26. Warns that a lack of financial autonomy for the media foments its political dependence and polarisation; believes that a transparent and non-discriminatory allocation of state advertising funds is required, and calls on the authorities to consider alternative forms of indirect subsidies to foster media independence;

27. Underlines the role of the AEM and effective self-regulation in ensuring the highest ethical standards in the Montenegrin media and in reducing the number of defamation cases; notes that the precarious situation of journalists undermines the quality and professionalism of the media;

Civil society and human rights

28. Underlines the crucial role of CSOs in improving the functioning of state institutions and fighting corruption and organised crime; strongly condemns the recent intimidation of and unacceptable smear campaign against CSOs that were critical of the overall slow progress, or lack thereof, in key rule-of-law areas;

29. Calls for greater attention to be paid when drafting and implementing legislation in areas affecting civil society space, in order to ensure that the legislation does not place a disproportionate burden on CSOs, and does not have a discriminatory impact on or diminish the space for civil society; underlines the need for public funding available for CSOs working on human rights, democracy and the rule of law, including watchdog, advocacy and small grassroots organisations; believes that CSOs should be free to receive funding from other donors, such as private donors and international organisations, bodies or agencies;

30. Takes note of the changes to the law on NGOs designed to improve their public funding, and recommends the swift adoption of the requisite secondary legislation; reiterates its call for systematic, inclusive, timely and genuine consultations with civil society and the wider public on key EU-related legislative reforms, including their implementation at local level, in order to enhance the democratic character of decision-taking and bring about greater transparency; recommends improving the financial regulatory environment for CSOs by providing additional resources, and setting clear rules as regards governmental mechanisms for CSO consultation;

31. Welcomes the ongoing legislative alignment on fundamental rights; urges that the institutional framework enabling effective rights protection be strengthened, including in the event of ill-treatment by law enforcement, intimidation and physical attack; calls for updates to the law on freedom of religious beliefs;

32. Welcomes efforts undertaken so far on the implementation of the Istanbul Convention, but urges improvements in the enforcement and monitoring mechanisms for human rights protection, including by tackling violence against women and children; calls, in this regard, for an effective implementation of fundamental rights policies, in particular on gender equality, the social inclusion rights of people with disabilities, children's rights and the rights of Roma people, by securing adequate budget allocations and resources to implement the policies and build the capacity of the institutions responsible; calls on the authorities to take the necessary measures to prevent forced child marriages;

33. Urges Montenegro to safeguard the full and timely implementation of gender equality and anti-discrimination legislation and to monitor its effect on women from disadvantaged and marginalised social groups; calls on Montenegro to secure unfettered access to justice for all women, and to provide free legal aid to women who have been the victims of gender-based violence, devoting particular attention to Roma women, women with disabilities and women living in rural and remote areas; calls on Montenegro to strengthen the role and capacity of its relevant authorities, so that they are better equipped to handle the protection and rehabilitation of victims and to work proactively with men not to commit violence against women; urges Montenegro to increase the number and capacity of its state-run shelters;

34. Calls on the Montenegrin authorities to continue to improve the climate of societal inclusion and tolerance and to take effective measures against hate speech, social exclusion and the discrimination of minorities; notes that Montenegro is still not fully aligned with the UN Convention on the Rights of Persons with Disabilities; encourages the competent authorities to continue to strengthen their efforts to safeguard the rights of LGBTI people; remains concerned about the difficulties of accepting sexual diversity within Montenegrin society; expresses concern about the discrimination faced by women and girls in the Roma community, and the fact that marginalised Roma people in Montenegro have limited access to opportunities in every aspect of human development, as evidenced by the results of a 2017 survey on this issue; stresses the importance of strengthening the SME sector and providing support through better legislation and the implementation of industrial policy;

35. Notes the continuing progress in improving the position of minorities; calls for the multi-ethnic identity of the Bay of Kotor to be respected and additional efforts made to protect it;

36. Urges Montenegro to launch public awareness-raising campaigns to fight discrimination and violence against LGBTI people, and to safeguard fair investigations and prosecutions in cases of crimes committed against them;

37. Urges Montenegro to launch public awareness-raising campaigns to encourage the reporting of domestic violence against women and girls, to increase the number of well-trained and gender-sensitive judges, to ensure the proper investigation and prosecution of crimes, and to safeguard assistance, counselling and reintegration services for victims;

Economy, social policy, employment and education

38. Welcomes the progress made by Montenegro in ensuring macroeconomic stability and fiscal consolidation, and calls for budget transparency and a good employment and business environment; stresses that corruption, the informal economy, rule-of-law deficiencies and cumbersome regulatory procedures continue to deter growth and investment; stresses that the European social model requires dialogue with all economic stakeholders, including trade unions;

39. Urges that the full potential offered by digital tools in the field of land registry, invoicing and the issuing of construction permits be used; notes the need to speed up the roll-out of broadband access to businesses and households; stresses the need for a government-wide interoperability framework to support further digitalisation and the simplification of administrative and business procedures; welcomes the ongoing development of online electronic company registration;

40. Welcomes regulatory changes in the field of education and efforts to increase pre-school participation rates, including for children from disadvantaged backgrounds, and highlights the importance of a comprehensive approach to early childhood development; urges the authorities to address the high long-term unemployment rate among young people and women, including through gender impact assessments where appropriate; notes the preparation of a white paper to promote youth employment, in cooperation with the International Labour Organisation; stresses the need to introduce active labour market measures, most notably for women negatively affected by the repeal of their social benefits;

41. Notes that social partners should be effectively and systematically consulted on issues concerning employment and social affairs; underlines the need to further strengthen the capacities of the Social Council; welcomes the adoption of rulebooks in the area of health and safety at work, but remains concerned about the high percentage of fatal accidents at work and the low number of work inspectors;

42. Welcomes Montenegro's strengthened participation in the Erasmus+ programme and expresses its support for the Commission's proposal to double the Erasmus+ budget; encourages greater coordination on cross-cutting issues affecting youth employment, inclusion, active citizenship, volunteering and education;

Environment, energy and transport

43. Expresses satisfaction that according to Article 1 of its constitution, Montenegro is an ecological state; welcomes the possible opening of chapter 27 of the *acquis* in the negotiations with Montenegro this year; calls on the authorities to better protect the most valuable areas, notably biodiversity, and to review hotel and hydropower plant construction projects;

44. Notes that the development of additional hydropower and tourism capacities, particularly those in protected areas, must meet EU environmental standards; expresses concern at unsustainable hydropower development, as many of the 80 hydropower plant projects are not being planned in line with international conventions or EU legislation, despite the requirements of chapter 27; urges the further exploitation of potential renewables and energy-efficiency measures and the improvement of water and waste management; welcomes the successful alignment between Montenegro's 2016 law on the cross-border exchange of electricity and natural gas and the Third Energy Package; commends Montenegro's improved legislative alignment on energy efficiency and renewable energy, but urges the authorities to fully align national legislation with the Renewable Energy Directive and Energy Performance of Buildings Directive;

45. Urges the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) to review its support for hydropower plant projects, and to withdraw funding for all projects which are undertaken in protected areas or lack sound ex-ante environmental impact assessments;

46. Stresses the need for timely and accurate information on the impact of the highway construction on the river Tara to be made available to a wide public, as well as for the cessation of all activities of waste dumping and riverbed alteration, in line with the commitments entered into by Montenegro to preserve areas having special national and international protection;

47. Expresses concern at the special-purpose spatial plan for the Skadar Lake National Park; stresses the need to abandon the large-scale hydropower projects on the Morača river, as they are having considerable adverse effects on Lake Skadar and the river Tara, both of which are protected under national and international legislation;

48. Welcomes the positive developments in further aligning Montenegro's national environmental and climate change legislation with the *acquis*; urges the Montenegrin Government to protect Ulcinj Salina, both at national and international level, in line with the recommendations of the EU-financed study on the protection of Ulcinj Salina; underlines the urgent need to ensure Ulcinj Salina's integration into the Natura 2000 network; calls for the identification and designation of marine protected areas;

49. Highlights Montenegro's proactive participation and constructive role in regional and international cooperation through the Berlin Process and the Western Balkans Six initiative; welcomes the outcome of the 2018 EU-Western Balkans Summit, held in Sofia, and the adoption of the 2018 IPA package, which includes funding for two important infrastructure projects: the Budva bypass on the Adriatic–Ionian Corridor and the Vrbnica–Bar railway section on the Orient/East-Med Corridor; emphasises the importance of traffic routes which provide a direct link between Balkan countries and EU markets;

50. Commends Montenegro's intention to establish the EU Emissions Trading System (EU ETS) within the next three years and its adoption of secondary legislation on fuel economy and emissions from new cars; notes the importance of incorporating into Montenegro's national legislation aspects of the EU ETS, the Effort Sharing Regulation and the Monitoring and Reporting Mechanism (MRM);

51. Welcomes continued efforts to enhance regional cooperation, particularly in environmental protection, as outlined in the Adriatic Trilateral initiative;

Regional cooperation and good neighbourly relations

52. Welcomes Montenegro's continued efforts for constructive regional cooperation and good bilateral neighbourly relations; supports the proposal to reduce roaming charges in the Western Balkans;

53. Welcomes the ratification of the State Border Agreement between Montenegro and Kosovo; calls for the speedy conclusion of agreements to resolve outstanding border disputes with other neighbouring countries;

54. Welcomes Montenegro and Albania's signature of a joint declaration and 12 agreements concerning mutual assistance in a variety of fields, and considers it an example of positive cooperation in the region;

55. Urges Montenegro to intensify its efforts in proactively prioritising and punishing war crimes and clarifying the fate of missing persons; welcomes the efforts for reintegration of displaced persons under the Regional Housing Programme; stresses that, despite adopting four documents on war crime investigation strategy, the state prosecution service has not opened new inquiries, started new proceedings, or brought new charges; expresses concern at the fact that the Special Prosecutor's Office (SPO) opened eight new cases in 2016, six of which are still only in the preliminary investigation phase; reiterates its support for the initiative to establish the Regional Commission for the Establishment of Facts about War Crimes and Other Serious Violations of Human Rights Committed in the Former Yugoslavia (RECOM); underlines the importance of this process and the active engagement of all regional political leaders; welcomes the prime minister's public support for RECOM;

56. Commends Montenegro on another year of full alignment with all EU positions and declarations made in the context of the Common Foreign and Security Policy (CFSP), and welcomes its active participation in Common Security and Defence Policy (CSDP) missions; appreciates the manner in which Montenegro's foreign policy has been conducted; calls on Montenegro to align itself with the EU's common position on the integrity of the Rome Statute of the International Criminal Court and with its guiding principles on bilateral immunity agreements;

57. Calls for greater cooperation between Montenegro and the EU in the fight against cybercrime and on cyber defence issues;

58. Recalls the strategic importance of Montenegro's NATO accession for ensuring stability and peace in the Western Balkans;

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59. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Government and Parliament of Montenegro.

Thursday 29 November 2018

P8_TA(2018)0484

The situation of women with disabilities

European Parliament resolution of 29 November 2018 on the situation of women with disabilities (2018/2685(RSP))

(2020/C 363/23)

The European Parliament,

— having regard to the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union,

— having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD), and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) ([1]), and in particular to Article 6 thereof on women and girls with disabilities,

— having regard to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and its Optional Protocol (1999),

— having regard to the Community Charter of the Fundamental Social Rights of Workers ([2]),

— having regard to Articles 10, 19 and 168 of the Treaty on the Functioning of the European Union,

— having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([3]),

— having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament's position thereon of 2 April 2009 ([4]),

— having regard to the study of Parliament's Directorate-General for Internal Policies of the Union entitled 'Discrimination Generated by the Intersection of Gender and Disability',

— having regard to the report of the European Institute for Gender Equality (EIGE) entitled 'Poverty, gender and intersecting inequalities in the EU', with special attention to its Chapter 8 on 'Gender and disability',

— having regard to the EIGE Gender Equality Index 2017,

— having regard to the question to the Commission on the situation of women with disabilities (O-000117/2018 — B8-0418/2018),

— having regard to the motion for a resolution of the Committee on Women's Rights and Gender Equality,

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

([1]) OJ L 23, 27.1.2010, p. 35.
([2]) OJ C 364, 18.12.2000, p. 1.
([3]) OJ L 303, 2.12.2000, p. 16.
([4]) OJ C 137 E, 27.5.2010, p. 68.

A. whereas over 80 million persons with disabilities live in the EU; whereas one in four Europeans has a family member with a disability; whereas there are approximately 46 million women and girls with disabilities in the EU, comprising about 16 % of its total female population and representing 60 % of the overall population of persons with disabilities;

B. whereas the word 'disability' encompasses a large variety of temporary, short-term or long-term personal situations that require tailored policy responses and include mental health issues;

C. whereas changing demography and an aging population mean more people becoming disabled later in life;

D. whereas every day fundamental rights are being denied to people with disabilities, by perpetuating the difficulties in access to remunerated employment conferring rights, in both public and private sectors; whereas the vocational training of people with disabilities falls short of what is needed and could be achieved in order for it to allow for the acquisition of knowledge, skills and competences necessary for inclusion in working life;

E. whereas only 18,8 % of women with disabilities are employed in the EU; whereas 45 % of working-age women (i.e. aged 20-64) with disabilities are inactive, the equivalent figure for men being 35 %;

F. whereas 75 % of people with severe disabilities do not have the opportunity to participate fully in the European labour market, and women with disabilities are two to five times more likely to be victims of violence than non-disabled women;

G. whereas 34 % of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime;

H. whereas sterilisation of women with disabilities without their knowledge or consent is a widespread form of violence, in particular affecting members of ethnic minorities such as Roma women;

I. whereas there is a lack of visibility of disabled people in public life and media;

J. whereas approximately two-thirds of carers in Europe are women; whereas 80 % of care in the EU is provided by unpaid informal carers and 75 % of them are women; whereas the economic value of unpaid informal care in the Union, as a percentage of the overall cost of formal long-term care provision, is estimated to range from 50 to 90 %;

K. whereas the social and economic participation of women with disabilities is essential for the success of Europe's overall economic and social strategy;

L. whereas women with disabilities often face multiple forms of discrimination on the grounds of, among other factors, their gender identity, gender expression, and sex characteristics, which contributes to the feminisation of poverty;

M. whereas persons with disabilities and in particular women with disabilities have lower incomes and are at higher risk of poverty and social exclusion; whereas situations of poverty and exclusion are perpetuated where social protection is manifestly insufficient; whereas the situation of working women with disabilities has deteriorated over time compared to that of men (the figure for women facing in-work poverty was 10 % in 2007 and 12 % in 2014);

N. whereas technological developments are full of both opportunities and challenges, especially for women with disabilities, as the global workforce increasingly uses digital tools;

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O. whereas difficulties persist in accessing health centres, hospital care, support products, medicines, and essential therapies for monitoring and rehabilitation; whereas severe mobility problems persist, whether due to architectural barriers that impede traffic in public spaces and streets, or limited access to public and collective transport; whereas communication obstacles remain (such as the lack of sign language interpreters in public services and poor television accessibility for deaf people), which limit and prevent access to public services and information; whereas support, protection, communication, care and health services, such as those related to primary health, violence against women, childcare and motherhood, should be fully accessible in all languages, forms and formats for all women, and especially for women and girls with disabilities;

P. whereas the full participation of persons with disabilities, as referred to in Article 29 CRPD, in political and public life, where they are often under-represented, will remain a pious hope, and particularly so for women, if the issue is not properly addressed;

Q. whereas, despite the numerous international conventions and provisions of European law, as well as the current European Disability Strategy, persons with disabilities are still not fully enjoying their citizens' and social rights; whereas equal access to culture, sport and leisure and equal participation in social and political life are not guaranteed; whereas professionals working in these areas are undervalued; whereas all the above mentioned conventions and provisions are systematically disregarded, while fundamental rights continue to be denied to workers and people with disabilities; whereas women and girls with disabilities remain on the margins of decision-making and progress in gender equality;

R. whereas gender equality was not horizontally mainstreamed in the European Disability Strategy 2010-2020;

S. whereas Articles 21 and 26 of the Charter of Fundamental Rights of the European Union explicitly prohibit discrimination on the grounds of disability, and call for the equal participation of persons with disabilities in society; whereas equal treatment can be ensured by enforcing positive measures and policies for women with disabilities and mothers of children with disabilities;

T. whereas including a gender dimension in the post-2020 European Disability Strategy will contribute to an integrated approach to eliminating discrimination against women and girls with disabilities;

U. whereas the monthly wage of men with disabilities is higher than that of women with disabilities, while both wages are generally lower than those of other workers, in a discriminatory reality that persists;

V. whereas the current labour market is unstable and precarious, and the increase of unemployment means a decrease in the opportunities of access to employment for people with disabilities;

W. whereas there is a lack of human, material and pedagogical means in the state school system for the proper accompaniment and effective inclusion of children and young people with special educational needs; whereas full integration in society is mainly achieved through quality employment and accessible education; whereasemployment is not only considered a source of income, but has also become a mechanism of social integration as it creates a link with society, interpersonal relationships and a sense of participation in social, cultural and economic life;

X. whereas women with disabilities may experience unique forms of abuse that are difficult to recognise, such as removing or destroying a person's mobility devices or denying access to disability-related resources in the community and/or to healthcare appointments;

Y. whereas breast cancer rates for women with disabilities are much higher than those of the general female population, due to a lack of adapted screening and diagnosis equipment;

Z. whereas the EIGE Gender Equality Index 2017 shows that on average 13 % of women with disabilities experience unmet medical needs and 12 % unmet dental needs, while in the case of women without disabilities 5 % experience unmet medical needs;

General recommendations

1. Reiterates that all persons with disabilities should be able to fully enjoy their rights on a basis of inclusion and full participation in society; stresses that this is only possible through the enforcement of active and public policies and the removal of all barriers to participation;

2. Calls on the Member States to implement policies for prevention, treatment, rehabilitation and integration with regard to people with disabilities and support for their families, and to assume responsibility for the effective realisation of their rights, without prejudice to the rights and duties of parents or guardians; calls also for the development of a pedagogy that sensitises society to the duties of respect for and solidarity with people with disabilities, to counter the social discrimination to which they are subject;

3. Calls on the Member States to fulfil their commitments regarding ratification of the CRPD, and to take all necessary measures to guarantee the rights and freedoms as well as the responsibilities enshrined in it, in particular in areas such as employment, education, health, social protection, housing, mobility, access to justice, culture, sports, leisure and participation in social and political life, as well as the specific responsibilities defined in the CRPD for the rights of women and children with disabilities;

4. Highlights the fact that women and girls with disabilities suffer from double discrimination due to the intersection of gender and disability, and may often even be exposed to multiple discrimination arising from the intersection of gender and disability with sexual orientation, gender identity, gender expression, sex characteristics, country of origin, class, migration status, age, religion or ethnicity;

5. Reiterates its call on the Commission and the Member States to mainstream women and girls with a disability perspective in their gender equality strategy, policies and programmes, a gender perspective in their disability strategies, and both a gender and a disability perspective in all other policies;

6. Calls on the Commission and the Member States to support research and innovation with regard to developing products and services to support persons with disabilities in their everyday activities;

7. Underlines that the number of elderly people is increasing and that according to the World Health Organization, disability prevalence is higher among women, who are particularly affected by this phenomenon owing to their longer life expectancy; stresses that there will therefore be a proportionate increase in the numbers of women with disabilities;

8. Insists that gender-disaggregated data must be collected in order to identify the forms of intersectional multiple discrimination that are faced by women and girls with disabilities, in all areas covered by the Istanbul Convention and wherever relevant;

9. Calls on the EIGE to continue providing analysis and contributions at EU and Member State level as regards the specific situation of women and girls with disabilities, with a special focus on intersectional discrimination;

10. Reiterates that women with disabilities often face even bigger challenges and dangers in countries involved in conflict and in conflict zones; highlights, therefore, the need to protect women with disabilities in the EU's external policies;

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Rights of women with disabilities

11. Underlines that women with disabilities must be ensured the full enjoyment of their rights as regards access to quality, accessible and affordable education, healthcare, including trans-specific healthcare as well as sexual and reproductive health and rights, employment, mobility, family life, bodily autonomy, sexuality and marriage, as well as the safeguards guaranteeing those rights;

12. Recalls that authorities at all levels and relevant stakeholders must respect and uphold the right to independent living and, therefore, provide the necessary instruments and support to enable people with disabilities, especially women, to enjoy freedom of choice and control over their own life and lifestyle;

13. Emphasises that women and girls with disabilities must be informed of their rights and of the citizens' services available to them; underlines that this information must be provided in a simple and secure fashion, taking into account the different communication methods, media and formats chosen by and adapted to them; stresses that the right to information must not be confused with the conceptualisation of the need to actively seek access to rights (shifting the responsibility for right fruition to those in need), since Member States must assume responsibility for reaching all persons with disabilities and ensuring and guaranteeing them the rights laid down by law or international convention;

14. Calls for the integration of people with disabilities into the regular structures of society at all levels, including health, education and employment, taking into account that the persistent and generalised use of special structures or services leads to segregation and reduces equal opportunities;

15. Recognises the need for persons with disabilities to be able to access safe spaces, e.g. in the form of clubs and associations;

16. Calls on the EU to remove barriers to the right to vote for persons with disabilities, especially for the 2019 European elections;

17. Urges the Member States to enforce the principle of equal pay for equal work, to counter wage discrimination and to guarantee equality between women and men, including with regard to persons with disabilities;

Accessibility

18. Calls on the Member States and the Commission to enforce policies that promote accessibility as an essential step towards inclusion and an indispensable condition for the integration and participation of persons with disabilities; stresses also the importance of respect for the principles of equal treatment and equal opportunities in relation to accessibility and mobility;

19. Insists on the need for Member States to take measures in particular in the fields of health, education, transport, urban planning and housing;

20. Is deeply concerned that women and girls with disabilities are far too often denied access to facilities in the area of sexual and reproductive health and rights; considers it worrisome that girls and women with disabilities are denied informed consent regarding the use of contraceptives and that they even face the risk of forced sterilisation; calls on the Member States to implement legislative measures that safeguard physical integrity, freedom of choice and self-determination with regard to the sexual and reproductive life of girls and women with disabilities;

21. Is concerned that few countries have provisions securing the right of persons with disabilities to access legal gender recognition; notes that legal gender recognition, even where allowed, might be inaccessible for women and girls under legal guardianship; notes that mandatory psychiatric assessment in order to access legal gender recognition hinders access for women and girls with mental health issues; calls on Member States to adopt legal gender recognition legislation based on self-determination and taking into account accessibility needs for people with disabilities;

22. Identifies the need, regarding transport, for the Member States to develop public transport policies that facilitate mobility for disabled people, together with the removal of architectural barriers; calls on the Council and the Commission to allocate the necessary EU funds to support the development of such policies;

Labour and workplace relations with a view to quality employment and a fair work-life balance

23. Calls on the Member States to develop policies that promote the integration of persons with disabilities in the labour market; considers that such policies should encourage access to employment as a condition of social inclusion, promoting equal opportunities;

24. Calls on the Member States to guarantee specific forms of labour regulation that address and integrate the specific needs of people with disabilities, especially as regards the regulation of working hours; stresses the need to define specific labour legislation that considers the needs of women with disabilities with regard to pregnancy and maternity, safeguarding permanence in the labour market and ensuring labour protection;

25. Calls on the Member States to assess the need for arrangements to ensure that the application of maternity, paternity and parental leave and flexible working time is adapted to the diverse needs related to multiple births, premature births, adoptive parents, co-parents, parents with disabilities, parents with mental health problems, and parents of children with a disability, a chronic disease or a mental health problem;

26. Calls for the promotion of the right to health and rehabilitation and for policies that seek to prevent and remedy accidents at work and occupational diseases for persons with disabilities;

27. Calls on the Commission to provide Member States with expertise on ways forward to address intersectional discrimination;

28. Calls on the Commission to support and encourage Member States in tackling discrimination generated by the intersection of gender identity, gender expression, sexual orientation, sex characteristics and disability, by means of diversity training and work with employers on workplace measures, e.g. promoting anonymous recruitment procedures;

Education

29. Calls on the Member States, in providing pre-school childcare, to place emphasis not only on accessibility, but also on the quality and affordability of that care, in particular for children with disabilities while taking into account the needs of parents with disabilities; also calls on the Member States to improve public investment in early childhood education and care for those groups of people;

30. Stresses the importance of integrating women with disabilities into mainstream educational and professional systems;

31. Highlights that a higher standard and quality of education and training will lead to the greater empowerment of women with disabilities, as education is one of the tools that most influence the progress of society, providing the knowledge and values necessary to achieve higher levels of wellbeing and economic and personal growth; underlines the special importance of quality education and training for persons with disabilities;

32. Calls on the Member States to ensure effective equal opportunities in access to education by guaranteeing the effective integration of children and young people with disabilities into their education systems at all levels; calls for support for special educational needs and educational material, backed up by inclusive schools in order to ensure equal access, but also success, in the education system;

33. Calls on the Member States to invest in high-quality education for children and adults with disabilities as part of mainstream education, thus facilitating access, especially among the most disadvantaged sections of the population;

34. Calls for education policies that seek the removal of the many obstacles that persist for people with disabilities; urges the Member States to achieve within their mainstream educational establishments the physical and/or pedagogical conditions that allow persons with disabilities to attend them; stresses, therefore, the need to increase the numbers of teachers accompanying children with disabilities;

35. Calls on the Member States to develop strategies to combat bullying and harassment, including in educational contexts and online, against children and young people on the grounds of disability, gender identity or expression, sexual orientation, migration status, class, age, religion or ethnicity;

36. Recalls the importance of taking into account the needs of women and girls with disabilities in the design and implementation of EU programmes and initiatives, in particular in the field of education, mobility and youth actions, as well as undertaking all relevant actions to ensure further their participation in such opportunities;

Health

37. Considers that women and girls with disabilities must have full access to medical and dental care that meets their particular needs, in areas such as gynaecological consultation, medical examinations, sexual and reproductive health, family planning and adapted support during pregnancy, and trans-specific healthcare; urges the Member States to ensure public investment in this field and that their national public healthcare provision includes proper access to these services;

38. Stresses that women and girls with disabilities must receive all appropriate information to enable them to freely take decisions regarding their health; emphasises the importance of Member States taking all necessary measures to combat forced sterilisation;

39. Calls on the Commission to introduce targets for care services for persons with disabilities, on similar lines to the Barcelona targets, with monitoring tools for measuring the quality, accessibility and affordability of these services;

40. Calls on the EU and the Member States to take all measures to ensure that women and girls with disabilities have equal access both to disability-specific healthcare and to mainstream services;

41. Calls on the Commission to provide Member States with expertise on ways forward to address intersectional discrimination;

Gender-based violence

42. Welcomes the decision of the Council for the EU to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), as an important step in combating violence against women and girls with disabilities; calls on the EU to swiftly ratify the Istanbul Convention and urges those Member States which have not yet ratified it to do so; encourages the Council to proceed to the conclusion of the EU's accession as soon as possible;

43. Stresses with concern that women and girls with disabilities are more likely to become victims of gender-based violence, especially domestic violence and sexual exploitation; points out that this also concerns forced sterilisation and coerced abortion; calls on the Member States to take appropriate measures and provide high-quality, accessible and tailor-made services in order to end violence against women and children and support the victims of violence, providing staff trained to give specialised advice as well as appropriate legal protection and support;

44. Encourages the Member States to provide all health and education professionals with appropriate training for the prevention of discrimination and violence against women and girls with disabilities;

45. Reiterates its call on the Commission to submit a comprehensive European strategy to fight violence against women with a proposal for a legislative act for preventing and combating gender-based violence, paying particular attention to women and girls with disabilities; also calls for the establishment of an EU observatory on gender-based violence;

46. Calls for specific policy measures to address violence and abuse affecting persons with disabilities and learning difficulties, particularly women and girls, including online intimidation, bullying and harassment, as well as violence in situations of formal and informal care;

Digital and media inclusion

47. Emphasises that more must be done to overcome stereotypes and prejudice about disability, and that women and girls with disabilities need to have greater visibility in the media in order to change prevalent exclusionary social norms; calls on the Commission and the Member States to promote gender equality in media organisations, representative bodies and training institutions, especially in their boards, and to invest in public awareness initiatives, as well as to closely monitor and follow up the progress made;

48. Calls on the Commission and the Member States to develop programmes and services for women with disabilities, focusing on their digital inclusion and emphasising the huge potential of digitalisation for women with a disability;

49. Stresses the need to increase accessibility to media services, with fully accessible internet services that meet the highest standards of excellence adapted to persons with disabilities;

50. Calls on the Member States to encourage broadcasters to fully involve women with disabilities as participants and presenters in broadcast media of all kinds;

Legislation and implementation

51. Regrets that the European Disability Strategy 2010-2020 currently in force has failed to boost the adoption of effective legislative acts, measures and policies to tackle the segregation and rejection of women with disabilities in the labour market, political life, and schools and learning environments;

52. Calls on the Commission and the Member States to introduce policies to enable and encourage the participation of women and girls with disabilities in public, social, cultural, economic and political life, in particular by reducing barriers to mobility and encouraging women with disabilities to form and join organisations and networks, as well as through training and mentorship programmes;

53. Calls on the EU and the Member States to develop positive actions targeting women with disabilities in order to promote training, job placements, access to employment, job retention, equal career paths, adaptation in the workplace and work-life balance;

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54. Calls on the Commission to develop positive actions to advance the rights of women and girls with disabilities, to establish a mechanism to monitor progress, and to fund data collection and research on women and girls with disabilities, in accordance with the CRPD principles;

55. Calls on the Commission to present a proposal for the European Disability Strategy 2020-2030 that fully integrates the CRPD provisions in future EU legislation, policies and programmes and is consistent with the UN Convention on the Rights of the Child and the Strategic Engagement for Gender Equality 2016-2019, so as to ensure that women and girls with disabilities can fully enjoy their rights like any other person;

56. Calls on the EU and its Member States to enshrine CRPD standards in their legal and policy frameworks in order to ensure that the human rights-based approach to disability is fully reflected in law and policymaking;

57. Underlines that women and girls with disabilities, through their representative organisations, should be closely consulted on, and actively involved in developing and implementing, legislation and policies to ensure non-discrimination and equal opportunities, as well as monitoring their effectiveness; calls for a genuine structured dialogue between the EU and organisations representing persons with disabilities for the drafting of the European Disability Strategy 2020-2030;

58. Stresses that organisations of persons with disabilities must be involved in the preparation, execution and ex-post evaluation of projects undertaken in the framework of EU cohesion policy;

Funding

59. Calls on the Commission and the Member States to optimise the EU Structural Funds, including the European Social Fund, in order to promote accessibility and non-discrimination for women with disabilities, and to increase the visibility of funding opportunities, e.g. for business start-ups and supporting entrepreneurship in general;

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

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0483

Defence of academic freedom in the EU's external action

European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action (2018/2117(INI))

(2020/C 363/24)

The European Parliament,

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

— having regard to the Charter of Fundamental Rights of the European Union, in particular Article 13 thereof,

— having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012), adopted by the Foreign Affairs Council on 25 June 2012,

— having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline, adopted by the Foreign Affairs Council on 12 May 2014,

— having regard to the EU Annual Report on Human Rights and Democracy in the World in 2016 and the European Union's policy on the matter,

— having regard to the Recommendation Concerning the Status of Higher Education Teaching Personnel, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), at its 29th session from 21 October to 12 November 1997,

— having regard to the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, adopted by the World University Service in September 1988,

— having regard to Resolution 29/7 on the Right to Education, adopted by the UN Human Rights Council at its 42nd meeting of 2 July 2015,

— having regard to General Comment No. 13 of the UN Committee on Economic, Social and Cultural Rights adopted on 8 December 1999 at its Twenty-first session,

— having regard to Opinion 891/2017 of the Venice Commission,

— having regard to the reports by national, European and international non-governmental organisations, and, in particular, the Principles of State Responsibility to Protect Higher Education from Attack,

— having regard to its previous resolutions addressing fundamental rights,

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— having regard to the International Covenant on Civil and Political Rights,

— having regard to the Universal Declaration of Human Rights,

— having regard to Rule 113 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0403/2018),

A. whereas UNESCO defines academic freedom as 'the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies';

B. whereas the right to education is of fundamental importance for the enjoyment of all other human rights and for achieving sustainable development; whereas this right can only be enjoyed in an atmosphere of academic freedom and with the autonomy of institutions of higher education;

C. whereas the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education defines academic freedom as the freedom of members of the academic community — covering all persons teaching, studying, researching and working at an institution of higher education — individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing;

D. whereas this definition must be grounded in core democratic values, including equitable access and anti-discrimination principles, accountability, critical and independent thinking, institutional autonomy and social responsibility; whereas there can be no democracy without the academic freedom that enables informed debate;

E. whereas academic freedom is a key element to advance to sustainable development, in particular to the achievement of the Sustainable Development Goals enshrined in the 2030 Agenda, where quality education, scientific research and innovation occupy a central place;

F. whereas autonomy is a necessary precondition for education institutions to fulfil their proper functions; whereas academic freedom requires constant and vigilant protection from undue pressure from the State or commercial interests;

G. whereas academic freedom — including its constituent freedoms of thought, opinion, expression, association, travel, and instruction — contributes to creating the space in which any open and stable pluralistic society is free to think, question, share ideas and produce, consume and disseminate knowledge;

H. whereas attacks on academic freedom undermine research, study, teaching, public discourse and the right to education, eroding academic quality and social, political, economic and cultural development; whereas answers to issues in society should be found through reason, evidence and persuasion;

I. whereas the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom;

J. whereas there is an urgent need to adequately address academic freedom during the accession process to the EU in order to prevent the occurrence of attacks in EU Member States, such as the attempts to close the Central European University (CEU) in Budapest, which are set to result in the relocation of student admissions to Vienna as of 2019, as well as the blocking of gender studies in Hungary; whereas candidate countries should commit to core higher education values, including academic freedom and institutional autonomy;

K. whereas the academic community and education institutions are increasingly vulnerable to interference, pressure or repression from states, the business sector or other non-state actors; whereas every year, hundreds of attacks on universities, higher education institutions and their members are reported around the world, including killings, violence and disappearances, wrongful imprisonment/detention, wrongful prosecution, loss of position, wrongful dismissal/expulsion from study, restrictions on travel or movement and other extreme or systemic threats; whereas violations of academic freedoms are also occurring within Member States of the EU and its closest partners;

L. whereas cuts in public funding for education, including higher education, and the subsequent need for alternative sources of income puts academic freedom at risk, particularly when such external funding originates from autocratic regimes abroad or multinational corporations;

M. whereas foreign education institutions within the EU are facing attacks from national governments and encountering violations of their academic freedom;

N. whereas the attempts to control or silence higher education institutions or their scholars, students and staff extend well beyond the individuals and institutions directly targeted and affect society at large by shrinking the space for the inclusive democratic participation, free speech and empowerment of all citizens and by depriving future generations of high-quality academics and researchers;

O. whereas the effective realisation of the right to education and the guarantee of academic freedom require states to ensure an adequate and reliable level of funding for education; whereas policies of financial and economic austerity have gravely undermined academic freedom and continue to do so around the world, including within the EU;

P. whereas violations of academic freedom are rarely addressed within a human rights framework, reflecting, in part, a lack of familiarity with issues of academic freedom among human rights advocates and, in part, the fact that claims often refer to other rights being violated, such as freedom of expression or opinion; whereas, as a result, standards in this area are underdeveloped and violations of academic freedom underreported;

Q. whereas there is a general need both to raise awareness of the importance of academic freedom as a tool to promote democracy, respect for the rule of law and accountability, and to create opportunities to improve the capacity for its advocacy and defence;

R. whereas it is important to identify attacks on academic freedom as part of a global phenomenon, and to encourage the recognition of academics and students being targeted not only as individuals whose rights are being violated, but also as human rights defenders who are being attacked; whereas a robust response is needed at international and national level, both from within higher education itself and from civil society and the public at large;

S. whereas many at-risk academics and students are not able to obtain access to the opportunities provided by EU programmes for academic mobility and human rights defenders, as a result of not meeting the application criteria or of having great difficulty in following the general application procedures, requirements and schedules;

T. whereas funding limitations in EU programmes restrict the actions of organisations and universities in the EU that already support students and scholars who are at risk or flee their countries as a result of the threat of persecution for their academic engagement; whereas these organisations and universities require more assistance for their actions and initiatives;

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U. whereas the EU is committed to promoting and protecting human rights, democratic institutions and the rule of law worldwide; whereas the EU Action Plan on Human Rights and Democracy calls for a more effective EU human rights and democracy support policy, including increasing the effectiveness of Human Rights Dialogues, improving the visibility and impact of human rights country strategies, focusing on effective implementation of the EU Human Rights Guidelines and improving public diplomacy and communications on human rights;

1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

(a) explicitly recognise the importance of academic freedom in public statements, policies and actions relating to the EU's external action, including recognition of the principles that ideas are not crimes and that critical discourse is not disloyalty, but rather essential parts of a democratic society and its development, that the autonomy of education institutions should be protected at all times, and that academic freedom plays an essential role in the educational advancement and the development of humankind and modern society;

(b) recognise that claims to academic freedom fall under existing human rights law, derived from the right to education and the rights to freedom of expression and of opinion; recall that academic freedom extends to the freedom of academics to disseminate information and conduct research and distribute knowledge and truth without restriction, the freedom to express their views and opinions — even if controversial or unpopular — in the areas of their research and professional expertise, which may include an examination of the functioning of public institutions in a given political system and criticism thereof;

(c) publicly highlight the problems of attacks on academic freedom, including their negative consequences; express concern regarding the vulnerability of the academic community to undue interference by national authorities, private actors or corporate interests; recall the responsibility of states to guarantee academic freedom, act in conformity therewith and proactively protect higher education institutions, academics and students from attacks, regardless of their origin and nature;

(d) ensure that EU institutions and Member States' representatives visiting third countries are briefed on the situation of academic freedom;

(e) demonstrate support for the institutions, staff and students that are at risk or have been the victims of coercion or violent attacks and publicly condemn such attacks, by raising the issue at all levels, including through statements, visits, invitations to public appearances and trial and prison monitoring, and specific references to individual cases of members of higher education communities at risk;

(f) support equal access to the academic community, regardless of ethnicity, caste, disability, nationality, religious belief, gender identity, sexual orientation or other status; pay particular attention in their dealings with third countries, to support the elimination of gender-based discrimination and all forms of violence and to help realise gender equality and the right to education for all;

(g) highlight that attacks on academic freedom can also take the form of cyberattacks, as academics today increasingly make use of the internet and social media to express their ideas and opinions;

(h) raise academic freedom at different levels of political dialogue, including in human rights dialogues and consultations with partner countries; step up diplomatic efforts with partner countries through bilateral and multilateral engagement in relation to incidents of concern, involving threats or attacks on academic freedom and particularly violent attacks on institutions and members of the higher education community, as well as discriminatory policies or practices, undue restrictions on research or expression, wrongful prosecution or detention and restrictions on the right to form and join trade unions; encourage partner countries to set up a framework for academic freedom and institutional autonomy and to monitor the implementation of these fundamental rights; ensure that any international cooperation agreements with partner countries respect these principles;

(i) include the defence and protection of academic freedom and institutional autonomy in the Copenhagen criteria for the EU accession process with a view to preventing attacks on academic freedom in Member States, as seen in the case of the CEU in Hungary;

(j) encourage all states to do as most EU Member States have already done and endorse and implement the Safe Schools Declaration and its accompanying Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, which serve as guidance on the responsibility to protect core values, especially academic freedom and institutional autonomy, in the context of violent and coercive attacks on higher education;

(k) work with the UN, the Council of Europe, international agencies, civil society and higher education communities to create mechanisms for monitoring and reporting attacks, threats and undue restrictions on higher education and individual scholars and to strengthen and promote monitoring in order to raise awareness, hold perpetrators to account and improve efforts to prevent and respond to attacks on academic freedom;

(l) engage and encourage regular dialogue with university communities and organisations whose mission it is to protect higher education communities and promote academic freedom, in order to develop the best policy frameworks, initiatives and advocacy strategies for academic freedom;

(m) contribute to the development of capacities for prompt, thorough and transparent investigations of violations of academic freedom, particularly in situations involving violent attacks; improve efforts to prevent and respond to attacks on academic freedom and undertake all reasonable efforts to hold perpetrators to account;

(n) foster work on research and advocacy aimed at reforming legislation and regulations imposing undue restrictions on academic freedom or the academic autonomy of higher education institutions, and promote institutional autonomy as a way of protecting systems of higher education from state, business or other non-state actors' interference or attacks and preserving higher education from politicisation and ideological manipulation;

(o) step up diplomatic efforts with partner countries through bilateral and multilateral engagement in relation to incidents of concern involving threats or attacks on academic freedom, in particular violent attacks on institutions and members of the higher education community, as well as discriminatory policies or practices, undue restrictions on research or expression, wrongful prosecution or detention;

(p) revisit existing support and protection mechanisms for human rights defenders to develop the capacity to identify and provide assistance, including emergency protection and support, in cases involving attacks on academic freedom, including through physical protection, legal and visa support, medical support, trial and prison monitoring, advocacy and lobbying, and long-term support during exile; calls, in particular, on the European Instrument for Democracy and Human Rights to include among its priorities the promotion of academic freedom and support for at-risk members of the academic community;

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(q) review existing programmes and resources for academic mobility and other forms of education and research cooperation, including their criteria, application procedures, requirements, timeframes and schedules, for the purpose of eliminating obstacles which might preclude otherwise qualified at-risk academics or students from being able to obtain access to programme opportunities, placements or other resources; promote the existing projects financed by the EU, such as the 'Academic Refuge', which strive to raise greater awareness of the importance of academic freedom in the higher education sector and the consequences for society at large when this freedom is repressed;

(r) ensure that the EU's macro-financial assistance programmes for third countries and the policies of European financial institutions do not undermine academic freedom by supporting policies that reduce the allocation of national income to the education sector;

(s) create new initiatives within existing and future programmes — possibly as synergies developed and funded by the Union through its non-education and research budgets — such as the Instrument for Pre-Accession (IPA III), Horizon 2020, Erasmus+ and the Marie Skłodowska-Curie Actions, for new EU-funded programme actions to support the placement of at-risk academics, student researchers and full degree students with international protection status in European higher education and research institutions;

(t) support ongoing normative efforts at regional and international level, including through the adoption of an international declaration on academic freedom and the autonomy of higher education institutions; encourages the EU and its Member States to take initiative on academic freedom at the UN Human Rights Council;

(u) ensure continued, high-level support to the European Inter-University Centre and the Global Campus on Human Rights and Democracy, as a flagship of the EU's support to human rights education worldwide;

2. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2018)0449

Interim report on the Multiannual Financial Framework 2021-2027 — Parliament's position with a view to an agreement

European Parliament resolution of 14 November 2018 on the Multiannual Financial Framework 2021-2027 — Parliament's position with a view to an agreement (COM(2018)0322 — C8-0000/2018 — 2018/0166R(APP))

(2020/C 363/25)

The European Parliament,

— having regard to Articles 311, 312 and 323 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Commission communication of 2 May 2018 entitled 'A Modern Budget for a Union that Protects, Empowers and Defends — The Multiannual Financial Framework for 2021-2027' (COM(2018)0321),

— having regard to the Commission proposal of 2 May 2018 for a Council regulation laying down the multiannual financial framework for the years 2021 to 2027 (COM(2018)0322), and the Commission proposals of 2 May 2018 on the system of Own Resources of the European Union (COM(2018)0325, COM(2018)0326, COM(2018)0327 and COM(2018)0328),

— having regard to the Commission proposal of 2 May 2018 for an Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (COM(2018)0323),

— having regard to the Commission proposal of 2 May 2018 for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (COM(2018)0324),

— having regard to its resolutions of 14 March 2018 on 'The next MFF: preparing the Parliament's position on the MFF post-2020' and on the reform of the European Union's system of own resources ([1]),

— having regard to its resolution of 30 May 2018 on the 2021-2027 multiannual financial framework and own resources ([2]),

([1]) Texts adopted, P8_TA(2018)0075 and P8_TA(2018)0076.
([2]) Texts adopted, P8_TA(2018)0226.

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— having regard to the ratification of the Paris Agreement by the European Parliament on 4 October 2016 ([1]) and by the Council on 5 October 2016 ([2]),

— having regard to UN General Assembly Resolution 70/1 of 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', which entered into force on 1 January 2016,

— having regard to the EU's collective commitment to achieve the target of spending 0,7 % of gross national income (GNI) on official development assistance (ODA) within the time frame of the post-2015 agenda,

— having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights ([3]),

— having regard to Rule 99(5) of its Rules of Procedure,

— having regard to the interim report of the Committee on Budgets, the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Budgetary Control, the position in the form of amendments of the Committee on Employment and Social Affairs, the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Agriculture and Rural Development, the Committee on Culture and Education, the Committee on Constitutional Affairs and the position in the form of amendments of the Committee on Women's Rights and Gender Equality (A8-0358/2018),

A. whereas, pursuant to Article 311 TFEU, the Union must provide itself with the means necessary to attain its objectives and carry through its policies;

B. whereas the current multiannual financial framework (MFF) 2014-2020 was established, for the first time, at a lower level than its predecessor in terms of both commitment and payment appropriations; whereas the late adoption of the MFF and the sectoral legislative acts had a very negative impact on the implementation of the new programmes;

C. whereas the MFF quickly proved its inadequacy in responding to a series of crises, new international commitments and new political challenges that were not integrated and/or anticipated at the time of adoption; whereas, for the purposes of securing the necessary funding, the MFF was pushed to its limits including an unprecedented recourse to the flexibility provisions and special instruments, after exhausting the available margins; whereas high-priority EU programmes on research and infrastructure were even cut a mere two years after their adoption;

D. whereas the MFF mid-term revision launched at the end of 2016 proved to be imperative in broadening the potential of the existing flexibility provisions, while falling short of revising the MFF ceilings; whereas this revision was assessed positively by both Parliament and the Council;

E. whereas the establishment of the new MFF will be a critical moment for the Union of 27, as it will provide for the possibility to endorse a common, long-term vision and decide on the future political priorities as well as the ability of the Union to deliver them; whereas the 2021-2027 MFF should provide the Union with the necessary resources to boost sustainable economic growth, research and innovation, empower young people, effectively address the challenges of migration, fight unemployment, persistent poverty and social exclusion, further strengthen economic, social and territorial cohesion, address sustainability, biodiversity loss and climate change, strengthen the EU's security and defence, protect its external border and support the neighbourhood countries;

([1]) OJ C 215, 19.6.2018, p. 249.
([2]) OJ L 282, 19.10.2016, p. 1.
([3]) OJ C 242, 10.7.2018, p. 24.

F. whereas, in light of the global challenges that Member States cannot address alone, it should be possible to acknowledge European common goods and to assess areas where European spending would be more effective than national spending in order to transfer the corresponding financial resources to Union level and, therefore, to strengthen the Union's strategic importance without necessarily increasing overall public expenditure;

G. whereas on 2 May 2018, the Commission presented a set of legislative proposals on the 2021-2027 MFF and EU Own Resources, followed by legislative proposals for the setting-up of new EU programmes and instruments;

1. Stresses that the 2021-2027 MFF must guarantee the Union's responsibility for and ability to meet emerging needs, additional challenges and new international commitments, and attain its political priorities and objectives; points to the serious problems linked to the underfinancing of the 2014-2020 MFF, and reiterates the necessity of avoiding a repetition of previous mistakes by securing, from the outset, a strong and credible EU budget for the benefit of citizens over the next seven-year period;

2. Considers that the Commission proposals on the 2021-2027 MFF and the Union's Own Resources system represent the starting-point for the upcoming negotiations; expresses its position on these proposals, in anticipation of the Council's negotiating mandate which is not yet available;

3. Underlines that the Commission proposal regarding the global level of the next MFF, set at 1,08 % of the EU-27 GNI (1,11 % after the integration of the European Development Fund), represents, in terms of GNI percentage, a reduction in real terms compared to the current MFF; considers that the proposed level of the MFF will not allow the Union to deliver on its political commitments and respond to the important challenges ahead; intends, therefore, to negotiate the necessary increase;

4. Declares, moreover, its opposition to any reduction in the level of long-standing EU policies enshrined in the Treaties, such as cohesion policy and the common agricultural and fisheries policies; is particularly opposed to any radical cuts that will have an adverse impact on the very nature and objectives of these policies, such as the cuts proposed for the Cohesion Fund or for the European Agricultural Fund for Rural Development; opposes, in this context, the proposal to reduce the European Social Fund Plus (ESF+) despite its enlarged scope, and the integration of four existing social programmes, notably the Youth Employment Initiative;

5. Underlines, furthermore, the importance of the horizontal principles that should underpin the MFF and all related EU policies; reaffirms, in this context, its position that the EU must deliver on its commitment to be a front-runner in implementing the UN Sustainable Development Goals, and deplores the lack of a clear and visible commitment to that end in the MFF proposals; requests, therefore, the mainstreaming of the Sustainable Development Goals in all EU policies and initiatives of the next MFF; further emphasises that all programmes under the next MFF should be in line with the Charter of Fundamental Rights; highlights the importance of delivering on the European Pillar of Social Rights, on the elimination of discrimination, including against LGBTI persons, and on the creation of a portfolio for minorities, including Roma, all of which are vital to fulfilling the EU's commitments towards an inclusive Europe; underlines that, in order to meet its obligations under the Paris Agreement, the EU's contribution to the climate objectives target should reach at least 25 % of expenditure over the MFF 2021-2027 period, and 30 % as soon as possible, at the latest by 2027;

6. Regrets, in this context, that despite the joint statement on gender mainstreaming annexed to the 2014-2020 MFF Regulation, no significant progress has been made in this area, and that the Commission took no account of its implementation in the MFF mid-term review; deeply regrets that gender mainstreaming has been completely sidelined in the MFF proposal, and deplores the lack of clear gender equality goals, requirements and indicators in the proposals on the relevant EU policies; calls for the annual budgetary procedures to evaluate and integrate the full impact of EU policies on gender equality (gender budgeting); expects a renewed commitment by Parliament, the Council and the Commission to gender mainstreaming in the next MFF, and its effective monitoring, including during the MFF mid-term revision;

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7. Underlines that increased accountability, simplification, visibility, transparency and performance-based budgeting must underpin the next MFF; recalls, in this context, the need to strengthen the focus of future spending on performance and results, based on ambitious and relevant performance targets and a comprehensive and shared definition of European added value; asks the Commission, taking into account the above-mentioned horizontal principles, to streamline performance reporting, to extend it to a qualitative approach that includes environmental and social indicators, and to clearly present information on the main EU challenges still to be tackled;

8. Is conscious of the serious challenges that the Union is facing and fully assumes its responsibility to secure, in a timely manner, a budget that is commensurate to the needs, expectations and concerns of EU citizens; stands ready to enter immediately into negotiations with the Council, in order to improve the Commission proposals and build a realistic MFF;

9. Recalls that Parliament's position is already clearly set out in its resolutions of 14 March and 30 May 2018, which constitute its political stance for the 2021-2027 MFF and Own Resources; recalls that these resolutions were adopted by very large majorities, which demonstrate Parliament's unity and readiness for the upcoming negotiations;

10. Expects, therefore, that the MFF will be placed at the top of the Council's political agenda, and regrets that no significant progress has been observed so far; believes that the regular meetings between the successive Council presidencies and Parliament's negotiating team should be stepped up and pave the way for official negotiations; expects that a good agreement will be reached prior to the 2019 European Parliament elections, in order to avoid serious setbacks for the launch of the new programmes due to the late adoption of the financial framework, as has been experienced in the past; underlines that this timetable will allow the newly elected European Parliament to adjust the 2021-2027 MFF during the mandatory mid-term revision;

11. Recalls that revenue and expenditure should be treated as a single package in the upcoming negotiations; stresses, therefore, that no agreement can be reached on the future MFF without corresponding progress being made on the Union's new Own Resources;

12. Stresses that all elements of the MFF/Own Resources package, and notably the MFF figures, should remain on the negotiating table until a final agreement is reached; recalls, in this respect, Parliament's critical stance on the procedure leading to the adoption of the current MFF Regulation and the dominant role that the European Council assumed in this process by deciding irrevocably on a number of elements, including the MFF ceilings and several sectoral policy-related provisions breaching both the spirit and the letter of the treaties; is particularly concerned that the first elements of the MFF 'negotiating boxes' prepared by the Council presidency follow the same logic, and contain issues to be co-decided between the Council and Parliament in the adoption of legislation setting up new EU programmes; intends, therefore, to adjust its own strategy accordingly;

13. Considers that the unanimity requirement for the adoption and revision of the MFF Regulation represents a true impediment to the process; calls on the European Council to activate the passerelle clause provided for in Article 312(2) TFEU, so as to allow the Council to adopt the MFF Regulation by qualified majority;

14. Adopts the present resolution with the purpose of outlining its negotiating mandate on every aspect of the Commission proposals, including concrete amendments both to the proposed MFF Regulation and to the Interinstitutional Agreement (IIA); presents, furthermore, a table with figures for each EU policy and programme, based on Parliament's positions, already adopted in previous MFF resolutions; stresses that these figures will also be part of the mandate of Parliament for the upcoming legislative negotiations leading to the adoption of the EU programmes for the period 2021-2027;

A. MFF-RELATED REQUESTS

15. Requests, therefore, that the Council takes due account of the following positions of Parliament in the interests of achieving a positive outcome of the 2021-2027 MFF negotiations and acquiring Parliament's consent in accordance with Article 312 TFEU;

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Figures

16. Reconfirms its formal position that the level of the 2021-2027 MFF should be set at EUR 1 324,1 billion in 2018 prices, representing 1,3 % of the EU-27 GNI, in order to ensure the necessary level of funding for key EU policies that will enable them to fulfil their mission and objectives;

17. Calls, in this context, for the following level of funding to be secured for EU programmes and policies, presented in an order that reflects the MFF structure, as proposed by the Commission, and replicated in the detailed table (Annexes III and IV to the present resolution); calls for the relevant commitment and payment ceilings to be adjusted accordingly, as set out in Annexes I and II to the present resolution:

i. Increase the budget for Horizon Europe to reach EUR 120 billion in 2018 prices;

ii. Increase the allocation for the InvestEU Fund, so that it better reflects the 2014-2020 level of the financial instruments integrated into the new programme;

iii. Increase the level of funding for transport infrastructure through the Connecting Europe Facility programme (CEF-Transport);

iv. Double the specific funding for SMEs (compared to COSME) in the single market programme, with the aim of enhancing their access to markets, improving business conditions and the competitiveness of enterprises, and promoting entrepreneurship;

v. Further increase the single market programme to finance a new objective on market surveillance;

vi. Double the proposed level of funding for the EU anti-fraud programme, and increase the level of funding for the FISCALIS programme;

vii. Introduce a specific allocation for sustainable tourism;

viii. Further reinforce the European space programme, notably to reinforce SSA / GOVSATCOM as well as Copernicus;

ix. Maintain the financing of cohesion policy for the EU-27 at the level of the 2014-2020 budget in real terms;

x. Double the resources for tackling youth unemployment in the ESF+ (compared to the current Youth Employment Initiative), while ensuring the scheme's effectiveness and added value;

xi. Introduce a specific allocation (EUR 5,9 billion) for the Child Guarantee, in order to tackle child poverty both within the EU and through its external actions;

xii. Triple the current budget for the Erasmus+ programme;

xiii. Secure a sufficient level of funding for the DiscoverEU programme (Interrail);

xiv. Increase the current funding for the Creative Europe programme;

xv. Increase the current funding for the Rights and Values programme and introduce a specific allocation for a new Union values strand (at least EUR 500 million), in order to support civil society organisations which promote fundamental values and democracy within the EU at local and national level;

xvi. Maintain the financing of the common agricultural policy (CAP) for the EU-27 at the level of the 2014-2020 budget in real terms while budgeting the initial amount of the agricultural reserve;

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xvii. Reinforce by 10 % the level of the European Maritime and Fisheries Fund, in accordance with its new mission on the blue economy;

xviii. Double the current funding for the Life+ programme, including dedicated envelopes for biodiversity and the management of the Natura 2000 network;

xix. Introduce a specific allocation (EUR 4,8 billion) for a new Just Energy Transition Fund to address societal, socio-economic and environmental impacts on workers and communities adversely affected by the transition from coal and carbon dependence;

xx. Reinforce the instrument(s) in support of neighbourhood and development policies (EUR 3,5 billion) to further contribute to the financing of an investment plan for Africa;

xxi. Reinstate at least the 2020 level for all agencies, while defending the higher level proposed by the Commission, including for the agencies, which have been granted new competences and responsibilities, and calling for a comprehensive approach on fee-financing;

xxii. Maintain the level of 2014-2020 funding for several EU programmes (e.g. nuclear decommissioning, cooperation with the overseas countries and territories (OCTs)), including those for which it is proposed that they be merged into larger programmes (e.g. assistance for the most deprived, health, consumer rights) and for which the Commission proposal thus represents a reduction in real terms;

xxiii. Set, subject to the above-mentioned changes, the financial envelopes of all other programmes at the level proposed by the Commission, including for CEF-Energy, CEF-Digital, the Digital Europe programme, the European Defence Fund and humanitarian aid;

18. Intends to secure a sufficient level of funding on the basis of the Commission proposal for 'Migration and Border Management' (heading 4) and 'Security and Defence' including Crisis Response (heading 5); reaffirms its long-standing position that additional political priorities should be coupled with additional financial means, in order not to undermine existing policies and programmes and their financing under the new MFF;

19. Intends to defend the Commission proposal on securing a sufficient level of funding for a strong, efficient and high-quality European public administration at the service of all Europeans; recalls that, during the current MFF, the EU institutions, bodies and decentralised agencies have implemented a 5 % reduction in staff, and believes that they should not be subject to any further reduction that would directly jeopardise the delivery of Union policies; reiterates, once more, its fierce opposition towards a repetition of the so-called redeployment pool for agencies;

20. Is determined to prevent another payment crisis in the first years of the 2021-2027 MFF, as was the case during the current period; considers that the overall payment ceiling must take into account the unprecedented volume of outstanding commitments at the end of 2020, the estimated size of which is constantly growing due to major implementation delays, and which will need to be settled under the next MFF; demands, therefore, that the global level of payments, as well as the annual payment ceilings, particularly at the beginning of the period, are set at an appropriate level that also takes due account of this situation; intends to accept only a limited and well-justified gap between commitments and payments for the next MFF;

21. Presents, on this basis, a table in Annexes III and IV to the present resolution setting out the exact figures proposed for each EU policy and programme; states that, for purposes of comparison, it intends to keep the structure of the individual EU programmes as proposed by the Commission, without any prejudice to possible changes that may be requested during the legislative procedure leading to the adoption of these programmes;

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Mid-term revision

22. Underlines the need to maintain an MFF mid-term revision, building on the positive precedent set in the current framework, and calls for:

i. a compulsory and legally binding mid-term revision, following a review of the functioning of the MFF, and taking into account an assessment of the progress made towards the climate target, the mainstreaming of the Sustainable Development Goals and gender equality, and the impact of simplification measures on beneficiaries;

ii. the relevant Commission proposal to be presented in time for the next Parliament and Commission to conduct a meaningful adjustment of the 2021-2027 framework, and no later than 1 July 2023;

iii. the pre-allocated national envelopes not to be reduced through this revision;

Flexibility

o 23. Welcomes the Commission's proposals on flexibility, which represent a good basis for the negotiations; agrees with the overall architecture of the flexibility mechanisms in the 2021-2027 MFF; stresses that the special instruments have different missions and respond to different needs, and opposes any attempts to merge them; strongly supports the clear provision that both commitment and payment appropriations deriving from the use of special instruments should be entered in the budget over and above the relevant MFF ceilings, as well as the removal of any capping to the adjustments flowing from the global margin for payments; calls for a number of additional improvements to be introduced, *inter alia* the following:

i. the replenishment of the Union reserve with an amount equivalent to the revenue resulting from fines and penalties;

ii. the immediate re-use of de-commitments made during year n-2, including those resulting from commitments made in the current MFF;

iii. the lapsed amounts of special instruments to be made available for all special instruments, and not just the Flexibility Instrument;

iv. a higher allocation for the Flexibility Instrument, the Emergency Aid Reserve, the European Union Solidarity Fund, and the Contingency Margin, the latter without compulsory offsetting;

Duration

24. Underlines the need for the duration of the MFF to move progressively towards a 5+5 period with a mandatory mid-term revision; accepts that the next MFF should be set for a period of seven years by way of a transitional solution to be applied for one last time; expects the detailed arrangements linked to the implementation of a 5+5 framework to be endorsed at the time of the mid-term revision of the 2021-2027 MFF;

Structure

25. Accepts the overall structure of seven MFF headings, as proposed by the Commission, which largely corresponds to Parliament's own proposal; considers that this structure allows for greater transparency, improves the visibility of EU expenditure, while maintaining the necessary degree of flexibility; agrees, moreover, with the creation of 'programme clusters' that are expected to lead to a significant simplification and rationalisation of the EU budget structure and its clear alignment with the MFF headings;

26. Notes that the Commission proposes to reduce the number of EU programmes by more than a third; stresses that Parliament's position with regard to the structure and composition of the 37 new programmes will be determined in the course of adopting the relevant sectoral legislative acts; expects, in any case, that the proposed budget nomenclature will reflect all of the different components of each programme in a way that guarantees transparency and provides the level of information required for the budgetary authority to establish the annual budget and oversee its implementation;

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Unity of the budget

27. Welcomes the proposed integration of the European Development Fund into the Union budget, which responds to a long-standing Parliament demand for all off-budget instruments; recalls that the principle of unity, whereby all items of revenue and expenditure of the Union are shown in the budget, is both a Treaty requirement and a basic precondition of democracy;

28. Challenges, therefore, the logic of and justification for establishing instruments outside the budget that prevent parliamentary oversight of public finances and undermine the transparency of decision-making; considers that decisions to set-up such instruments bypass Parliament in its triple responsibility as legislative, budgetary and control authority; considers that, when exceptions are deemed necessary to achieve specific objectives, for example through financial instruments or trust funds, these should be fully transparent, duly justified by proven additionality and added value, and backed by strong decision-making procedures and accountability provisions;

o 29. Stresses, however, that the integration of these instruments into the EU budget should not result in a reduction of the financing of other EU policies and programmes; underlines, therefore, the need to decide on the global level of the next MFF without calculating the allocation of 0,03 % of EU GNI that corresponds to the European Development Fund, which should be added on top of the agreed ceilings;

30. Stresses that the MFF ceilings should not obstruct the financing of the policy objectives of the Union through the Union budget; expects, therefore, that an upward revision of the MFF ceilings will be ensured whenever necessary for the financing of new policy objectives, without having recourse to intergovernmental financing methods;

B. LEGISLATIVE ISSUES

Rule of Law

31. Stresses the importance of the new mechanism ensuring respect for the values enshrined in Article 2 of the Treaty on European Union (TEU), whereby Member States that do not respect them shall be subject to financial consequences; warns, however, that final beneficiaries of the Union budget shall in no way be affected by the disregard shown by their government for fundamental rights and the rule of law; underlines, therefore, that such measures shall not affect the obligation of government entities or of Member States to make payments to final beneficiaries or recipients;

Ordinary legislative procedure and delegated acts

32. Stresses that programme objectives and spending priorities, financial allocations, eligibility, selection and award criteria, conditions, definitions, and calculation methods should be determined in the relevant legislation, with full observance of Parliament's prerogatives as a co-legislator; underlines that, when such measures, which can entail important policy choices, are not included in the basic act, they should be adopted by delegated acts; takes the view, in this context, that multiannual and/or annual work programmes should in general be adopted by delegated acts;

33. States Parliament's intention, whenever necessary, to enhance the provisions on governance, accountability, transparency and parliamentary oversight, on the empowerment of local and regional authorities and their partners, as well as on the engagement of NGOs and civil society in the next generation of programmes; also intends to improve and clarify, where needed, the coherence and synergies between and within the various funds and policies; recognises the need for enhanced flexibility in the allocation of resources within certain programmes, but stresses that this should not come at the expense of their original and long-term policy objectives, of predictability, and of Parliament's rights;

Review clauses

34. Points out that detailed and effective review clauses should be included in the individual MFF programmes and instruments, in order to ensure that meaningful assessments of them are carried out and that Parliament is subsequently fully involved in any decisions taken on necessary adaptations;

Legislative proposals

35. Calls on the Commission to present the relevant legislative proposals on top of those which it has already presented, and notably a proposal for a regulation establishing a Just Energy Transition Fund as well as a specific programme on sustainable tourism; supports, furthermore, the introduction of the European Child Guarantee in the ESF+, the integration of a specific Union values strand in the Rights and Values programme, as well as a revision of the Regulation establishing the European Union Solidarity Fund; regrets that the relevant Commission proposals do not contain measures that respond to the requirements of Article 174 TFEU in relation to northernmost regions with very low population density and island, cross-border and mountain regions; considers that a revision of the Financial Regulation should also be proposed whenever the need arises as a result of the MFF negotiations;

C. OWN RESOURCES

36. Stresses that the current system of Own Resources is highly complex, unfair, non-transparent and totally incomprehensible to the EU's citizens; calls again for a simplified system that will be more understandable to EU citizens;

37. Welcomes, in this context, as an important step towards a more ambitious reform, the Commission's set of proposals adopted on 2 May 2018 on a new system of Own resources; invites the Commission to take into account Opinion No 5/2018 of the European Court of Auditors concerning the Commission's proposal on the new system of Own resources of the European Union, which underlines that better calculation and further simplification of the system is needed;

38. Recalls that the introduction of new Own Resources should have a dual purpose: firstly, to bring about a substantial reduction in the proportion of GNI-based contributions, and secondly, to guarantee the adequate financing of EU spending under the post-2020 MFF;

39. Supports the suggested modernisation of existing Own Resources, which implies:

— maintaining the customs duties as traditional Own Resources for the EU, while decreasing the percentage Member States retain as 'collection costs', and going back to the initial rate of 10 %;

— simplifying the Value Added Tax-based Own Resource, i.e. introducing a uniform call rate without exceptions;

— maintaining the GNI-based Own Resource, with the objective of moving progressively towards 40 % its share in the financing of the EU budget, while preserving its balancing function;

40. Requests, in line with the Commission proposal, the programmed introduction of a basket of new Own Resources which, without increasing the fiscal burden for citizens, would correspond to essential strategic objectives of the EU, the European added value of which is evident and irreplaceable:

— the proper functioning, consolidation and strengthening of the single market, in particular by the implementation of a common consolidated corporate tax base (CCCTB), as a basis for a new Own Resource through the setting of a uniform levy rate on the revenue from the CCCTB and the taxation of large companies in the digital sector profiting from the single market;

— the fight against climate change and the acceleration of energy transition, through measures such as a share of the emission trading scheme income;

— the fight to protect the environment through a contribution based on the quantity of non-recycled plastic packing;

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41. Demands the extension of the list of potential new Own Resources, which should include:

— an Own Resource based on a Financial Transaction Tax (FTT), while calling on all Member States to reach an agreement on an efficient scheme;

— the introduction of a carbon border adjustment mechanism as a new Own Resource for the EU budget, which should ensure a level playing field in international trade and reduce the off-shoring of production, while internalising the costs of climate change in the prices of imported goods;

42. Expresses strong approval of the abolition of all rebates and other correction mechanisms, accompanied, should the need arise, by a limited phasing out period;

43. Insists on the introduction of other revenue that should constitute extra revenue for the EU budget without entailing a corresponding reduction in GNI contributions:

— fines paid by companies for breaching the Union's rules, or fines for late payments of contributions;

— proceeds from fines generated by rulings of the Court of Justice of the European Union, including lump sum or penalty payments imposed on Member States, stemming from infringement actions;

44. Underlines, moreover, the introduction of other forms of revenue, in line with the Commission proposals, in the case of:

— fees linked to the implementation of mechanisms in direct relation with the EU, such as the European Travel Information and Authorisation System (ETIAS);

— seigniorage, in the form of assigned revenue, for the purpose of financing a new Investment Stabilisation Function;

45. Points to the need to maintain the credibility of the EU budget vis-à-vis the financial markets, which implies an increase in the Own Resources ceilings;

46. Calls on the Commission to come up with a proposal to address the paradoxical situation whereby contributions from the UK to the *reste à liquider* (RAL) pre-2021 will enter the budget as general revenue, thus being counted towards the Own Resource ceiling, while that ceiling will be calculated on the basis of the EU-27 GNI, in other words without the UK, once the country has left the EU; considers that UK contributions should, on the contrary, be calculated on top of the Own Resources ceiling;

47. Draws attention to the fact that the customs union is an important source of the Union's financial capacity; stresses, in this context, the need to harmonise customs control and management across the Union in order to prevent and combat fraud and irregularities harming the Union's financial interests;

48. Urges a genuine fight against tax evasion and avoidance, with the introduction of dissuasive sanctions, for offshore territories and for the enablers or promoters of such activities, particularly and as a first step those operating on the European mainland; believes that Member States should cooperate by establishing a coordinated system for monitoring capital movements in order to fight tax evasion, tax avoidance and money laundering;

49. Is of the opinion that effective measures against corruption and tax evasion by multinationals and the wealthiest individuals would make it possible to return to the Member States' budgets an amount estimated by the Commission at one trillion euros per year, and that in this field there has been a serious lack of action by the European Union;

50. Strongly supports the presentation by the Commission of a proposal for a Council regulation laying down implementing measures for the system of Own Resources of the European Union (COM(2018)0327); recalls that Parliament has to give its consent to this regulation; recalls that this regulation is an integral part of the Own Resource package presented by the Commission, and expects the Council to address the four related texts on Own Resources as a single package together with the MFF;

D. MODIFICATIONS TO THE PROPOSAL FOR A REGULATION LAYING DOWN THE 2021-2027 MFF

51. Takes the view that the proposal for a Council regulation laying down the multiannual financial framework for the years 2021 to 2027 should be modified as follows:

Modification 1

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Modification*
(1) Taking into account the need for an adequate level of predictability for preparing and implementing medium-term investments, the duration of ***the*** Multiannual Financial Framework (MFF) should be set at seven years starting on 1 January 2021.	(1) Taking into account the need for an adequate level of predictability for preparing and implementing medium-term investments ***as well as the need for democratic legitimacy and accountability***, the duration of ***this*** Multiannual Financial Framework (MFF) should be set at seven years starting on 1 January 2021 ***with a view to moving subsequently to a five-plus-five-year period that would be aligned with the political cycle of the European Parliament and the Commission***.

Modification 2

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Modification*
(2) The annual ceilings on commitments appropriations by category of expenditure and ***the*** annual ceilings on payment appropriations ***established by the MFF must respect the applicable ceilings for commitments and own resources, which are set in accordance with the Council Decision on the system of own resources of the European Union adopted in accordance with the third paragraph of Article 311 TFEU.***	(2) The ***MFF should establish*** annual ceilings on commitments appropriations by category of expenditure and annual ceilings on payment appropriations ***so as to ensure that Union expenditure develops in an orderly manner and within the limits of its Own Resources, while also ensuring that the Union can provide itself with the means necessary to attain its objectives and carry through its policies in accordance with the first paragraph of Article 311 of the Treaty on the Functioning of the European Union (TFEU), and can honour its obligations to third parties in accordance with Article 323 TFEU.***

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Modification 3

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission	*Modification*
	(2a) The level of ceilings should be set on the basis of the amounts necessary for the financing and running of the Union programmes and policies as well as the required margins to be left available for adjustments to future needs. Furthermore, the ceilings for payments should account for the large amount of outstanding commitments expected at the end of 2020. The amounts set in this Regulation as well as in the basic acts for 2021-2027 programmes should be agreed in 2018 prices and, for the sake of simplification and predictability, adjusted on the basis of a fixed deflator of 2 % per year.

Modification 4

Proposal for a regulation

Recital 3

Text proposed by the Commission	*Modification*
(3) If it is necessary to mobilise the guarantees given under the general budget of the Union for financial assistance to Member States authorised in accordance with Article [208(1)] of Regulation No EU [xxx/201x] of the European Parliament and of the Council ('the Financial Regulation'), the necessary amount should be mobilised over and above the ceilings of the commitments and payments appropriations of the MFF, ***while respecting the*** own resources ceiling.	(3) If it is necessary to mobilise the guarantees given under the general budget of the Union for financial assistance to Member States authorised in accordance with Article [208(1)] of Regulation No EU [xxx/201x] of the European Parliament and of the Council ('the Financial Regulation'), the necessary amount should be mobilised over and above the ceilings of the commitments and payments appropriations of the MFF, ***and should therefore be taken into account when setting any*** own resources ceiling.

Modification 5

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Modification*
(4) ***The MFF should not take account of budget items financed by assigned*** revenue within the meaning of the Financial Regulation.	(4) ***Assigned*** revenue ***financing budget items*** within the meaning of the Financial Regulation ***should not be counted towards the MFF ceilings, but all available information should be displayed with full transparency during the procedure of the adoption of the annual budget and during its implementation***.

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Modification 6

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Modification*
(6) ***Specific and m***aximum ***possible*** flexibility should be ***implemented to allow*** the Union ***to*** fulfil its obligations in compliance with Article 323 of the ***Treaty on the Functioning of the European Union (***TFEU).	(6) ***M***aximum flexibility should be ***ensured within the MFF, in particular to guarantee that*** the Union ***can*** fulfil its obligations in compliance with ***Article 311 and*** Article 323 of the TFEU.

Modification 7

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Modification*
(7) The following special instruments are necessary to allow the Union to react to specified unforeseen circumstances, or to allow the financing of clearly identified expenditure which cannot be financed within the limits of the ceilings available for one or more headings as laid down in the MFF ***in order to allow the budget*** procedure to run smoothly: the European Globalisation Adjustment Fund, the European Union Solidarity Fund, the Emergency Aid Reserve, the Global Margin for Commitments (Union Reserve), the Flexibility Instrument and the Contingency Margin. ***The Emergency Aid Reserve is not aimed at addressing the consequences of market related crises affecting the agricultural production or distribution.*** Specific provision should therefore be made for the possibility to enter commitment and corresponding payment appropriations into the budget over and above the ceilings set out in the MFF where it is necessary to use special instruments.	(7) The following special instruments are necessary to allow the Union to react to specified unforeseen circumstances, or to allow the financing of clearly identified expenditure which cannot be financed within the limits of the ceilings available for one or more headings as laid down in the MFF***, thereby allowing the annual budgetary*** procedure to run smoothly: the European Globalisation Adjustment Fund, the European Union Solidarity Fund, the Emergency Aid Reserve, the Global Margin for Commitments (Union Reserve ***for Commitments***), the Flexibility Instrument and the Contingency Margin. Specific provision should therefore be made for the possibility to enter commitment and corresponding payment appropriations into the budget over and above the ceilings set out in the MFF where it is necessary to use special instruments.

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Modification 8

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission	*Modification*
	(7 a) ***In particular, while the Union and its Member States should make every effort to ensure that commitments authorised by the budgetary authority are effectively implemented for their original purpose, it should be possible to mobilise commitment appropriations that have not been executed or that have been de-committed through the Union Reserve for Commitments, provided that this is not a means for beneficiaries to circumvent the relevant de-commitment rules.***

Modification 9

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Modification*
(9) Rules should be laid down for other situations that may require the MFF to be adjusted. Those adjustments may be related to the delayed adoption of new rules or programmes under shared management, or to ***measures linked to sound economic governance or to the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law in the Member States adopted*** in accordance with the relevant basic acts.	(9) Rules should be laid down for other situations that may require the MFF to be adjusted. Those adjustments may be related to the delayed adoption of new rules or programmes under shared management, or to ***the suspension of budgetary commitments*** in accordance with the relevant basic acts.

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Modification 10

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Modification*
(10) ***It is necessary to carry-out*** a review of the functioning of the MFF ***at mid-term of its implementation. The results of this review should be taken into account in any revision of this Regulation for the remaining years of the MFF.***	(10) ***In order to take into account new policies and priorities, the MFF should be revised at mid-term on the basis of*** a review of the functioning ***and implementation*** of the MFF, ***which should also contain a report setting out the methods for the practical implementation of a five-plus-five-year financial framework.***

Modification 11

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission	*Modification*
	(10 a) In order to fulfil the Union's commitment to being a front runner in implementing the UN Sustainable Development Goals, including gender equality, the MFF revision shall be prepared taking into account progress made in their implementation in all EU policies and initiatives of the 2021-2027 MFF, measured on the basis of performance indicators drawn up by the Commission, as well as progress in the mainstreaming of gender in all EU activities. The MFF revision shall also be prepared taking into account progress made in achieving the overall target of contributing 25 % of EU expenditure to climate objectives over the 2021-2027 MFF period, and the achievement of an annual 30 % spending target as soon as possible and at the latest by 2027, measured on the basis of reformed performance indicators that differentiate between mitigation and adaptation. The revision should also assess, in consultation with national and local stakeholders, whether the adopted simplification measures have actually achieved a reduction in red tape for beneficiaries in the implementation of programmes;

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Modification 12

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission	*Modification*
	(12 a) All expenditure at Union level dedicated to the implementation of Union policies based on the Treaties is expenditure of the Union within the meaning of Article 310(1) TFEU, and should therefore be entered in the budget of the Union in accordance with the budgetary procedure laid down in Article 314 TFEU, thereby ensuring respect for the fundamental principles of the democratic representation of citizens in decision-making, parliamentary oversight of public finances and transparency of decision-making. The MFF ceilings may not obstruct the financing through the Union budget of the policy objectives of the Union. It is therefore necessary to provide for an upward revision of the MFF whenever this is needed to facilitate the financing of Union policies, in particular new policy objectives, without having recourse to intergovernmental or quasi-intergovernmental financing methods.

Modification 13

Proposal for a regulation

Recital 13

Text proposed by the Commission	*Modification*
(13) Specific rules are also necessary for dealing with large scale infrastructure projects whose lifetime extends well beyond the period set for the MFF***. It*** is necessary to establish maximum amounts for ***the*** contributions ***from the general budget of the Union*** to those projects, thereby ensuring that ***they*** do not have any impact on other projects financed from that budget.	(13) Specific rules are also necessary for dealing with large-scale infrastructure projects whose lifetime extends well beyond the period set for the MFF. ***The financing of these large-scale projects, which are of strategic importance for the Union, needs to be secured in the general budget of the Union, but it*** is necessary to establish maximum amounts for ***its*** contributions to those projects, thereby ensuring that ***possible cost overruns*** do not have any impact on other projects financed from that budget;

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Modification 14

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Modification*
(14) It is necessary to provide for general rules on inter-institutional cooperation in the budgetary procedure.	(14) It is necessary to provide for general rules on ***transparency and*** interinstitutional cooperation in the budgetary procedure***, respecting the budgetary powers of the institutions as laid down in the Treaties, so as to ensure that budgetary decisions are taken as openly as possible and as closely as possible to the citizen, as required by Article 10(3) TEU, and that the budgetary procedure runs smoothly, as provided for in Article 312 (3) TFEU, second paragraph.***

Modification 15

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Modification*
(15) The Commission should present a proposal for a new multiannual financial framework before 1 July 2025, ***to*** enable the institutions to adopt it sufficiently in advance of the start of the subsequent multiannual financial framework. In accordance with Article 312(4) TFEU the ceilings corresponding to the last year set out in this Regulation are to continue to apply in the event that a new financial framework is not adopted before the end of the term of the MFF laid down in this Regulation.	(15) The Commission should present a proposal for a new multiannual financial framework before 1 July 2025. ***This timeframe will provide the newly appointed Commission with the necessary time to draw up its proposals, and enable the European Parliament emerging from the 2024 elections to come forward with its own position on the post-2027 MFF. It will also*** enable the institutions to adopt it sufficiently in advance of the start of the subsequent multiannual financial framework. In accordance with Article 312(4) TFEU the ceilings corresponding to the last year set out in this Regulation are to continue to apply in the event that a new financial framework is not adopted before the end of the term of the MFF laid down in this Regulation.

Modification 16

Proposal for a regulation

Chapter 1 — Article 3 — title

Text proposed by the Commission	*Modification*
Respect of own resources ***ceiling***	***Relationship to*** own resources

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Modification 17

Proposal for a regulation

Chapter 1 — Article 3 — paragraph 4

Text proposed by the Commission	*Modification*
4. For each of the years covered by the MFF, the total appropriations for payments required, after annual adjustment and taking account of any other adjustments and revisions as well as the application of paragraphs 2 and 3 of Article 2, may not be such as to produce a call-in rate for own resources that exceeds the own resources ***ceiling set in accordance with the Council decision on the system of own resources of the European Union adopted in accordance with the third paragraph of Article 311 TFEU ('Own Resources Decision') in force.***	4. For each of the years covered by the MFF, the total appropriations for payments required, after annual adjustment and taking account of any other adjustments and revisions as well as the application of paragraphs 2 and 3 of Article 2, may not be such as to produce a call-in rate for own resources that exceeds the ***limits of the Union's*** own resources***, without prejudice to the obligation of the Union to provide itself with the means necessary to attain its objectives and carry through its policies in accordance with the first paragraph of Article 311 TFEU, and the obligation of the institutions to ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties in accordance with Article 323 TFEU.***

Modification 18

Proposal for a regulation

Chapter 1 — Article 3 — paragraph 5

Text proposed by the Commission	*Modification*
5. Where necessary, the ceilings set in the MFF shall be lowered in order to ensure compliance with the own resources ceiling set in accordance with the Own Resources Decision in force.	***deleted***

Modification 19

Proposal for a regulation

Chapter 2 — Article 5 — paragraph 4

Text proposed by the Commission	*Modification*
4. Without prejudice to Article 6, 7 and 8, no further technical adjustments shall be made in respect of the year concerned, either during the year or as ex post corrections during subsequent years.	***deleted***

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Modification 20

Proposal for a regulation

Chapter 2 — Article 7 — title

Text proposed by the Commission	*Modification*
Adjustments related to ***measures linked to sound economic governance or to the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law in the Member States***	*Adjustments related to* ***the suspension of budgetary commitments***

Modification 21

Proposal for a regulation

Chapter 2 — Article 7

Text proposed by the Commission	*Modification*
In the case of the lifting, in accordance with the relevant basic acts, of a suspension of budgetary commitments ***concerning Union funds in the context of measures linked to sound economic governance or to the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law in the Member States,*** the ***amounts*** corresponding ***to the suspended commitments*** shall be transferred to the following years and the corresponding ceilings of the MFF shall be adjusted accordingly. Suspended commitments of year n may not be entered in the budget beyond year n+2.	In the case of the lifting, in accordance with the relevant basic acts, of a suspension of budgetary commitments, the corresponding ***amounts*** shall be transferred to the following years and the corresponding ceilings of the MFF shall be adjusted accordingly. Suspended commitments of year n may not be entered in the budget beyond year n+2. ***As from year n+3, an amount equivalent to the lapsed commitments shall be entered in the Union Reserve for Commitments provided for in Article 12.***

Modification 22

Proposal for a regulation

Chapter 3 — Article 10 — paragraph 1

Text proposed by the Commission	*Modification*
1. The European Union Solidarity Fund***, the objectives and scope of which are set out in Council Regulation (EC) No 2012/2002,*** shall not exceed a maximum annual amount of EUR ***600*** million (2018 prices). On 1 October of each year, at least one quarter of that annual amount shall remain available in order to cover needs arising until the end of that year. The portion of the annual amount not used in year n may be used up to year n+1. The portion of the annual amount stemming from the previous year shall be drawn on first. That portion of the annual amount from year n which is not used in year n+1 shall lapse.	1. The European Union Solidarity Fund ***is intended to allow for financial assistance in the event of major disasters occurring on the territory of a Member State or of a candidate country, as defined in the relevant basic act, and*** shall not exceed a maximum annual amount of EUR ***1 000*** million (2018 prices). On 1 October of each year, at least one quarter of that annual amount shall remain available in order to cover needs arising until the end of that year. The portion of the annual amount not used in year n may be used up to year n+1. The portion of the annual amount stemming from the previous year shall be drawn on first. That portion of the annual amount from year n which is not used in year n+1 shall lapse.

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Modification 23

Proposal for a regulation

Chapter 3 — Article 10 — paragraph 1 a (new)

Text proposed by the Commission	*Modification*
	1a. The appropriations for the European Union Solidarity Fund shall be entered in the general budget of the Union as a provision.

Modification 24

Proposal for a regulation

Chapter 3 — Article 11 — paragraph 2

Text proposed by the Commission	*Modification*
2. The annual amount of the Reserve is fixed at EUR ***600*** million (2018 prices) and may be used up to year n +1 in accordance with the Financial Regulation. The Reserve shall be entered in the general budget of the Union as a provision. The portion of the annual amount stemming from the previous year shall be drawn on first. That portion of the annual amount from year n which is not used in year n+1 shall lapse. By 1 October of each year, at least ***one quarter*** of the annual amount for year n shall remain available to cover needs arising until the end of that year. No more than half of the amount available until 30 September each year may be mobilised for, respectively, internal or external operations. As of 1 October, the remaining part of the amount available may be mobilised either for internal or external operations to cover needs arising until the end of that year.	2. The annual amount of the ***Emergency Aid*** Reserve is fixed at EUR ***1 000*** million (2018 prices) and may be used up to year n+1 in accordance with the Financial Regulation. The Reserve shall be entered in the general budget of the Union as a provision. The portion of the annual amount stemming from the previous year shall be drawn on first. That portion of the annual amount from year n which is not used in year n+1 shall lapse. By 1 October of each year, at least ***EUR 150 million (2018 prices)*** of the annual amount for year n shall remain available to cover needs arising until the end of that year. No more than half of the amount available until 30 September each year may be mobilised for, respectively, internal or external operations. As of 1 October, the remaining part of the amount available may be mobilised either for internal or external operations to cover needs arising until the end of that year.

Modification 25

Proposal for a regulation

Chapter 3 — Article 12 — title

Text proposed by the Commission	*Modification*
Global Margin for Commitments (Union Reserve)	*Global Margin for Commitments* (Union Reserve ***for Commitments***)

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Modification 26

Proposal for a regulation

Chapter 3 — Article 12 — paragraph 1

Text proposed by the Commission	*Modification*
1. The Global Margin for Commitments (Union Reserve), to be made available over and above the ceilings established in the MFF for the years ***2022*** to 2027, shall comprise the following:	1. The Global Margin for Commitments (Union Reserve ***for Commitments***), to be made available over and above the ceilings established in the MFF for the years ***2021*** to 2027, shall comprise the following:
(a) margins left available below the MFF ceilings for commitments of ***year n-1***;	(a) margins left available below the MFF ceilings for commitments of ***previous years;***
(b) as of 2023, in addition to the margins referred to in point (a), an amount equivalent to de-commitments of appropriations made during year n-2, without prejudice to Article [15] of the Financial Regulation.	***(a a) unexecuted commitment appropriations of year n-1;***
	(b) an amount equivalent to de-commitments of appropriations made during year n-2, without prejudice to Article [15] of the Financial Regulation;
	(b a) an amount equivalent to the amount of suspended commitments of year n-3 that may no longer be entered in the budget pursuant to Article 7;
	(b b) an amount equivalent to the amount of revenue resulting from fines and penalties.

Modification 27

Proposal for a regulation

Chapter 3 — Article 12 — paragraph 2

Text proposed by the Commission	*Modification*
2. The Global Margin for Commitments (Union Reserve) or part thereof may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure provided for in Article 314 TFEU.	2. The Global Margin for Commitments (Union Reserve ***for Commitments***) or part thereof may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure provided for in Article 314 TFEU. ***Margins of year n may be mobilised for years n and n+1 through the Union Reserve for Commitments, provided this does not conflict with pending or planned amending budgets.***

Modification 28

Proposal for a regulation

Chapter 3 — Article 12 — paragraph 3 a (new)

Text proposed by the Commission	*Modification*
	3a. At the end of 2027, amounts that remain available under the Union Reserve for Commitments shall be carried over to the next MFF up to 2030.

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Modification 29

Proposal for a regulation

Chapter 3 — Article 13 — paragraph 1

Text proposed by the Commission	*Modification*
The Flexibility Instrument may be used for the financing, for a given financial year, of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings. Subject to the second subparagraph, the ceiling of the annual amount available for the Flexibility Instrument is set at EUR ***1 000*** million (2018 prices).	The Flexibility Instrument may be used for the financing, for a given financial year, of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings ***or within the European Globalisation Adjustment Fund, the European Union Solidarity Fund and the Emergency Aid Reserve***. Subject to the second subparagraph, the ceiling of the annual amount available for the Flexibility Instrument is set at EUR ***2 000*** million (2018 prices).

Modification 30

Proposal for a regulation

Chapter 3 — Article 14 — paragraph 1

Text proposed by the Commission	*Modification*
1. A Contingency Margin of up to ***0,03*** % of the Gross National Income of the Union shall be constituted outside the ceilings of the MFF, as a last resort instrument to react to unforeseen circumstances. It may be mobilised only in relation to an amending or annual budget.	1. A Contingency Margin of up to ***0,05*** % of the Gross National Income of the Union shall be constituted outside the ceilings of the MFF, as a last resort instrument to react to unforeseen circumstances. It may be mobilised only in relation to an amending or annual budget. ***It may be mobilised for both commitment and payment appropriations, or for payment appropriations only.***

Modification 31

Proposal for a regulation

Chapter 3 — Article 14 — paragraph 2

Text proposed by the Commission	*Modification*
2. Recourse to the Contingency Margin shall not exceed, at any given year, the maximum amount provided in the annual technical adjustment of the MFF***, and shall be consistent with the own resources ceiling***.	2. Recourse to the Contingency Margin shall not exceed, at any given year, the maximum amount provided in the annual technical adjustment of the MFF.

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Modification 32

Proposal for a regulation

Chapter 3 — Article 14 — paragraph 3

Text proposed by the Commission	*Modification*
3. Amounts made available through the mobilisation of the Contingency Margin shall be fully offset against the margins in one or more MFF headings for the current or future financial years.	***deleted***

Modification 33

Proposal for a regulation

Chapter 3 — Article 14 — paragraph 4

Text proposed by the Commission	*Modification*
4. The amounts offset in accordance with paragraph 3 shall not be further mobilised in the context of the MFF. Recourse to the Contingency Margin shall not result in exceeding the total ceilings of commitment and payment appropriations laid down in the MFF for the current and future financial years.	***deleted***

Modification 34

Proposal for a regulation

Chapter 4 — title

Text proposed by the Commission	*Modification*
Review and Revision ***of the MFF***	Revision***s***

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Modification 35

Proposal for a regulation

Chapter 4 — Article 15 — paragraph 1

Text proposed by the Commission	*Modification*
1. Without prejudice to Article 3(2) and Articles 16 to 20 and 24, ***in the event of unforeseen circumstances, the MFF may be revised in compliance with the own resources ceiling set in accordance with the Own Resources Decision in force.***	1. Without prejudice to Article 3(2) and Articles 16 to 20 and 24, ***the relevant MFF ceilings shall be revised upward in the event that this is necessary to facilitate the financing of Union policies, in particular new policy objectives, in circumstances where it would otherwise be necessary to establish additional intergovernmental or quasi-intergovernmental financing methods that would circumvent the budgetary procedure laid down in Article 314 TFEU.***

Modification 36

Proposal for a regulation

Chapter 4 — Article 15 — paragraph 3

Text proposed by the Commission	*Modification*
3. Any proposal for revision of the MFF in accordance with paragraph 1 shall examine the scope for reallocating expenditure between the programmes covered by the heading concerned by the revision, with particular reference to any expected under-utilisation of appropriations.	***deleted***

Modification 37

Proposal for a regulation

Chapter 4 — Article 16 — title

Text proposed by the Commission	*Modification*
Mid-term ***review*** of the MFF	Mid-term ***revision*** of the MFF

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Modification 38

Proposal for a regulation

Chapter 4 — Article 16

Text proposed by the Commission	*Modification*
Before 1 January ***2024***, the Commission shall present a review of the functioning of the MFF. ***This review shall, as appropriate, be accompanied by relevant proposals.***	Before 1 ***July 2023***, the Commission shall present ***a legislative proposal for the revision of this Regulation in accordance with the procedures set out in the TFEU, based on*** a review of the functioning of the MFF. ***Without prejudice to Article 6 of this Regulation, pre-allocated national envelopes shall not be reduced through such a revision.*** ***The proposal shall be drawn up taking into account an assessment of:*** — ***progress towards the overall target of contributing 25 % of EU expenditure to climate objectives over the 2021-2027 MFF period, and towards a 30 % annual spending target as soon as possible;*** — ***the mainstreaming of the UN Sustainable Development Goals;*** — ***the mainstreaming of a gender perspective in the Union budget (gender budgeting);*** — ***the impact of simplification measures on the reduction in red tape for beneficiaries in the implementation of the financial programmes, to be carried out in consultation with stakeholders;***

Modification 39

Proposal for a regulation

Chapter 4 — Article 17

Text proposed by the Commission	*Modification*
When notifying the European Parliament and the Council of the results of the technical adjustments to the MFF, the Commission shall***, where appropriate,*** submit any proposal to revise the total appropriations for payments which it considers necessary, in the light of implementation, to ensure a sound management of the yearly payments ceilings, and in particular their orderly progression in relation to the appropriations for commitments.	When notifying the European Parliament and the Council of the results of the technical adjustments to the MFF, ***or when the ceilings for payments may prevent the Union from honouring its legal commitments,*** the Commission shall submit any proposal to revise the total appropriations for payments which it considers necessary, in the light of implementation, to ensure a sound management of the yearly payments ceilings, and in particular their orderly progression in relation to the appropriations for commitments.

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Modification 40

Proposal for a regulation

Chapter 5 — Article 21 — paragraph 1

Text proposed by the Commission	*Modification*
1. A maximum amount ***of EUR 14 196 million (in 2018 prices)*** shall be available from the general budget of the Union for the period 2021 to 2027 for ***the*** large scale projects under [Regulation XXXX/XX of the European Parliament and the Council — Space Programme].	1. A maximum amount shall be available ***jointly for the European satellite navigation programmes (EGNOS and Galileo) and for Copernicus (the European Earth observation programme)*** from the general budget of the Union for the period 2021 to 2027***. This maximum amount shall be set at 15 % above the indicative amounts set*** for ***both*** large-scale projects under [Regulation XXXX/XX of the European Parliament and the Council — Space Programme]. ***Any reinforcement within this maximum amount shall be financed through the margins or the special instruments, and shall not result in reductions in other programmes and projects.***

Modification 41

Proposal for a regulation

Chapter 5 — Article 21 — paragraph 2 a (new)

Text proposed by the Commission	*Modification*
	2a. Should additional financing needs from the Union budget arise for the above-mentioned large-scale projects, the Commission shall propose a revision of the MFF ceilings accordingly.

Modification 42

Proposal for a regulation

Chapter 6 — title

Text proposed by the Commission	*Modification*
Interinstitutional cooperation in the budgetary procedure	***Transparency and i***nterinstitutional cooperation in the budgetary procedure

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Modification 43

Proposal for a regulation

Chapter 6 — Article 22

Text proposed by the Commission	*Modification*
Interinstitutional cooperation in the budgetary procedure	***Transparency and i***nterinstitutional cooperation in the budgetary procedure

Modification 44

Proposal for a regulation

Chapter 6 — Article 22 — paragraph 4 a (new)

Text proposed by the Commission	*Modification*
	Both the European Parliament and the Council shall be represented by members of the respective institution when meetings are held at political level.

Modification 45

Proposal for a regulation

Chapter 6 — Article 22 — paragraph 4 b (new)

Text proposed by the Commission	*Modification*
	The European Parliament and the Council shall meet in public when adopting their respective positions on the draft budget.

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Modification 46

Proposal for a regulation

Chapter 6 — Article 23

Text proposed by the Commission	*Modification*
All expenditure and revenue of the Union and Euratom shall be included in the general budget of the Union in accordance with Article ***[7] of the Financial Regulation,*** including expenditure resulting from any relevant decision taken unanimously by the Council after consulting the European Parliament, in the framework of Article 332 TFEU.	All expenditure and revenue of the Union and Euratom shall be included in the general budget of the Union in accordance with Article ***310(1) TFEU***, including expenditure resulting from any relevant decision taken unanimously by the Council after consulting the European Parliament, in the framework of Article 332 TFEU.

Modification 47

Proposal for a regulation

Chapter 7 — Article 24

Text proposed by the Commission	*Modification*
Before 1 July 2025, the Commission shall present a proposal for a new multiannual financial framework.	***Before 1 July 2023, together with its proposals for the mid-term revision, the Commission shall present a report setting out the methods for the practical implementation of a five-plus-five year period for the financial framework.*** Before 1 July 2025, the Commission shall present a proposal for a new multiannual financial framework. ***If no Council regulation determining a new multiannual financial framework has been adopted before 31 December 2027, the ceilings and other provisions corresponding to the last year of the MFF shall be extended until a regulation determining a new financial framework is adopted. If a new Member State accedes to the Union after 2020, the extended financial framework shall, if necessary, be revised in order to take the accession into account.***

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E. MODIFICATIONS TO THE PROPOSAL FOR AN INTERINSTITUTIONAL AGREEMENT

52. Stresses that, as a result of the negotiation and adoption of a new MFF Regulation, the proposal for an Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management should be modified as follows:

Modification 48

Proposal for an Interinstitutional Agreement

Part 1

Section A — point 6 a (new)

Text proposed by the Commission	*Modification*
	6a. Information relating to operations not included in the general budget of the Union and to the foreseeable development of the various categories of the Union's Own Resources is set out, by way of indication, in separate tables. This information shall be updated annually together with the documents accompanying the draft budget.

Modification 49

Proposal for an Interinstitutional Agreement

Part I

Section A — point 7

Text proposed by the Commission	*Modification*
7. The institutions shall, for the purposes of sound financial management, ensure as far as possible during the budgetary procedure and at the time of the budget's adoption that sufficient ***margins*** are left available beneath the ceilings for the various headings of the MFF.	7. The institutions shall, for the purposes of sound financial management, ensure as far as possible during the budgetary procedure and at the time of the budget's adoption that sufficient ***amounts*** are left available ***within the margins*** beneath the ceilings for the various headings of the MFF ***or within the available special instruments***.

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Modification 50

Proposal for an Interinstitutional Agreement

Part I

Section A — point 8

Text proposed by the Commission	*Modification*
Updating of forecasts for payment appropriations ***after 2027***	*Updating of forecasts for payment appropriations*
8. ***In 2024***, the Commission shall update the forecasts for payment appropriations after 2027.	8. ***Every year***, the Commission shall update the forecasts for payment appropriations ***until and*** after 2027.
That update shall take into account all relevant information, including the real implementation of budget appropriations for commitments and budget appropriations for payments, as well as the implementation forecasts. It shall also consider the rules designed to ensure that payment appropriations develop in an orderly manner compared to commitment appropriations and the growth forecasts of the Union's Gross National Income.	That update shall take into account all relevant information, including the real implementation of budget appropriations for commitments and budget appropriations for payments, as well as the implementation forecasts. It shall also consider the rules designed to ensure that payment appropriations develop in an orderly manner compared to commitment appropriations and the growth forecasts of the Union's Gross National Income.

Modification 51

Proposal for an Interinstitutional Agreement

Part I

Section B — point 9

Text proposed by the Commission	*Modification*
9. When the conditions for mobilising the European Globalisation Adjustment Fund, as set out in the relevant basic act, are met, the Commission shall ***submit*** to the European Parliament and the Council a proposal for a transfer to the relevant budgetary lines.	9. When the conditions for mobilising the European Globalisation Adjustment Fund, as set out in the relevant basic act, are met, the Commission shall ***make a proposal to mobilise it. The decision to mobilise the Globalisation Adjustment Fund shall be taken jointly by the European Parliament and the Council.***
	At the same time as it presents its proposal for a decision to mobilise the Globalisation Adjustment Fund, the Commission shall present to the European Parliament and the Council a proposal for a transfer to the relevant budgetary lines.
	In the event of disagreement, the matter shall be addressed at the next budget trilogue.
Transfers related to the Globalisation Adjustment Fund shall be made in accordance with the Financial Regulation.	Transfers related to the Globalisation Adjustment Fund shall be made in accordance with the Financial Regulation.

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Modification 52

Proposal for an Interinstitutional Agreement

Part I

Section B — point 10

Text proposed by the Commission	*Modification*
10. When the conditions for mobilising the European Union Solidarity Fund as set out in the relevant basic act are met, the Commission shall make a proposal ***for the appropriate budgetary instrument in accordance with the Financial Regulation.***	10. When the conditions for mobilising the European Union Solidarity Fund as set out in the relevant basic act are met, the Commission shall make a proposal ***to mobilise it. The decision to mobilise the Solidarity Fund shall be taken jointly by the European Parliament and the Council.*** ***At the same time as it presents its proposal for a decision to mobilise the Solidarity Fund, the Commission shall present to the European Parliament and the Council a proposal for a transfer to the relevant budgetary lines.*** ***In the event of disagreement, the matter shall be addressed at the next budget trilogue.*** ***Transfers related to the Solidarity Fund shall be made in accordance with the Financial Regulation.***

Modification 53

Proposal for an Interinstitutional Agreement

Part I

Section B — point 11

Text proposed by the Commission	*Modification*
11. When the Commission considers that the Emergency Aid Reserve needs to be called on, it shall present to the European Parliament and the Council a proposal for a transfer from the Reserve to the corresponding budgetary lines in accordance with the Financial Regulation.	11. When the Commission considers that the Emergency Aid Reserve needs to be called on, it shall present to the European Parliament and the Council a proposal for a transfer from the Reserve to the corresponding budgetary lines in accordance with the Financial Regulation. ***In the event of disagreement, the matter shall be addressed at the next budget trilogue.***

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Modification 54

Proposal for an Interinstitutional Agreement

Part I

Section B — point 12

Text proposed by the Commission	*Modification*
Flexibility Instrument	*Flexibility Instrument*
12. The Commission shall make a proposal for the mobilisation of the Flexibility Instrument after it has ***examined all possibilities for re-allocating appropriations under the heading requiring additional expenditure.*** The proposal shall identify the needs to be covered and the amount. ***Such a proposal may be made in relation to a draft budget or draft amending budget.*** The Flexibility Instrument may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure set out in Article 314 TFEU.	12. The Commission shall make a proposal for the mobilisation of the Flexibility Instrument after it has ***exhausted the margins of the relevant headings.*** The proposal shall identify the needs to be covered and the amount. The Flexibility Instrument may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure set out in Article 314 TFEU.

Modification 55

Proposal for an Interinstitutional Agreement

Part I

Section B — point 13

Text proposed by the Commission	*Modification*
13. The mobilisation of the Contingency Margin, or part thereof, shall be proposed by the Commission after a thorough analysis of all other financial possibilities. ***Such a proposal may be made in relation to a draft budget or draft amending budget.*** The Contingency Margin may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure set out in Article 314 TFEU.	13. The mobilisation of the Contingency Margin, or part thereof, shall be proposed by the Commission after a thorough analysis of all other financial possibilities. The Contingency Margin may be mobilised by the European Parliament and the Council in the framework of the budgetary procedure set out in Article 314 TFEU.

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Modification 56

Proposal for an Interinstitutional Agreement

Part II

Section A — point 14 a (new)

Text proposed by the Commission	*Modification*
	14a. In order to facilitate the adoption of a new MFF or a revision thereof, and to give effect to Article 312(5) TFEU, the institutions shall convene regular meetings, namely:
	— Meetings of the Presidents as set out in Article 324 of the Treaty;
	— Briefings and debriefings of a delegation of the European Parliament by the Council presidency before and after relevant Council meetings;
	— Informal trilateral meetings in the course of the Council proceedings aimed at taking account of Parliament's views in any document produced by the Council presidency;
	— Trilogues once both Parliament and the Council have adopted their respective negotiating mandates;
	— Mutual appearances by the Council presidency in the relevant parliamentary committee and of Parliament's negotiating team in the relevant Council formation.
	Parliament and the Council will transmit to each other as soon as available any document formally adopted in their respective preparatory bodies or formally submitted on their behalf.

Modification 57

Proposal for an Interinstitutional Agreement

Part II

Section B — point 15 — indent 2

Text proposed by the Commission	*Modification*
— the revenue, expenditure, assets and liabilities of the European Development Fund (EDF), the European Financial Stability Facility (EFSF), the European Stability Mechanism (ESM), and other possible future mechanisms,	— the revenue, expenditure, assets and liabilities of the European Development Fund (EDF), the European Financial Stability Facility (EFSF), the European Stability Mechanism (ESM), and other possible future mechanisms ***which are not financed through the Union budget, but which exist to support Union policy objectives deriving from the Treaties,***

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Modification 58

Proposal for an Interinstitutional Agreement

Part II

Section B — point 15 a (new)

Text proposed by the Commission	*Modification*
	15 a. When adopting autonomous transfers pursuant to Article 30(1) of the Financial Regulation, the Commission shall immediately inform the budgetary authority of the detailed grounds for such transfers. When Parliament or the Council express a reservation on an autonomous transfer, the Commission shall address it, including, if appropriate, by reversing the transfer.

Modification 59

Proposal for an Interinstitutional Agreement

Part III

Section A — point 24 a (new)

Text proposed by the Commission	*Modification*
	24 a. When, in the framework of the budgetary procedure, the budgetary authority decides on specific reinforcements, the Commission shall not offset any of them in the subsequent years of its financial programming, unless specifically instructed to do so by the former.

Modification 60

Proposal for an Interinstitutional Agreement

Annex

Part A — point 1 a (new)

Text proposed by the Commission	*Modification*
	1 a. Each institution undertakes to refrain from transmitting to the other institutions any non-urgent budgetary positions, transfers or other notifications entailing the activation of deadlines during their recess periods, so as to ensure that each institution is able to duly exercise its procedural prerogatives.
	The services of the institutions shall inform each other in due time of the dates of recess of their respective institutions.

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Modification 61

Proposal for an Interinstitutional Agreement

Annex

Part B — point 2

Text proposed by the Commission	*Modification*
2. In due time before the adoption of the draft budget by the Commission, a trilogue shall be convened to discuss the possible priorities for the budget of the coming financial year.	2. In due time before the adoption of the draft budget by the Commission, a trilogue shall be convened to discuss the possible priorities for the budget of the coming financial year ***and any questions arising from the implementation of the budget of the ongoing financial year.***

Modification 62

Proposal for an Interinstitutional Agreement

Annex

Part C — point 8

Text proposed by the Commission	*Modification*
8. In the interest of loyal and sound institutional cooperation, the European Parliament and the Council commit to maintaining regular and active contacts at all levels, through their respective negotiators, throughout the whole budgetary procedure and, in particular, during the conciliation period. The European Parliament and the Council undertake to ensure the timely and constant mutual exchange of relevant information and documents at both formal and informal levels, ***as well as*** to hold technical or informal meetings as needed, during the conciliation period, in cooperation with the Commission. The Commission shall ensure timely and equal access to information and documents for the European Parliament and the Council.	8. In the interest of loyal and sound institutional cooperation, the European Parliament and the Council commit to maintaining regular and active contacts at all levels, through their respective negotiators, throughout the whole budgetary procedure and, in particular, during the conciliation period. The European Parliament and the Council undertake to ensure the timely and constant mutual exchange of relevant information and documents at both formal and informal levels, ***in particular by transmitting to each other all procedural documents adopted within their respective preparatory bodies as soon as available. They undertake, furthermore,*** to hold technical or informal meetings as needed, during the conciliation period, in cooperation with the Commission. The Commission shall ensure timely and equal access to information and documents for the European Parliament and the Council.

Modification 63

Proposal for an Interinstitutional Agreement

Annex

Part D — point 12 a (new)

Text proposed by the Commission	*Modification*
	12a. The European Parliament and the Council shall meet in public when adopting their respective positions on the draft budget.

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Modification 64

Proposal for an Interinstitutional Agreement

Annex

Part E — point 15

Text proposed by the Commission	*Modification*
15. ***The*** European Parliament and the Council shall be represented ***at an appropriate level*** in the Conciliation Committee, ***such*** that each delegation can commit ***politically*** its respective institution, and that actual progress towards the final agreement may be made.	15. ***Both the*** European Parliament and the Council shall be represented ***by members of the respective institution*** in the Conciliation Committee, ***so*** that each delegation can commit its respective institution ***politically***, and that actual progress towards the final agreement may be made.

Modification 65

Proposal for an Interinstitutional Agreement

Annex

Part E — point 19

Text proposed by the Commission	*Modification*
19. The dates of the meetings of the Conciliation Committee and the trilogues shall be set in advance by agreement of the three institutions.	19. The dates of the meetings of the Conciliation Committee and the trilogues shall be set in advance by agreement of the three institutions. ***Additional meetings, including at technical level, may be organised, as required, during the conciliation period.***

Modification 66

Proposal for an Interinstitutional Agreement

Annex

Part E — point 21 a (new)

Text proposed by the Commission	*Modification*
	21a. In order to make full use of the 21-day conciliation period stipulated by the Treaty and to allow the institutions to update their respective negotiating positions, the European Parliament and the Council undertake to examine the state of play of the conciliation procedure at every meeting of their relevant preparatory bodies throughout the aforementioned period, and shall refrain from leaving it to its last stages.

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Modification 67

Proposal for an Interinstitutional Agreement

Annex

Part G — title

Text proposed by the Commission	*Modification*
Part G. Reste à liquider (RAL)	Part G. ***Budget implementation, payments and*** Reste à liquider (RAL)

Modification 68

Proposal for an Interinstitutional Agreement

Annex

Part G — point 36

Text proposed by the Commission	*Modification*
36. Given the need to ensure an orderly progression of the total appropriations for payments in relation to the appropriations for commitments so as to avoid any abnormal shift of RAL from one year to another, the European Parliament, the Council and the Commission agree to monitor closely the level of the RAL so as to mitigate the risk of hampering the implementation of Union programmes because of a lack of payment appropriations at the end of the MFF. ***In order to ensure a manageable level and profile for the payments in all headings, de-commitment rules shall be applied strictly in all headings, in particular the rules for automatic de-commitments.*** In the course of the budgetary procedure, the institutions shall meet regularly with a view to jointly assessing the state of play and the outlook for budgetary implementation in the current and future years. This shall take the form of dedicated interinstitutional meetings at the appropriate level, before which the Commission shall provide the detailed state of play, broken down by fund and Member State, on payment implementation, reimbursement claims received and revised forecasts. In particular, in order to ensure that the Union can fulfil***l*** all its financial obligations stemming from existing and future commitments in the period 2021 to 2027 in accordance with Article 323 TFEU, the European Parliament and the Council shall analyse and discuss the Commission's estimates as to the required level of payment appropriations.	36. Given the need to ensure an orderly progression of the total appropriations for payments in relation to the appropriations for commitments so as to avoid any abnormal shift of RAL from one year to another, the European Parliament, the Council and the Commission agree to monitor closely the ***payment forecasts and the*** level of the RAL so as to mitigate the risk of hampering the implementation of Union programmes because of a lack of payment appropriations at the end of the MFF. In the course of the budgetary procedure, the institutions shall meet regularly with a view to jointly assessing the state of play and the outlook for budgetary implementation in the current and future years. This shall take the form of dedicated interinstitutional meetings at the appropriate level, before which the Commission shall provide the detailed state of play, broken down by fund and Member State, on payment implementation, reimbursement claims received and revised ***short-to-long-term*** forecasts. In particular, in order to ensure that the Union can fulfil all its financial obligations stemming from existing and future commitments in the period 2021 to 2027 in accordance with Article 323 TFEU, the European Parliament and the Council shall analyse and discuss the Commission's estimates as to the required level of payment appropriations.

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

Annex I — MFF 2021-2027: ceilings and instruments outside the ceilings (2018 prices)

(EUR million — 2018 prices)

	Commission proposal	Parliament position							
Commitment appropriations	**Total 2021-2027**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total 2021-2027**
I. Single Market, Innovation and Digital	**166 303**	31 035	31 006	31 297	30 725	30 615	30 757	30 574	**216 010**
II. Cohesion and Values	**391 974**	60 026	62 887	64 979	65 785	66 686	69 204	67 974	**457 540**
Of which: Economic, social and territorial cohesion	**330 642**	52 143	52 707	53 346	53 988	54 632	55 286	55 994	**378 097**
III. Natural Resources and Environment	**336 623**	57 780	57 781	57 789	57 806	57 826	57 854	57 881	**404 718**
IV. Migration and Border Management	**30 829**	3 227	4 389	4 605	4 844	4 926	5 066	5 138	**32 194**
V. Security and Defence	**24 323**	3 202	3 275	3 223	3 324	3 561	3 789	4 265	**24 639**
VI. Neighbourhood and the World	**108 929**	15 368	15 436	15 616	15 915	16 356	16 966	17 729	**113 386**
VII. European Public Administration	**75 602**	10 388	10 518	10 705	10 864	10 910	11 052	11 165	**75 602**
Of which: Administrative expenditure of the institutions	**58 547**	8 128	8 201	8 330	8 432	8 412	8 493	8 551	**58 547**
TOTAL COMMITMENT APPROPRIATIONS	**1 134 583**	**181 025**	**185 293**	**188 215**	**189 262**	**190 880**	**194 688**	**194 727**	**1 324 089**
as a percentage of GNI	1,11 %	1,29 %	1,31 %	1,31 %	1,30 %	1,30 %	1,31 %	1,29 %	**1,30 %**

(EUR million — 2018 prices)

	Commission proposal	Parliament position							
Commitment appropriations	**Total 2021-2027**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total 2021-2027**
TOTAL PAYMENT APPROPRIATIONS	**1 104 805**	**174 088**	**176 309**	**186 391**	**187 490**	**188 675**	**189 961**	**191 398**	**1 294 311**
as a percentage of GNI	1,08 %	1,24 %	1,24 %	1,30 %	1,29 %	1,28 %	1,28 %	1,27 %	**1,27 %**
OUTSIDE THE MFF CEILINGS									
Emergency aid reserve	**4 200**	1 000	1 000	1 000	1 000	1 000	1 000	1 000	**7 000**
European Globalisation Adjustment Fund (EGF)	**1 400**	200	200	200	200	200	200	200	**1 400**
European Union Solidarity Fund (EUSF)	**4 200**	1 000	1 000	1 000	1 000	1 000	1 000	1 000	**7 000**
Flexibility Instrument	**7 000**	2 000	2 000	2 000	2 000	2 000	2 000	2 000	**14 000**
European Investment Stabilisation Function	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
European Peace Facility	**9 223**	753	970	1 177	1 376	1 567	1 707	1 673	**9 223**
TOTAL OUTSIDE THE MFF CEILINGS	**26 023**	**4 953**	**5 170**	**5 377**	**5 576**	**5 767**	**5 907**	**5 873**	**38 623**
TOTAL MFF + OUTSIDE THE MFF CEILINGS	**1 160 606**	**185 978**	**190 463**	**193 592**	**194 838**	**196 647**	**200 595**	**200 600**	**1 362 712**
as a percentage of GNI	1,14 %	1,32 %	1,34 %	1,35 %	1,34 %	1,34 %	1,35 %	1,33 %	**1,34 %**

Annex II — MFF 2021-2027: ceilings and instruments outside the ceilings (current prices)

(EUR million — current prices)

	Commission proposal	Parliament position							
Commitment appropriations	**Total 2021-2027**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total 2021-2027**
I. Single Market, Innovation and Digital	187 370	32 935	33 562	34 555	34 601	35 167	36 037	36 539	**243 395**
II. Cohesion and Values	442 412	63 700	68 071	71 742	74 084	76 601	81 084	81 235	**516 517**
Of which: Economic, social and territorial cohesion	373 000	55 335	57 052	58 899	60 799	62 756	64 776	66 918	**426 534**
III. Natural Resources and Environment	378 920	61 316	62 544	63 804	65 099	66 424	67 785	69 174	**456 146**
IV. Migration and Border Management	34 902	3 425	4 751	5 084	5 455	5 658	5 936	6 140	**36 448**
V. Security and Defence	27 515	3 397	3 545	3 559	3 743	4 091	4 439	5 098	**27 872**
VI. Neighbourhood and the World	123 002	16 308	16 709	17 242	17 923	18 788	19 878	21 188	**128 036**
VII. European Public Administration	85 287	11 024	11 385	11 819	12 235	12 532	12 949	13 343	**85 287**
Of which: Administrative expenditure of the institutions	66 028	8 625	8 877	9 197	9 496	9 663	9 951	10 219	**66 028**
TOTAL COMMITMENT APPROPRIATIONS	**1 279 408**	**192 105**	**200 567**	**207 804**	**213 140**	**219 261**	**228 107**	**232 717**	**1 493 701**
as a percentage of GNI	1,11 %	1,29 %	1,31 %	1,31 %	1,30 %	1,30 %	1,31 %	1,29 %	**1,30 %**

(EUR million — current prices)

	Commission proposal	Parliament position							
Commitment appropriations	**Total 2021-2027**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total 2021-2027**
TOTAL PAYMENT APPROPRIATIONS	**1 246 263**	**184 743**	**190 843**	**205 790**	**211 144**	**216 728**	**222 569**	**228 739**	**1 460 556**
as a percentage of GNI	1,08 %	1,24 %	1,24 %	1,30 %	1,29 %	1,28 %	1,28 %	1,27 %	**1,27 %**
OUTSIDE THE MFF CEILINGS									
Emergency aid reserve	4 734	1 061	1 082	1 104	1 126	1 149	1 172	1 195	**7 889**
European Globalisation Adjustment Fund (EGF)	1 578	212	216	221	225	230	234	239	**1 578**
European Union Solidarity Fund (EUSF)	4 734	1 061	1 082	1 104	1 126	1 149	1 172	1 195	**7 889**
Flexibility Instrument	7 889	2 122	2 165	2 208	2 252	2 297	2 343	2 390	**15 779**
European Investment Stabilisation Function	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
European Peace Facility	10 500	800	1 050	1 300	1 550	1 800	2 000	2 000	**10 500**
TOTAL OUTSIDE THE MFF CEILINGS	**29 434**	**5 256**	**5 596**	**5 937**	**6 279**	**6 624**	**6 921**	**7 019**	**43 633**
TOTAL MFF + OUTSIDE THE MFF CEILINGS	**1 308 843**	**197 361**	**206 163**	**213 741**	**219 419**	**225 885**	**235 028**	**239 736**	**1 537 334**
as a percentage of GNI	1,14 %	1,32 %	1,34 %	1,35 %	1,34 %	1,34 %	1,35 %	1,33 %	**1,34 %**

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Annex III — MFF 2021-2027: breakdown per programme (2018 prices)

N.B.: For the purpose of comparison, the table follows the structure of the individual EU programmes as proposed by the Commission, without any prejudice to possible changes that may be requested during the legislative procedure leading to the adoption of these programmes.

(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	**Commission proposal 2021-2027**	**Parliament position 2021-2027**
I. Single Market, Innovation and Digital	116 361	166 303	***216 010***
1. Research and Innovation	69 787	91 028	***127 537***
Horizon Europe	64 674	83 491	***120 000***
Euratom Research and Training Programme	2 119	2 129	2 129
International Thermonuclear Experimental Reactor (ITER)	2 992	5 406	5 406
Other	2	2	2
2. European Strategic Investments	31 886	44 375	***51 798***
InvestEU Fund	3 968	13 065	***14 065***
Connecting Europe Facility (total H1 contribution) *including:*	17 579	21 721	***28 083***
Connecting Europe Facility — Transport	*12 393*	*11 384*	***17 746***
Connecting Europe Facility — Energy	*4 185*	*7 675*	*7 675*
Connecting Europe Facility — Digital	*1 001*	*2 662*	*2 662*
Digital Europe Programme	172	8 192	8 192
Other	9 097	177	177
Decentralised agencies	1 069	1 220	***1 281***
3. Single Market	5 100	5 672	***8 423***
Single Market Programme (incl. COSME)	3 547	3 630	***5 823***

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(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
EU Anti-Fraud Programme	156	161	***322***
Cooperation in the field of taxation (FISCALIS)	226	239	***300***
Cooperation in the field of customs (CUSTOMS)	536	843	843
Sustainable Tourism			***300***
Other	61	87	87
Decentralised agencies	575	714	***748***
4. Space	11 502	14 404	***15 225***
European Space Programme	11 308	14 196	***15 017***
Decentralised agencies	194	208	208
Margin	- 1 913	10 824	***13 026***
II. Cohesion and Values	387 250	391 974	***457 540***
5. Regional Development and Cohesion	272 647	242 209	***272 647***
ERDF + Cohesion Fund *including:*	272 411	241 996	***272 411***
European Regional Development Fund	*196 564*	*200 622*	
Cohesion Fund	*75 848*	*41 374*	
Of which contribution to the Connecting Europe Facility — Transport	*11 487*	*10 000*	
Support to the Turkish-Cypriot Community	236	213	***236***
6. Economic and Monetary Union	273	22 281	22 281
Reform Support Programme	185	22 181	22 181
Protection of the Euro Against Counterfeiting	7	7	7
Other	81	93	93

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(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
7. Investing in People, Social Cohesion and Values	115 729	123 466	***157 612***
European Social Fund+ ***(including EUR 5,9 billion for a Child Guarantee)***	96 216	89 688	***106 781***
Of which health, employment and social innovation	*1 075*	*1 042*	***1 095***
Erasmus+	13 699	26 368	***41 097***
European Solidarity Corps	373	1 113	1 113
Creative Europe	1 403	1 642	***2 806***
Justice	316	271	***316***
Rights and values***, including at least EUR 500 million for a Union values strand***	594	570	***1 627***
Other	1 158	1 185	1 185
Decentralised agencies	1 971	2 629	***2 687***
Margin	- 1 399	4 018	***4 999***
III. Natural Resources and Environment	399 608	336 623	***404 718***
8. Agriculture and Maritime Policy	390 155	330 724	***391 198***
EAGF + EAFRD *including:*	382 855	324 284	***383 255***
European Agricultural Guarantee Fund (EAGF)	*286 143*	*254 247*	
European Agricultural Fund for Rural Development (EAFRD)	*96 712*	*70 037*	
European Maritime and Fisheries Fund	6 243	5 448	***6 867***
Other	962	878	***962***
Decentralised agencies	95	113	113

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(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
9. Environment and Climate Action	3 492	5 085	***11 520***
Programme for Environment and Climate Action (LIFE)	3 221	4 828	***6 442***
Just Energy Transition Fund			***4 800***
Decentralised agencies	272	257	***278***
Margin	5 960	814	***1 999***
IV. Migration and Border Management	10 051	30 829	***32 194***
10. Migration	7 180	9 972	***10 314***
Asylum and Migration Fund	6 745	9 205	9 205
Decentralised agencies (*)	435	768	***1 109***
11. Border Management	5 492	18 824	***19 848***
Integrated Border Management Fund	2 773	8 237	8 237
Decentralised agencies (*)	2 720	10 587	***11 611***
Margin	- 2 621	2 033	2 033
V. Security and Defence	1 964	24 323	***24 639***
12. Security	3 455	4 255	***4 571***
Internal Security Fund	1 200	2 210	2 210
Nuclear Decommissioning including:	1 359	1 045	***1 359***
Nuclear Decommissioning (Lithuania)	*459*	*490*	***692***
Nuclear safety and decommissioning (incl. for Bulgaria and Slovakia)	*900*	*555*	***667***
Decentralised agencies	896	1 001	***1 002***

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(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
13. Defence	575	17 220	17 220
European Defence Fund	575	11 453	11 453
Military Mobility	0	5 767	5 767
14. Crisis Response	1 222	1 242	1 242
Union Civil Protection Mechanism (rescEU)	560	1 242	1 242
Other	662	p.m.	p.m.
Margin	- 3 289	1 606	1 606
VI. Neighbourhood and the World	96 295	108 929	***113 386***
15. External Action	85 313	93 150	***96 809***
Instrument(s) in support of neighbourhood and development policies, including the EDF successor and an investment plan for Africa	71 767	79 216	***82 716***
Humanitarian Aid	8 729	9 760	9 760
Common Foreign and Security Policy (CFSP)	2 101	2 649	2 649
Overseas Countries and Territories (including Greenland)	594	444	***594***
Other	801	949	949
Decentralised agencies	144	132	***141***
16. Pre-accession assistance	13 010	12 865	***13 010***
Pre-Accession Assistance	13 010	12 865	***13 010***
Margin	- 2 027	2 913	***3 567***

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(EUR million — 2018 prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
VII. European Public Administration	70 791	75 602	75 602
European Schools and Pensions	14 047	17 055	17 055
Administrative expenditure of the institutions	56 744	58 547	58 547
TOTAL	1 082 320	1 134 583	***1 324 089***
In % GNI (EU-27)	1,16 %	1,11 %	***1,30 %***

(*) The EP amount for decentralised agencies in clusters 10 and 11 includes the financial impact of the Commission proposals of 12 September 2018 on EASO and the European Border and Coast Guard.

Annex IV — MFF 2021-2027: breakdown per programme (current prices)

(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
I. **Single Market, Innovation and Digital**	114 538	187 370	***243 395***
1. **Research and Innovation**	68 675	102 573	***143 721***
Horizon Europe	63 679	94 100	***135 248***
Euratom Research and Training Programme	2 085	2 400	2 400
International Thermonuclear Experimental Reactor (ITER)	2 910	6 070	6 070
Other	1	3	3
2. **European Strategic Investments**	31 439	49 973	***58 340***
InvestEU Fund	3 909	14 725	***15 852***
Connecting Europe Facility (total H1 contribution) *including:*	17 435	24 480	***31 651***
Connecting Europe Facility — Transport	12 281	12 830	***20 001***

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(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
Connecting Europe Facility — Energy	4 163	8 650	8 650
Connecting Europe Facility — Digital	991	3 000	3 000
Digital Europe Programme	169	9 194	9 194
Other	8 872	200	200
Decentralised agencies	1 053	1 374	***1 444***
3. **Single Market**	5 017	6 391	***9 494***
Single Market Programme (incl. COSME)	3 485	4 089	***6 563***
EU Anti-Fraud Programme	153	181	***363***
Cooperation in the field of taxation (FISCALIS)	222	270	***339***
Cooperation in the field of customs (CUSTOMS)	526	950	950
Sustainable Tourism			***338***
Other	59	98	98
Decentralised agencies	572	804	***843***
4. **Space**	11 274	16 235	***17 160***
European Space Programme	11 084	16 000	***16 925***
Decentralised agencies	190	235	235
Margin	- 1 866	12 198	***14 680***
II. **Cohesion and Values**	380 738	442 412	***516 517***
5. **Regional Development and Cohesion**	268 218	273 240	***307 578***
ERDF + Cohesion Fund *including:*	267 987	273 000	***307 312***
European Regional Development Fund	*193 398*	*226 308*	

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(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
Cohesion Fund	*74 589*	*46 692*	
Of which contribution to the Connecting Europe Facility — Transport	*11 306*	*11 285*	
Support to the Turkish-Cypriot Community	231	240	***266***
6. **Economic and Monetary Union**	275	25 113	25 113
Reform Support Programme	188	25 000	25 000
Protection of the Euro Against Counterfeiting	7	8	8
Other	79	105	105
7. **Investing in People, Social Cohesion and Values**	113 636	139 530	***178 192***
European Social Fund + ***(including EUR 5,9 billion in 2018 prices for a Child Guarantee)***	94 382	101 174	***120 457***
Of which health, employment and social innovation	*1 055*	1 174	***1 234***
Erasmus+	13 536	30 000	***46 758***
European Solidarity Corps	378	1 260	1 260
Creative Europe	1 381	1 850	***3 162***
Justice		305	***356***
Rights and values***, including at least EUR 500 million in 2018 prices for a Union values strand***		642	***1 834***
Other	1 131	1 334	1 334
Decentralised agencies	1 936	2 965	***3 030***
Margin	- 1 391	4 528	***5 634***

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(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
III. **Natural Resources and Environment**	391 849	378 920	***456 146***
8. **Agriculture and Maritime Policy**	382 608	372 264	***440 898***
EAGF + EAFRD *including:*	375 429	365 006	***431 946***
European Agricultural Guarantee Fund (EAGF)	*280 351*	*286 195*	
European Agricultural Fund for Rural Development (EAFRD)	*95 078*	*78 811*	
European Maritime and Fisheries Fund	6 139	6 140	***7 739***
Other	946	990	***1 085***
Decentralised agencies	94	128	128
9. **Environment and Climate Action**	3 437	5 739	***12 995***
Programme for Environment and Climate Action (LIFE)	3 170	5 450	***7 272***
Just Energy Transition Fund			***5 410***
Decentralised agencies	267	289	***313***
Margin	5 804	918	***2 254***
IV. **Migration and Border Management**	9 929	34 902	***36 448***
10. **Migration**	7 085	11 280	***11 665***
Asylum and Migration Fund	6 650	10 415	10 415
Decentralised agencies (*)	435	865	***1 250***
11. **Border Management**	5 439	21 331	***22 493***
Integrated Border Management Fund	2 734	9 318	9 318
Decentralised agencies (*)	2 704	12 013	***13 175***
Margin	- 2 595	2 291	2 291

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(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
V. **Security and Defence**	1 941	27 515	***27 872***
12. **Security**	3 394	4 806	***5 162***
Internal Security Fund	1 179	2 500	2 500
Nuclear Decommissioning including:	1 334	1 178	***1 533***
Nuclear Decommissioning (Lithuania)	*451*	*552*	***780***
Nuclear safety and decommissioning (incl. for Bulgaria and Slovakia)	*883*	*626*	***753***
Decentralised agencies	882	1 128	***1 129***
13. **Defence**	590	19 500	19 500
European Defence Fund	590	13 000	13 000
Military Mobility	0	6 500	6 500
14. **Crisis Response**	1 209	1 400	1 400
Union Civil Protection Mechanism (rescEU)	561	1 400	1 400
Other	648	p.m.	p.m
Margin	- 3 253	1 809	1 809
VI. **Neighbourhood and the World**	93 381	123 002	***128 036***
15. **External Action**	82 569	105 219	***109 352***
Instrument(s) in support of neighbourhood and development policies, including the EDF successor and an investment plan for Africa	70 428	89 500	***93 454***
Humanitarian Aid	8 561	11 000	11 000
Common Foreign and Security Policy (CFSP)	2 066	3 000	3 000
Overseas Countries and Territories (including Greenland)	582	500	***669***

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(EUR million — current prices)

	2014-2020 MFF (EU27+EDF)	Commission proposal 2021-2027	Parliament position 2021-2027
Other	790	1 070	1 070
Decentralised agencies	141	149	159
16. **Pre-accession assistance**	12 799	14 500	***14 663***
Pre-Accession Assistance	12 799	14 500	***14 663***
Margin	- 1 987	3 283	***4 020***
VII. **European Public Administration**	69 584	85 287	85 287
European Schools and Pensions	13 823	19 259	19 259
Administrative expenditure of the institutions	55 761	66 028	66 028
TOTAL	1 061 960	1 279 408	***1 493 701***
In % GNI (EU-27)	1,16 %	1,11 %	***1,30 %***

(*) The EP amount for decentralised agencies in clusters 10 and 11 includes the financial impact of the Commission proposals of 12 September 2018 on EASO and the European Border and Coast Guard.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2018)0440

Mobilisation of the European Union Solidarity Fund to provide assistance to Latvia

European Parliament resolution of 13 November 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Latvia (COM(2018)0658 — C8-0416/2018 — 2018/2230(BUD))

(2020/C 363/26)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0658 — C8-0416/2018),

— having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ([1]),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([2]), and in particular Article 10 thereof,

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([3]), and in particular point 11 thereof,

— having regard to the letter from the Committee on Regional Development,

— having regard to the report of the Committee on Budgets (A8-0357/2018),

1. Welcomes the decision as a sign of the Union's solidarity with Union citizens and the regions hit by the natural disaster;

2. Stresses the urgent need to release financial assistance through the European Union Solidarity Fund ('the Fund') to the regions affected by the natural disaster in the Union in 2017;

3. Supports Member States using European structural and investment funds for the reconstruction of the affected regions; invites the Commission to support and rapidly approve the financial reallocation of the partnership agreements requested by Member State to this end;

([1]) OJ L 311, 14.11.2002, p. 3.
([2]) OJ L 347, 20.12.2013, p. 884.
([3]) OJ C 373, 20.12.2013, p. 1.

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4. Calls on Member States to utilise the financial contribution from the Fund in a transparent way, guaranteeing a fair distribution throughout the affected regions;

5. Approves the decision annexed to this resolution;

6. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;

7. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Union Solidarity Fund to provide assistance to Latvia

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/1859.)

Tuesday 13 November 2018

P8_TA(2018)0442

Energy efficiency ***I

European Parliament legislative resolution of 13 November 2018 on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency (COM(2016)0761 — C8-0498/2016 — 2016/0376(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/27)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0761),

— having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0498/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Protocol No 1 on the role of national parliaments in the European Union,

— having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,

— having regard to the opinion of the European Economic and Social Committee of 26 April 2017 ([1]),

— having regard to the opinion of the Committee of the Regions of 13 July 2017 ([2]),

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 2018 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 Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0391/2017),

1. Adopts its position at first reading hereinafter set out ([3]);

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0376

Position of the European Parliament adopted at first reading on 13 November 2018 with a view to the adoption of Directive (EU) 2018/… of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2018/2002.)

([1]) OJ C 246, 28.7.2017, p. 42.
([2]) OJ C 342, 12.10.2017, p. 119.
([3]) This position replaces the amendments adopted on 17 January 2018 (Texts adopted, P8_TA(2018)0010).

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P8_TA(2018)0443

Governance of the Energy Union ***I

European Parliament legislative resolution of 13 November 2018 on the proposal for a regulation of the European Parliament and of the Council on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013 (COM(2016)0759 — C8-0497/2016 — 2016/0375(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/28)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0759),

— having regard to Article 294(2) as well as Article 192(1) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0497/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 26 April 2017 ([1]),

— having regard to the opinion of the Committee of the Regions of 13 July 2017 ([2]),

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 2018 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 joint deliberations of the Committee on the Environment, Public Health and Food Safety and the Committee on Industry, Research and Energy under Rule 55 of the Rules of Procedure,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the Committee on Industry, Research and Energy and the opinion of the Committee on Agriculture and Rural Development (A8-0402/2017),

1. Adopts its position at first reading hereinafter set out ([3]);

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 246, 28.7.2017, p. 34.
([2]) OJ C 342, 12.10.2017, p. 111.
([3]) This position replaces the amendments adopted on 17 January 2018 (Texts adopted, P8_TA(2018)0011).

Tuesday 13 November 2018

P8_TC1-COD(2016)0375

Position of the European Parliament adopted at first reading on 13 November 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1999.)

Tuesday 13 November 2018

P8_TA(2018)0444

Promotion of the use of energy from renewable sources ***I

European Parliament legislative resolution of 13 November 2018 on the proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast) (COM(2016)0767 — C8-0500/2016 — 2016/0382(COD))

(Ordinary legislative procedure — recast)

(2020/C 363/29)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0767),

— having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0500/2016),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 26 April 2017 ([1]),

— after consulting the Committee of the Regions,

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ([2]),

— having regard to the letter of 20 October 2017 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 104(3) of its Rules of Procedure,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 26 June 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rules 104, 59 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Development, the Committee on the Environment, Public Health and Food Safety, the Committee on Agriculture and Rural Development and the Committee on Petitions (A8-0392/2017),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

([1]) OJ C 246, 28.7.2017, p. 55.
([2]) OJ C 77, 28.3.2002, p. 1.

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1. Adopts its position at first reading hereinafter set out [1], taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0382

Position of the European Parliament adopted at first reading on 13 November 2018 with a view to the adoption of Directive (EU) 2018/… of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2018/2001.)

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[1] This position replaces the amendments adopted on 17 January 2018 (Texts adopted, P8_TA(2018)0009).

Tuesday 13 November 2018

P8_TA(2018)0445

Multiannual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks ***I

European Parliament legislative resolution of 13 November 2018 on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks (COM(2017)0097 — C8-0095/2017 — 2017/0043(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/30)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0097),

— having regard to Article 294(2) and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0095/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 31 May 2017 ([1]),

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries and the position in the form of amendments of the Committee on the Environment, Public Health and Food Safety (A8-0337/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0043

Position of the European Parliament adopted at first reading on 13 November 2018 with a view to the adoption of Regulation (EU) …/… of the European Parliament and of the Council establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks

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 43(2) thereof,

Having regard to the proposal from the European Commission,

([1]) OJ C 288, 31.8.2017, p. 68.

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) The common fisheries policy (CFP) should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status in the marine environment by 2020 in accordance with Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council ([3])***, and favourable conservation status for species and habitats in accordance with Council Directive 92/43/EEC ([4]) and Directive 2009/147/EC of the European Parliament and of the Council ([5])*****. [Am. 1]**

***(1a) At the United Nations Summit on Sustainable Development held in New York in 2015, the Union and its Member States committed themselves, by 2020, to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks, in the shortest time feasible, at least to levels that can produce the maximum sustainable yield as determined by their biological characteristics.* [Am. 2]**

(2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([6]) establishes the rules of the CFP in line with the international obligations of the Union. The objectives of the CFP are, *inter alia*, to ensure that fishing and aquaculture activities are environmentally***, economically and socially*** sustainable in the long term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management. **[Am. 3]**

***(2a) In accordance with Regulation (EU) No 1380/2013, fisheries management based on the best available scientific advice requires harmonised, reliable and accurate data sets.* [Am. 4]**

(3) Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) and from the General Fisheries Commission for the Mediterranean's Scientific Advisory Committee (GFCM — SAC) has indicated that the exploitation of anchovy and sardine stocks in the Adriatic Sea exceeds the levels required to achieve the maximum sustainable yield (MSY).

***(3a) The Adriatic Sea is an important sub-area within the Mediterranean, accounting for around one-third of the total landings value.* [Am. 5]**

(4) Despite being managed under both an international management plan under the GFCM and national management plans adopted under Council Regulation (EC) No 1967/2006 ([7]), Adriatic anchovy and sardine stocks continue to be overexploited and the current management measures are considered to be insufficient to achieve MSY by 2020. Member States and stakeholders have expressed support for the development and implementation of management plans for these two stocks at Union level.

([1]) OJ C 288, 31.8.2017, p. 68.

([2]) Position of the European Parliament of 13 November 2018.

([3]) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

([4]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

([5]) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

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

([7]) Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (the Mediterranean Regulation) (OJ L 36, 8.2.2007, p. 6).

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(4a) ***The management plans implemented and the technical measures introduced in 2016 are due to produce effects on the stocks and have to be analysed and taken into consideration when establishing the multiannual plan for the pelagic stocks in the region.*** **[Am. 6]**

(4b) ***The introduction of a minimum escapement approach requires changes to the biological sampling and research protocols which will take time, therefore requiring a transition period before it can be implemented.*** **[Am. 99]**

(5) Current management measures for small pelagics in the Adriatic Sea concern access to waters, control of fishing effort, ***and*** technical measures to regulate gears' usage. ~~Scientific advice has indicated that controlling catches is the most appropriate means of adapting fishing mortality and it would be a more effective management tool for small pelagics ([1])~~. **[Am. 7]**

(6) To achieve the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as ~~multi-annual~~ ***multiannual*** plans, ***and*** technical measures~~, fixing and allocation of fishing opportunities~~. **[Am. 8]**

(6a) ***The Adriatic Sea small pelagic fishery, especially in the Geographical Sub-Areas 17 and 18, has a very important socio-economic impact for the Member States' coastal community's livelihood and future.*** **[Am. 9]**

(6b) ***In line with the principles and objectives of the CFP and pursuant to Article 18 of Regulation (EU) No 1380/2013, regionalisation should be used to adopt and implement measures that take into account the specificities of each fisheries area and safeguard their environmental conditions.*** **[Am. 10]**

(6c) ***Fishing opportunities should be allocated in accordance with the principles laid down in Article 17 of Regulation (EU) No 1380/2013, using transparent and objective criteria, including those of an environmental, social and economic nature. Fishing opportunities should also be fairly distributed across the various fisheries segments, including traditional and small-scale fisheries. Moreover, Member States should provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.*** **[Am. 11]**

(7) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multiannual plans are to be based on ***the best available*** scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points***, objectives for conservation and technical measures for the implementation of the landing obligation, as well as measures designed to avoid and reduce unwanted catches as far as possible,*** and safeguards. **[Am. 12]**

(8) The objective of the multiannual plan should be to contribute to achieving the objectives of the CFP, and especially ~~reaching~~ ***restoring*** and maintaining ~~MSY for the~~ ***fish*** stocks ~~concerned~~ ***above biomass levels capable of producing MSY, implementing the landing obligation,*** achieving a sustainable fisheries sector and providing an effective management framework. **[Am. 13]**

(8a) ***This Regulation should not be considered as a precedent for other multiannual plans in the Mediterranean Sea unless otherwise provided.*** **[Am. 14]**

(8b) ***A multiannual plan should always find a balance between the achievable result, taking into consideration the timeframe, and the socio-economic impact.*** **[Am. 15]**

~~([1]) Scientific, Technical and Economic Committee for Fisheries (STECF) Assessment of Mediterranean Sea stocks — part 2 (STECF-11-14)~~.

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(9) Moreover, Article 15 of Regulation (EU) No 1380/2013 introduced a landing obligation, including for all catches of species which are subject to minimum sizes as defined in Annex III to Regulation (EC) No 1967/2006. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, Commission Delegated Regulation (EU) No 1392/2014 ([1]) established a three year discard plan providing for a *de minimis* exemption from the landing obligation for anchovy, sardine, mackerel and horse mackerel in the Adriatic Sea. In order to implement the landing obligation, it is appropriate to extend the validity of the measures laid down in Delegated Regulation (EU) No 1392/2014, by including its respective provisions in the multiannual plan.

(10) In line with the ecosystem-based approach ~~and in addition~~***, this plan should also contribute*** to the ~~fisheries-related descriptor of~~ ***achievement of good environmental status, as laid down in*** Directive 2008/56/EC, ***and*** qualitative descriptors 1, 4 and 6 contained in Annex I to the Directive are to be considered in the framework of fisheries management. ***This plan should also contribute to the achievement of favourable conservation status for habitats and species as required by Directive 2009/147/EC and Directive 92/43/EEC respectively.*** **[Am. 16]**

~~(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multiannual plans.~~ **[Am. 17]**

(12) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving maximum sustainable yield (F_{MSY}). Those ranges, based on ***best available*** scientific advice, are necessary in order to provide flexibility to take account of developments in the scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The F_{MSY} ranges have been calculated by STECF ~~and~~ ([2])***. Based on this plan they*** are derived to deliver no more than a 5 % reduction in long-term yield compared to MSY~~([3])~~. In addition, the upper limit of the range is capped, so that the probability of the stock falling below B_{lim} is no more than 5 %. **[Am. 18]**

(13) For the purposes of ~~fixing fishing opportunities, there~~ ***reaching the objectives of the multiannual plan***, ***the target for each of the species*** should be ~~a threshold for F_{MSY} ranges in normal use and, provided that the stock concerned is considered to be in a good state, a higher limit for certain cases~~ ***SSBpa***. It should only be possible to fix ~~fishing opportunities up to the~~ ***a*** higher ~~limit~~ ***target*** if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in this Regulation in mixed fisheries or necessary to avoid harm to a stock caused by intra- or inter-species stock dynamics, o~~r in order to limit the year-on-year variations in fishing opportunities~~ ***where one of the stocks of small pelagics is below SSBlim***. **[Am. 19]**

(14) Where the targets relating to MSY are not available, the precautionary approach should apply.

(15) ~~For stocks for which they are available and~~ For the purpose of the application of safeguard measures, it is necessary to establish conservation reference points expressed as ~~MSY $B_{trigger}$ and B_{lim} for anchovy and sardine stocks~~ ***SSBlim and SSBpa for small pelagics***. Should the stocks fall below ~~MSY $B_{trigger}$, fishing mortality should be reduced below F_{MSY}~~ ***SSBlim***, ***appropriate remedial measures should be adopted to contribute to the rapid return of the stock concerned to levels above SSBpa***. **[Am. 20]**

([1]) Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea (OJ L 370, 30.12.2014, p. 21).

([2]) ***Scientific, Technical and Economic Committee for Fisheries (STECF) — Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1 (STECF-15-14). 2015. [Publications Office of the European Union, Luxembourg, EUR 27492 EN, JRC 97707, 52 pp.] [The second part of this reference seems to be mistaken. OPOCE, please check.]***

~~([3]) Scientific, Technical and Economic Committee for Fisheries (STECF) — Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1 (STECF-15-14). 2015. [Publications Office of the European Union, Luxembourg, EUR 27492 EN, JRC 97707, 52 pp.] [*The second part of this reference seems to be mistaken. OPOCE, please check.*]~~

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~~(16) Further safeguard measures should be implemented in case the stock size falls below the B_{lim} reference point. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice indicates that a stock is under threat. Those measures should be supplemented by other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member States measures in accordance with Article 13 of Regulation (EU) No 1380/2013.~~ **[Am. 21]**

(17) For stocks where the reference points are not available, the precautionary principle should apply. ~~In the specific case of stocks taken as by-catches, in the absence of scientific advice on the levels of minimum spawning biomass of such stocks, specific conservation measures should be adopted when scientific advice indicates that remedial measures are needed.~~ **[Am. 22]**

(18) In order to enable the implementation of the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures***, in particular measures to gradually eliminate discards, to count fish below the minimum conservation reference size and to minimise, and where possible eliminate, the negative impacts of fishing activities on the marine environment***. Such measures should be laid down by means of delegated acts. **[Am. 23]**

(18a) A joint recommendation by Croatia, Italy and Slovenia (Adriatica High-Level Group) and a study on technical characteristics of purse seine nets and their impact on bottom communities were submitted to, and revised by, independent experts and STECF. It is therefore appropriate to provide for a derogation from the second subparagraph of Article 13(3) of and point 2 of Annex II to Regulation (EC) No 1967/2006. **[Am. 24]**

(19) The deadline for submitting joint recommendations from Member States having direct management interest should be established, as required by Regulation (EU) No 1380/2013.

(19a) When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council should take them into account. To that effect the Council should be able to set a total allowable catch (TAC) for commercial catches which takes into account the volume of recreational catches and/or to adopt other measures restricting recreational fisheries such as bag limits and closure periods. **[Am. 25]**

(20) The plan should also provide for certain accompanying technical***, as well as temporal and spatial*** measures to be adopted, by means of delegated acts***, and taking into account the best available scientific advice***, in order to contribute to achieving the objectives of the plan, in particular as regards the protection of juvenile fish or to improve selectivity. **[Am. 26]**

(20a) Artisanal fishing gear based on historical practices established in fishing communities should be safeguarded when defining the technical measures resulting from the multiannual plan or delegated acts adopted pursuant to it. **[Am. 27]**

(21) With a view to ensuring full compliance with the measures laid down in this Regulation, specific control measures should be adopted to complement those provided for in Council Regulation (EC) No 1224/2009 ([1]).

([1]) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

(21a) In order to enable the industry to cope with the fishing effort reduction measures and the consequent reduction in income for businesses and for seafarers, there should be arrangements for priority access to appropriate support from the European Maritime and Fisheries Fund (EMFF) in accordance with Regulation (EU) No 508/2014 of the European Parliament and of the Council ([1]). **[Am. 28]**

(21b) In order to ensure an implementation which is consistent with the socio-economic impacts, it is therefore desirable, on the one hand, to grant derogations from the time limits for temporary cessation measures as referred to in Article 33 of Regulation (EU) No 508/2014, extending it only to the vessels covered by this multiannual plan and, on the other hand, to allow reopening of and access by the same vessels to the permanent cessation measures provided for in Article 34 of that Regulation. **[Am. 29]**

(22) Recognising that in the Adriatic Sea vessels targeting small pelagics tend to carry out short fishing trips, the use of prior notification as required under Article 17 of Regulation (EC) No 1224/2009 should be adapted so that the prior notifications are submitted at least ~~one and a half~~ ***half an*** hour before the estimated time of arrival at port. However, considering the limited effect of fishing trips involving very small quantities of fish on the stocks concerned, it is appropriate to establish a threshold for such prior notifications, when these vessels retain on board at least 1 tonne of ~~anchovy or of sardine~~ ***small pelagics***. **[Am. 30]**

(23) Recognising that electronic control tools ensure a better and more timely control of the fisheries, in particular of the spatial distribution of fishing activities and of the exploitation of the stocks, the use of vessel monitoring system and of electronic logbook, as required, respectively, under Articles 9 and 15 of Regulation (EC) No 1224/2009 should be extended to all fishing vessels of an overall length of eight metres.

(24) Thresholds should be established for catches of ~~anchovy and sardine~~ ***small pelagics*** above which a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating those ports or places close to the shore, Member States should apply the criteria provided for in Article 43(5) of that Regulation in such a way as to ensure effective control. **[Am. 31]**

(25) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation as regards ~~remedial measures for the conservation of mackerel and horse mackerel,~~ implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([2]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. **[Am. 32]**

(26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013, provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on a periodic evaluation of the plan that is based on scientific advice. The plan should be evaluated ***three years after the date of entry into force of this Regulation and*** every five years ***thereafter***. That period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also a minimum required period by scientific bodies. **[Am. 33]**

([1]) ***Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).***

([2]) OJ L 123, 12.5.2016, p. 1.

(27) In accordance with Article 9(4) of Regulation (EU) No 1380/2013, prior to drafting the plan, its likely economic and social impact was assessed ([1]).

(27a) In order to support fishermen in the implementation of the measures provided for in this Regulation, Member States should make the widest possible use of the measures available under Regulation (EU) No 508/2014. It is appropriate to clarify that temporary cessation measures that have been adopted in order to attain the objectives of this Regulation can be deemed eligible for support under Regulation (EU) No 508/2014, in order to take into account the socio-economic aspects of this Regulation. Furthermore, it is appropriate to grant a derogation, for vessels affected by this multiannual plan, from the periods during which support can be granted as well as from the cap on the financial contribution from the EMFF for temporary cessation measures laid down in Regulation (EU) No 508/2014, **[Am. 34]**

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject-matter and scope

1. This Regulation establishes a multiannual plan for small pelagic stocks in the Adriatic Sea.

2. This Regulation shall apply to the stocks of anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea ('~~the stocks concerned~~***small pelagics***') and ~~for~~ ***to*** the fisheries ~~exploiting~~ ***targeting*** these stocks. ~~It~~ ***For the purpose of implementing the landing obligation established in Article 15 of Regulation (EU) No 1380/2013, this Regulation*** shall apply also to by-catches of mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.) in the Adriatic Sea caught when fishing for ~~either or both of the stocks concerned~~ ***small pelagics***. **[Am. 35]**

Article 2

Definitions

1. For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013, Article 4 of Regulation (EC) No 1224/2009 and Article 2 of Regulation (EC) No 1967/2006 shall apply.

2. In addition, the following definitions shall apply:

(a) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;

(b) 'GFCM Geographical Sub-Area' means General Fisheries Commission for the Mediterranean (GFCM) Geographical Sub-Area as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ([2]);

(ba) 'Targeting' means account of at least 50 % of sardine or anchovy of the catch in live weight; **[Am. 37]**

(c) 'Small ~~pelagic stocks~~ ***pelagics***' means ~~the~~ stocks ~~listed in Article 1(2) of this Regulation and any combination thereof~~ ***of sardine (Sardina pilchardus) and anchovy (Engraulis encrasicolus)***; **[Am. 38]**

([1]) Impact Assessment…[include reference when published].

([2]) Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

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(ca) 'Best available scientific advice' refers to publicly available scientific advice that is supported by the most up-to-date scientific data and methods which has either been issued or peer-reviewed by an independent Union or international scientific body that is recognised at Union or international level such as the Scientific, Technical and Economic Committee for Fisheries (STECF) and the GFCM, and meet the requirements of Article 25 of Regulation (EU) No 1380/2013. **[Am. 104]**

~~(d) 'Range of F_{MSY}' means a range of values where all levels of fishing mortality within the scientifically indicated boundaries of that range, in situations of mixed fisheries and in accordance with scientific advice, result in the maximum sustainable yield (MSY) in the long term under existing average environmental conditions without significantly affecting the reproduction process for the stocks concerned;~~ **[Am. 39]**

(da) 'Fishing day' means any continuous period of 24 hours, or any part thereof, when a fishing vessel is engaged in fishing activity, such as searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transhipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products, as defined in point 28 of Article 4 of Regulation (EU) No 1380/2013; **[Am. 40]**

(db) 'SSBlim' means the spawning stock biomass reference point below which remedial management action is to be taken to ensure that the stock is rebuilt to a level where it is within safe biological limits; **[Am. 41]**

(dc) 'SSBpa' means the precautionary spawning stock biomass reference point below which management action is to be taken to ensure that the stock is rebuilt to a level where it is within safe biological limits; **[Am. 42]**

~~(e) 'MSY $B_{trigger}$' means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term.~~ **[Am. 43]**

(f) 'Fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.

Article 3

Objectives

1. The multiannual plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013~~, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY.~~ **[Am. 45]**

2. The multiannual plan shall provide an effective, simple and stable management framework for the exploitation of small pelagic stocks in the Adriatic Sea.

2a. The multiannual plan shall take into account the socio-economic aspects when it is developed or changed, in accordance with Article 2(5) of Regulation (EU) No 1380/2013. **[Am. 47]**

3. The multiannual plan shall contribute to the ~~elimination~~ ***reduction*** of discards by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to it and to which this Regulation applies. **[Am. 48]**

4. The multiannual plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem***, particularly threatened habitats and protected species including marine mammals, seabirds and reptiles,*** are minimised***, and where possible eliminated***. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC***, and with the targets and rules laid down in Directives 2009/147/EC and 92/43/EEC***. **[Am. 49]**

5. In particular, the multiannual plan shall aim to:

(a) ensure that the conditions described in descriptor 3 set out in Annex I to Directive 2008/56/EC are fulfilled; and

(b) contribute to the fulfilment of other relevant descriptors set out in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

5a. Measures under the plan shall be taken in accordance with the best available scientific advice. **[Am. 50]**

CHAPTER II

SOCIO-ECONOMIC TARGETS, SAFEGUARDS AND SPECIFIC MEASURES **[Am. 51]**

Article 4

Targets for ~~anchovy and sardine~~ ***small pelagics*** **[Am. 52]**

1. The target ~~fishing mortality~~ ***reference points for small pelagics*** shall be achieved as soon as possible and ~~on a progressive, incremental basis, by 2020 for the stocks concerned, and it~~ shall be maintained thereafter ~~within the ranges~~ ***above the values*** set out in Annex I and in line with the objectives laid down in Article 3(1). **[Am. 53]**

2. ~~Fishing opportunities~~***Management measures for small pelagics*** shall comply with the target ~~fishing mortality ranges~~ ***reference points*** set out in Annex I, column A to this Regulation. **[Am. 54]**

3. Notwithstanding paragraphs 1 and 2, ~~fishing opportunities may be fixed at~~ ***management measures may target*** levels corresponding to ~~lower levels of fishing mortality~~ ***higher values*** than those set out in Annex I, column A ***if:***

(a) on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;

(b) on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or

(c) one of the stocks of small pelagics is below the reference point set out in Annex I, column B. **[Am. 55]**

~~4. Notwithstanding paragraphs 2 and 3, fishing opportunities for a stock may be fixed in accordance with the fishing mortality ranges set out in Annex I, column B, provided that the stock concerned is above the minimum spawning biomass reference point set out in Annex II, column A:~~

~~(a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries,~~

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~~(b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics, or~~

~~(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20 %.~~ **[Am. 56]**

4a. When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council shall take them into account and may limit recreational fisheries when setting fishing opportunities in order to avoid exceeding the total target of fishing mortality. **[Am. 57]**

Article 4a

Socio-economic objectives

In order to take into account the socio-economic objectives set out in point (f) of Article 2(5) of Regulation (EU) No 1380/2013, when applying the technical and conservation measures provided for in this Regulation, Member States shall make extensive use of the relevant measures set out in Regulation (EU) No 508/2014. **[Am. 58]**

Article 5

Safeguards

1. The conservation reference points expressed as minimum and limit spawning stock biomass levels ~~to~~ ***shall*** be applied in order to safeguard the full reproductive capacity of the stocks concerned ~~are set out in Annex II~~. **[Am. 59]**

1a. Three years after the application of the management measures referred to in Article 6(1a), scientific research shall verify the effectiveness of the measures taken, particularly on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. **[Am. 60]**

2. When scientific advice indicates that the spawning stock biomass of either of the ~~stocks concerned~~ ***small pelagics*** is below the minimum spawning stock biomass reference point set out in Annex ~~II~~ ***I***, column ~~A~~ ***B***, all appropriate remedial measures shall be adopted to ~~ensure~~ ***contribute to*** the rapid return of the ~~stock concerned~~ ***small pelagics*** to levels above ~~those capable of producing MSY~~ ***the reference point set out in Annex I, column A***. In particular, by way of derogation from Article 4(2) and ~~4(4)~~ ***in line with Article 4(3)***, ~~fishing opportunities for the stocks concerned~~ ***management measures*** shall be ~~fixed at a level consistent with a fishing mortality that is reduced below the range set out in Annex I, column A to this Regulation,~~ ***adjusted*** taking into account the decrease in biomass of that stock. **[Am. 61]**

3. When scientific advice indicates that the spawning stock biomass of ~~either of the~~ ***both small pelagics*** stocks ~~concerned~~ is below the limit spawning stock biomass reference point (~~B_{lim}~~ ***SSBlim***) as set out in Annex ~~II~~ ***I***, column B, further remedial measures shall be taken to ~~ensure~~ ***contribute to*** the rapid return of the ~~stock concerned~~ ***two stocks*** to levels above ~~the level capable of producing MSY~~ ***the reference point set out in Annex I, column A***. In particular, those remedial measures may include, by way of derogation from Article 4***(2)***~~, paragraphs 2 and 4~~, suspending the targeted fishery for the stock concerned and ~~the~~ ***other*** adequate ~~reduction of fishing opportunities~~ ***management measures***. **[Am. 62]**

Article 6

Specific conservation measures

1. When scientific advice indicates that remedial action is required for the conservation of the small ~~pelagic stocks referred to in Article 1(2) of this Regulation, or, in the case of anchovy and sardine,~~ ***pelagics or*** when the spawning biomass of either of these stocks for a given year is below the conservation reference points set out in Annex ~~II~~ ***I***, column ~~A~~ ***B*** to this Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 ~~regarding:~~ .

~~(a) characteristics of the fishing gear, in particular mesh size, construction of the gear, size of the gear or use of selectivity devices to ensure or improve selectivity;~~

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~~(b) use of the fishing gear and depth of gear deployment, to ensure or improve selectivity;~~

~~(c) prohibition or limitation to fish in specific areas to protect spawning and juvenile fish or fish below the minimum conservation reference size or non-target fish species;~~

~~(d) prohibition or limitation on fishing or the use of certain types of fishing gear during specific time periods, to protect spawning fish or fish below the minimum conservation reference size or non-target fish species,~~

~~(e) minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms;~~

~~(f) other characteristics linked to selectivity.~~ **[Am. 63]**

1a. Notwithstanding paragraph 1, in order to achieve the targets set out in Article 4, the following measures shall apply for the years 2019–2022:

(a) in 2019 the catch limit for small pelagics shall be set at the level of catch in 2014; starting from 2020, catch limits for small pelagics shall be gradually reduced each year for the Member State concerned by 4 % in comparison to the previous year until 2022; however, the reduction shall not apply if in the preceding year the total catch for each Member State concerned is more than 2 % below the 2014 catch level;

(b) the fishing effort of fishing vessels targeting small pelagics shall not exceed 180 fishing days per year and 20 fishing days per month, with a maximum of 144 fishing days per year targeting sardine and a maximum of 144 fishing days per year targeting anchovy;

(c) spatio-temporal closures shall be implemented each year in order to protect nursery and spawning areas; such closures, for different types of fishing gears, shall cover the entire distribution of small pelagics in the Adriatic Sea, for periods of not less than 15 continuous days and up to 30 continuous days; those closures shall take place during the following periods:

(i) for sardine, from 1 October to 31 March, and

(ii) for anchovy, from 1 April to 30 September;

(d) additional closures for vessels of an overall length of over 12 metres, separately for each type of fishing gear, shall be implemented for not less than six months; such closures shall cover at least 30 % of the area which has been identified as a nursery area or an area important for the protection of early age classes of fish (in territorial and inner sea);

(e) the overall fleet capacity of trawlers and purse seiners actively fishing for small pelagic stocks shall not exceed the registered fleet capacity of the active fleet in 2014 in terms of gross tonnage (GT) and/or gross registered tonnage (GRT), engine power (kW) and number of vessels. **[Am. 70]**

1b. Notwithstanding paragraph 1a, in order to ensure stability and limit variations in management measures, the duration of the closures referred to in points (c) and (d) thereof shall not vary by more than 10 % between consecutive years. **[Am. 71]**

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Article 6a

Technical measures

1. For the purposes of this Regulation, the second subparagraph of Article 13(3) of and point 2 of Annex II to Regulation (EC) No 1967/2006 shall not apply.

2. For the purposes of this Regulation, the maximum length of surrounding nets (purse seines and seines without purse line) shall be restricted to 600 metres with a net drop of maximum 1/3 of length. **[Am. 72]**

CHAPTER III

PROVISIONS LINKED TO THE LANDING OBLIGATION

Article 7

Provisions linked to the landing obligation for small pelagic caught in the Adriatic Sea

The Commission is empowered to adopt delegated acts in accordance with Article ~~15 of this Regulation and Article~~ 18 of Regulation (EU) No 1380/2013 concerning: **[Am. 73]**

(a) exemptions from the application of the landing obligation for species for which ***best available*** scientific ~~evidence~~ ***advice*** demonstrates high survival rates, taking into account the characteristics of the gear, the fishing practices and the ecosystem, to facilitate the implementation of the landing obligation; **[Am. 74]**

(b) *de minimis* exemptions to enable the implementation of the landing obligation; such *de minimis* exemptions shall be provided for cases referred to Article 15(5)(c) of Regulation (EU) No 1380/2013 and in accordance with the conditions set out therein; and

(c) specific provisions on documentation of catches, in particular for the purpose of monitoring the implementation of the landing obligation.

~~(d) the fixing of minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms.~~ **[Am. 75]**

CHAPTER IV

REGIONALISATION

Article 8

Regional cooperation

1. Article 18(1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 6 and 7 of this Regulation.

2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter 12 months after each submission of the evaluation of the multiannual plan in accordance with Article 14 of this Regulation. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for either of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 June of the previous year.

3. The empowerments granted under Articles 6 and 7 of this Regulation shall be without prejudice to powers conferred to the Commission under other provisions of Union law, including under Regulation (EU) No 1380/2013.

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CHAPTER V

CONTROL AND ENFORCEMENT

Article 9

Relationship with Regulation (EC) No 1224/2009

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

Article 10

Prior notification

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification referred to in that Article shall be made at least ~~one and a half~~ ***half an*** hour before the estimated time of arrival at port. The competent authorities of the coastal Member States may, on a case-by-case basis, give permission for an earlier entry into port. **[Am. 76]**

2. The prior notification obligation shall apply to masters of Union fishing vessels retaining on board at least ~~one tonne~~ ***two tonnes*** of anchovy or ~~one tonne~~ ***two tonnes*** of sardine. ***Those quantities shall be calculated after deduction of the catches referred to in Article 15(11) of Regulation (EU) No 1380/2013.*** **[Am. 77]**

Article 11

Vessel monitoring system

1. For the purposes of this Regulation, the application of the provisions laid down in Article 9(2) of Regulation (EC) No 1224/2009 shall be extended to fishing vessels of eight metres length overall or more, engaged in targeted small pelagic fishery in the Adriatic.

2. The exemption laid down in Article 9(5) of Regulation (EC) No 1224/2009 shall not apply to vessels engaged in targeted small pelagic fisheries in the Adriatic in accordance with this Regulation, irrespective of their length.

Article 12

Electronic completion and transmission of fishing logbooks

1. For the purposes of this Regulation, the obligation to keep an electronic fishing logbook and to send it by electronic means at least once a day to the competent authority of the flag Member State laid down in Article 15(1) of Regulation (EC) No 1224/2009 shall be extended to masters of Union fishing vessels of eight metres length overall or more engaged in targeted fishing for anchovy or sardine.

2. The exemption laid down in Article 15(4) of Regulation (EC) No 1224/2009 shall not apply to masters of vessels engaged in targeted fishing for anchovy or sardine, irrespective of their length.

2a. By way of derogation from Article 15(2) of Regulation (EC) No 1224/2009, the masters of all Union vessels of an overall length of equal to or more than 12 metres shall send the information referred to in Article 14 of that Regulation before the start of landing operations. **[Am. 78]**

Article 13

Designated ports

The threshold applicable to the live weight of species from the respective stock subject to the multiannual plan, above which a fishing vessel is required to land its catches in a designated port or a place close to the shore as set out in Article 43 of Regulation (EC) No 1224/2009 shall be:

(a) 2 000 kg of anchovy;

(b) 2 000 kg of sardine.

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CHAPTER VI

REVIEW

Article 14

Evaluation of the multiannual plan

~~Five~~***Three*** years after the date of entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the multiannual plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. The Commission shall submit the results of this evaluation to the European Parliament and to the Council ***and shall, if appropriate, submit a proposal to amend this Regulation***. **[Am. 80]**

CHAPTER VII

PROCEDURAL PROVISIONS

Article 15

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in ~~this~~ Article ***18 of Regulation (EU) No 1380/2013***. **[Am. 81]**

2. The power to adopt delegated acts referred to in Articles 6 and 7 shall be conferred on the Commission for a period of five years from … [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 6 and 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-making.

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

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

Article 15a

Support from the EMFF

1. Temporary cessation measures adopted in order to achieve the objectives of the multiannual plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.

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2. By way of derogation from Article 33(2) of Regulation (EU) No 508/2014, until 31 December 2020 the maximum duration of support under that Regulation shall be of nine months, for fishing vessels subject to the spatial and temporal closures provided for in this Regulation.

3. In order to ensure the implementation of paragraph 2 of this Article, by way of derogation from Article 25(3) of Regulation (EU) No 508/2014, it shall be possible to increase the total financial contribution from the EMFF above the cap of 15 % set out in that Article.

4. Priority shall be given, in the implementation of actions provided for in Article 30 of Regulation (EU) No 508/2014, to fishermen affected by the implementation of the measures contained in this multiannual plan.

5. Until 31 December 2020, and by way of derogation from the deadline set out in Article 34(4) of Regulation (EU) No 508/2014, vessels which have ceased all fishing activities as a result of the measures to reduce the fishing effort referred to in this Regulation may be eligible for support for permanent cessation as referred to in Article 34 of Regulation (EU) No 508/2014. **[Am. 82]**

CHAPTER VIII

FINAL PROVISIONS

Article 16

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 and directly applicable in all Member States.

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

Tuesday 13 November 2018

ANNEX I

Target ***reference points***

(as referred to in ~~Article 4~~ ***Articles 4 and 5***) **[Am. 86]**

Stock	~~Target fishing mortality range consistent with achieving maximum sustainable yield (F_{MSY})~~ ***Target reference points for small pelagics***	
	Column A	Column B
Anchovy	~~0,23 – 0,30~~***SSBpa***	~~0,30 – 0,364~~***SSBlim***
Sardine	~~0,065 – 0,08~~	~~0,08 – 0,11~~***SSBlim***

[Am. 87]

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~~ANNEX II~~

~~Conservation reference points~~

~~(as referred to in Article 5)~~

~~Stock~~	~~Minimum spawning stock biomass reference point (in tonnes) (MSY $B_{trigger}$)~~	~~Limit biomass reference point (in tonnes) (B_{lim})~~
	~~Column A~~	~~Column B~~
~~Anchovy~~	~~139 000~~	~~69 500~~
~~Sardine~~	~~180 000~~	~~36 000~~

[Am. 84]

Wednesday 14 November 2018

P8_TA(2018)0450

State aid rules: new categories of State aid *

European Parliament legislative resolution of 14 November 2018 on the proposal for a Council regulation amending Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (COM(2018)0398 — C8-0316/2018 — 2018/0222(NLE))

(Consultation)

(2020/C 363/31)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2018)0398),

— having regard to Article 109 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0316/2018),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0315/2018),

1. Approves the Commission proposal;

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.

Wednesday 14 November 2018

P8_TA(2018)0452

Empowering competition authorities and ensuring the proper functioning of the internal market ***I

European Parliament legislative resolution of 14 November 2018 on the proposal for a directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (COM(2017)0142 — C8-0119/2017 — 2017/0063(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/32)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0142),

— having regard to Article 294(2) and Articles 103 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0119/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 June 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0057/2018),

1. Adopts its position at first reading hereinafter set out;

2. Takes note of the statement by the Commission annexed to this resolution;

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0063

Position of the European Parliament adopted at first reading on 14 November 2018 with a view to the adoption of Directive (EU) 2019/… of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/1.)

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ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration of the Commission

The Commission takes note of the text of Article 11 agreed by the European Parliament and the Council on interim measures.

Interim measures can be a key tool for competition authorities to ensure that competition is not harmed while an investigation is on-going.

With a view to enabling competition authorities to deal more effectively with developments in fast-moving markets, the Commission commits that it will undertake an analysis of whether there are means to simplify the adoption of interim measures within the European Competition Network within two years from the date of transposition of this Directive. The results of this will be presented to the European Parliament and the Council.

Wednesday 14 November 2018

P8_TA(2018)0453

European Electronic Communications Code ***I

European Parliament legislative resolution of 14 November 2018 on the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (EECC) (recast) (COM(2016)0590 — C8-0379/2016 — 2016/0288(COD))

(Ordinary legislative procedure — recast)

(2020/C 363/33)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0590),

— 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 (C8-0379/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Protocol (No 1) on the role of national parliaments in the European Union,

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 26 January 2017 ([1]),

— having regard to the opinion of the Committee of the Regions of 8 February 2017 ([2]),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ([3]),

— having regard to the letter of 17 October 2016 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 104(3) of its Rules of Procedure,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rules 104 and 59 of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Civil Liberties, Justice and Home Affairs (A8-0318/2017),

([1]) OJ C 125, 21.4.2017, p. 65.
([2]) OJ C 207, 30.6.2017, p. 87.
([3]) OJ C 77, 28.3.2002, p. 1.

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A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0288

Position of the European Parliament adopted at first reading on 14 November 2018 with a view to the adoption of Directive (EU) 2018/… of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2018/1972.)

Wednesday 14 November 2018

P8_TA(2018)0454

Body of European Regulators for Electronic Communications ***I

European Parliament legislative resolution of 14 November 2018 on the proposal for a regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (COM(2016)0591 — C8-0382/2016 — 2016/0286(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/34)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0591),

— 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 (C8-0382/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Protocol No 1 on the role of national Parliaments in the European Union,

— having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,

— 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 French 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 25 January 2017 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 2018 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 Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Civil Liberties, Justice and Home Affairs (A8-0305/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 125, 21.4.2017, p. 65.

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P8_TC1-COD(2016)0286

Position of the European Parliament adopted at first reading on 14 November 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1971.)

Wednesday 14 November 2018

P8_TA(2018)0455

CO_2 emission performance standards for new heavy duty vehicles ***I

Amendments adopted by the European Parliament on 14 November 2018 on the proposal for a regulation of the European Parliament and of the Council setting CO2 emission performance standards for new heavy-duty vehicles (COM(2018)0284 — C8-0197/2018 — 2018/0143(COD)) [1]

(Ordinary legislative procedure: first reading)

(2020/C 363/35)

Amendment 2

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) The deployment of zero-emission heavy-duty vehicles should contribute to the solution of major urban mobility problems. While being essential to reduce CO_2 emissions from road transport, the promotion of such vehicles by manufacturers is also crucial for the effective reduction of air pollutants and excessive noise levels in cities and urban areas.

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) Following the Low-Emission Mobility Strategy, the Commission adopted two mobility packages in May [19] and November 2017 [20]. These packages set out a positive agenda delivering on the Low-Emission Mobility Strategy and ensuring a smooth transition towards ***clean***, competitive and connected mobility for all.	(2) Following the Low-Emission Mobility Strategy, the Commission adopted two mobility packages in May [19] and November 2017 [20]. These packages set out a positive agenda delivering on the Low-Emission Mobility Strategy and ensuring a smooth transition towards ***zero-emission***, competitive and connected mobility for all.
[19] Europe on the Move: An agenda for a socially fair transition towards clean, competitive and connected mobility for all, COM(2017) 283 final	[19] Europe on the Move: An agenda for a socially fair transition towards clean, competitive and connected mobility for all, COM(2017)0283 final
[20] Delivering on low-emission mobility A European Union that protects the planet, empowers its consumers and defends its industry and workers, ***COM(2017) 675*** final	[20] Delivering on low-emission mobility A European Union that protects the planet, empowers its consumers and defends its industry and workers, ***COM(2017)0675*** final

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0354/2018).

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Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission	*Amendment*
(3) This Regulation is part of the third 'Europe on the Move' Package, which delivers on the new industrial policy strategy of September 2017 ([21]), and is designed to complete the process of enabling the Union to reap the full benefits of the modernisation and decarbonisation of mobility. The aim of the Package is to make European mobility safer and more accessible, European industry more competitive, European jobs more secure, and the ***mobility system*** to be ***cleaner and better adapted to the imperative of tackling climate change***. ***This will require*** the full commitment of the Union, Member States and stakeholders***, not least in strengthening efforts to reduce CO_2 emissions and air pollution***.	(3) This Regulation is part of the third 'Europe on the Move' Package, which delivers on the new industrial policy strategy of September 2017 ([21]), and is designed to complete the process of enabling the Union to reap the full benefits of the modernisation and decarbonisation of mobility. The aim of the Package is to make European mobility safer and more accessible, European industry more competitive, European jobs more secure, and the ***sector*** to be ***firmly on the path towards zero emission by mid-century and fully in line with the Paris Agreement***. ***In order to find a good balance between strengthening efforts to reduce CO_2 emissions and air pollution, boosting innovation in the Union's automotive industry and enhancing the Union's competitiveness,*** the full commitment of the Union, Member States and stakeholders ***is required***.
([21]) Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy, COM(2017)0479	([21]) Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy, COM(2017)0479

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) This Regulation provides, together with the CO_2 emission standards for passenger cars and light commercial vehicles ([22]), a clear pathway for CO_2 emissions reductions from the road transport sector and contributes to the binding target of at least a ***40 %*** domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990, ***as was endorsed in the Conclusions of the European Council of 23-24 October 2014, and approved as the Union Intended Nationally Determined Contribution under*** the Paris Agreement ***at the Environment Council meeting on 6 March 2015***.	(4) This Regulation provides, together with ***Regulation (EU) …/…*** ([22]) ***of the European Parliament and of the Council***, a clear pathway for CO_2 emissions reductions from the road transport sector and contributes to the binding target of at least a ***55 %*** domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990, ***required to be in line with*** the Paris Agreement.
([22]) Regulation (EU) No …/… of the European Parliament and of the Council setting emission performance standards for new passenger cars and for light commercial vehicles as part of the Union's integrated approach to reduce CO2 emission from light duty vehicles and amending Regulation (EC) No 715/2007, (OJ L, …,…, p.).	([22]) Regulation (EU) No …/… of the European Parliament and of the Council setting emission performance standards for new passenger cars and for light commercial vehicles as part of the Union's integrated approach to reduce CO2 emission from light duty vehicles and amending Regulation (EC) No 715/2007, (OJ L, …,…, p.).

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Amendment 6

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) CO_2 emissions reduction targets for the Union-wide fleets of new heavy-duty vehicles should therefore be set for 2025 and for 2030, taking into account the vehicle fleet renewal time and the need for the road transport sector to contribute to the Union climate and energy targets for 2030 and beyond. Such a stepwise approach also provides a clear and early signal for the industry not to delay the market introduction of energy efficient technologies and zero- and low-emission vehicles

Amendment 7

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) The European Council Conclusions of October 2014 endorsed a greenhouse gas emissions reduction of 30 % by 2030 compared to 2005 for the sectors that are not part of the Union's emissions trading system. Road transport ***provides a major contribution to the*** emissions ***of those sectors and*** its emissions remain significantly above 1990 levels. If road transport emissions would increase further, it will off-set reductions made by other sectors to combat climate change.	(5) The European Council Conclusions of October 2014 endorsed a greenhouse gas emissions reduction of 30 % by 2030 compared to 2005 for the sectors that are not part of the Union's emissions trading system. Road transport ***was responsible for 25 % of the Union's greenhouse gas*** emissions ***in 2016, and*** its emissions ***increased for the third year in a row and*** remain significantly above 1990 levels. If road transport emissions would increase further, it will off-set reductions made by other sectors to combat climate change.

Amendment 8

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) In view of the estimated increase to around 9 % as to the proportion of emissions from heavy-duty vehicles and the fact that there are currently no requirements for reducing CO_2 emissions from heavy-duty vehicles, specific measures for this category of vehicles are needed.

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Amendment 9

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(9) In order to fully realise the energy efficiency potential and ensure that the road transport sector as a whole contributes to the greenhouse gas emission reductions agreed, it is appropriate to complement the already existing CO_2 emission standards for new passenger cars and light commercial vehicles by setting CO_2 emission performance standards for new heavy-duty vehicles. These standards will be a driver for innovation in fuel-efficient technologies, contributing to the strengthening of the technological leadership of the Union's manufacturers and suppliers.	(9) In order to fully realise the energy efficiency potential and ensure that the road transport sector as a whole contributes to the greenhouse gas emission reductions agreed, it is appropriate to complement the already existing CO_2 emission standards for new passenger cars and light commercial vehicles by setting CO_2 emission performance standards for new heavy-duty vehicles. These standards will be a driver for innovation in fuel-efficient technologies, contributing to the strengthening of the technological leadership of the Union's manufacturers and suppliers ***and securing high-skilled jobs in the long term***.

Amendment 10

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) Taking into account that climate change is a trans-boundary problem and the need to safeguard a well-functioning single market both for road transport services as well as for heavy-duty vehicles, it is appropriate to set CO_2 emission standards for heavy-duty vehicles at Union-level. Those standards should be designed so as to be without prejudice to competition law.	(10) Taking into account that climate change is a trans-boundary problem and the need to safeguard a well-functioning single market both for road transport services as well as for heavy-duty vehicles ***and avoid any market fragmentation***, it is appropriate to set CO_2 emission standards for heavy-duty vehicles at Union-level. Those standards should be designed so as to be without prejudice to competition law.

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Amendment 12

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) A socially acceptable and just transition towards zero-emission mobility by mid-century requires changes in the whole automotive value chain, taking into consideration citizens and regions in all Member States that could be adversely impacted. It is important to consider the social impact of the transition and to be proactive in addressing the implications on jobs. It is of paramount importance, therefore, that current measures are also accompanied by targeted programmes at Union, national and regional levels for re-skilling, up-skilling and redeployment of workers, as well as education and job-seeking initiatives in adversely impacted communities and regions conducted in close dialogue with the social partners and competent authorities

Amendment 13

Proposal for a regulation

Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) Recharging and refuelling infrastructure needs to be put in place quickly in order to ensure consumer confidence in zero- and low-emission vehicles, while the various support instruments at both Union and Member State level need to effectively work together to mobilise significant public and private investment.

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Amendment 14

Proposal for a regulation

Recital 12 c (new)

Text proposed by the Commission	*Amendment*
	(12c) The low-emission mobility strategy stressed the importance of ensuring that electric vehicles are powered by electricity from sustainable energy sources and that a long-term next-generation batteries initiative is launched at Union level as soon as possible. In order to meet those objectives, it will be necessary to step up funding for technological research into the production, management and disposal of electric motor batteries, making them increasingly environmentally sustainable;

Amendment 15

Proposal for a regulation

Recital 12 d (new)

Text proposed by the Commission	*Amendment*
	(12d) Most Union transport freight operators are small and medium-sized enterprises with limited access to finance. Therefore, future solutions have to be cost effective and balanced. It is essential that there is a strong incentive structure to support uptake of more fuel-efficient vehicles, as well as the provision of Union funding mechanisms.

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Amendment 16

Proposal for a regulation

Recital 13

Text proposed by the Commission	*Amendment*
(13) In the light of innovation and to take account of the implementation of new technologies improving the fuel efficiency of heavy-duty vehicles, the VECTO simulation tool as well as Regulation (EU) 2017/2400 will be continuously and timely updated.	(13) In the light of innovation and to take account of the implementation of new technologies improving the fuel efficiency of heavy-duty vehicles, ***as well as the evolution of the real-world representativeness of the CO_2 emissions values determined under Regulation (EU) 2017/2400,*** the VECTO simulation tool as well as Regulation (EU) 2017/2400 will be continuously and ***in a*** timely ***manner*** updated***, and sufficient budget is to be allocated accordingly. Taking into account the role that those new technologies can have on the CO_2 emission reduction potential of the transport sector, the 2022 review should take fully into account the evolution of the VECTO simulation tool.***

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) The CO_2 emissions data determined pursuant to Regulation (EU) 2017/2400 are to be monitored under Regulation (EU) ***No …/2018*** of the European Parliament and of the Council ([25]). Those data should form the basis for determining the reduction targets to be achieved by the four groups of the most emitting heavy-duty vehicles in the Union, as well as for determining a manufacturer's average specific emissions in a given calendar year.	(14) The CO_2 emissions data determined pursuant to Regulation (EU) 2017/2400 are to be monitored under Regulation (EU) ***2018/956*** ([25]) of the European Parliament and of the Council. Those data should form the basis for determining the reduction targets to be achieved by the four groups of the most emitting heavy-duty vehicles in the Union, as well as for determining a manufacturer's average specific emissions in a given calendar year. *(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

([25]) Regulation (EU) ***No …/2018*** of the European Parliament and of the Council on the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles, ***OJ L..,…, …***

([25]) Regulation (EU) ***2018/956*** of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles ***(OJ L 173, 9.7.2018, p. 1).***

Wednesday 14 November 2018

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) A reduction target should be set for 2025 as a relative reduction based on the average CO2 emissions of those heavy-duty vehicles in 2019, reflecting the deployment of readily available cost-effective technologies for conventional vehicles. ***The 2030*** target should ***be considered aspirational and the final target should be determined*** pursuant to a review to be carried out in 2022 ***as*** there are more uncertainties on the uptake of more advanced technologies which are not yet readily available.	(15) A reduction target should be set for 2025 as a relative reduction based on the average CO_2 emissions of those heavy-duty vehicles in 2019, reflecting the deployment of readily available cost-effective technologies for conventional vehicles. ***A reduction*** target should ***also be set for*** 2030, pursuant to a review to be carried out in 2022 ***that should not lower the ambition of this Regulation, while taking into account that*** there are more uncertainties on the uptake of more advanced technologies which are not yet readily available.

Amendment 19

Proposal for a regulation

Recital 16

Text proposed by the Commission	*Amendment*
(16) ***Liquefied natural gas (LNG) is an available alternative fuel to diesel for heavy duty vehicles. The deployment of current and upcoming more innovative LNG-based technologies will contribute to meeting the CO_2 emission targets in the short and medium term as the use of LNG technologies leads to lower CO2 emissions as compared to diesel vehicles. The CO_2 emission reduction potential of LNG vehicles is already fully reflected in VECTO. In addition, current LNG technologies ensure a low level of air pollutant emissions such as NOx and particulate matters. A*** sufficient ***minimum*** refuelling infrastructure ***is also in place and being*** further deployed as part of national policy frameworks for alternative fuel infrastructure.	(16) ***Efficient, technology neutral and*** sufficient refuelling ***and recharging*** infrastructure ***should, in line with the ambitions of this Regulation, be*** further deployed as part of national policy frameworks for alternative fuel infrastructure.

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Amendment 20

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) ***Regarding vocational vehicles and vehicles in the M2 and M3 categories, the Commission should specify as soon as possible the technical criteria for the definition of the vocational purpose of a vehicle and for the definition of buses covered by this Regulation.***

Amendment 21

Proposal for a regulation

Recital 17 b (new)

Text proposed by the Commission	*Amendment*
	(17b) ***A validation mechanism for the 2019 baseline should be developed in order to guarantee the accuracy and benefits of this Regulation.***

Amendment 22

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) ***In order to bring flexibility in the incentive mechanism for the development of zero-emission heavy-duty vehicles, connected manufacturers should be able to form a pool on an open, transparent and non-discriminatory basis. An agreement to form a pool should not exceed five years but should be able to be renewed. The Commission should have the powers to establish detailed rules and conditions for connected manufacturers to form a pool on an open, transparent and non-discriminatory basis, in accordance with Union competition law.***

Wednesday 14 November 2018

Amendment 23

Proposal for a regulation

Recital 21

Text proposed by the Commission	*Amendment*
(21) ***Contrary to cars and vans, zero- and low-emission heavy-duty vehicles are not yet available on the market, except for buses. A dedicated mechanism, in the form of super credits, should therefore be introduced to facilitate a*** smooth transition towards zero-emission mobility***. This will*** provide incentives for the development and deployment on the Union market of zero- and low-emission heavy-duty vehicles that would complement demand-side instruments, such as the Clean Vehicle Directive 2009/33/EC of the European Parliament and of the Council ([26]).	(21) ***In order to ensure the*** smooth transition towards zero-emission mobility ***and to*** provide incentives for the development and deployment on the Union market of zero- and low-emission heavy-duty vehicles that would complement demand-side instruments, such as the Clean Vehicle Directive 2009/33/EC ([26]) of the European Parliament and of the Council***, a benchmark for the share of zero- and low-emission heavy-duty vehicles in a manufacturer's fleet should be set for 2025 and 2030***.
([26]) Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles as amended by Directive …/…/EU [COM(2017)0653] (OJ L 120, 15.5.2009, p. 5)	([26]) Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles as amended by Directive …/…/EU [COM(2017)0653] (OJ L 120, 15.5.2009, p. 5).

Amendment 24

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission	*Amendment*
	(21a) The minimum share of zero- and low-emission vehicles should be designed so as to ensure investment certainty for charging infrastructure providers and manufacturers in order to promote the rapid deployment on the Union market of zero- and low-emission vehicles, while allowing certain flexibility for the manufacturers to decide on their investment timeline. A mechanism should be introduced to incentivise manufacturers to put zero- and low-emission vehicles as soon as possible on the Union market.

Wednesday 14 November 2018

Amendment 25

Proposal for a regulation

Recital 22

Text proposed by the Commission	*Amendment*
(22) For the purpose of calculating the ***average*** specific emissions of a manufacturer***, all zero- and low-emission heavy-duty vehicles should therefore be counted multiple times. The level of incentives should vary according to the actual CO_2 emissions of the vehicle.*** In order to ***avoid*** a weakening of the environmental objectives, the resulting ***savings*** should be subject to a cap.	(22) For the purpose of calculating the specific ***CO_2*** emissions ***target*** of a manufacturer, ***its performance against the 2025 and 2030 benchmark of zero- and low-emission vehicles should be taken into account***. In order to ***incentivise the development and deployment of such vehicles while avoiding*** a weakening of the environmental objectives ***and of the efficiency of conventional internal combustion engines***, the resulting ***adjustments*** should be subject to a cap.

Amendment 26

Proposal for a regulation

Recital 24

Text proposed by the Commission	*Amendment*
(24) In designing the incentive mechanism for the deployment of zero-emission heavy-duty vehicles, also smaller lorries***, buses and coaches*** that are not subject to the CO_2 emission targets under this Regulation should be included. These vehicles also have significant benefits in terms of helping to address air pollution problems in cities. ***However, it should be noted that zero-emission buses are already on the market and are incentivised through demand-side measures such as public procurement. In order to ensure that the incentives are well balanced between the different types of vehicles, the savings resulting from the zero-emission smaller lorries, buses and coaches should therefore also be subject to a cap***	(24) In designing the incentive mechanism for the deployment of zero-emission heavy-duty vehicles, also smaller lorries, ***and other categories of heavy-duty vehicles*** that are not ***yet*** subject to the CO_2 emission targets under this Regulation should be included. These vehicles also have significant benefits in terms of helping to address air pollution problems in cities.

Wednesday 14 November 2018

Amendment 28

Proposal for a regulation

Recital 29

Text proposed by the Commission	*Amendment*
(29) The Commission should impose a financial penalty, in the form of an excess emissions premium, where a manufacturer is found to have excess emissions, taking into account the emission credits and debts. In order to provide manufacturers with a sufficient incentive to take measures to reduce the specific CO_2 emissions from heavy-duty vehicles, the premium ***should exceed*** the average marginal costs of the technologies needed to meet the targets. The premium should be considered as revenue for the general budget of the Union. The methodology for collecting the premiums should be determined by means of an implementing act, taking into account the methodology adopted pursuant to Regulation (EC) No 443/2009.	(29) The Commission should impose a financial penalty, in the form of an excess emissions premium, where a manufacturer is found to have excess emissions, taking into account the emission credits and debts. In order to provide manufacturers with a sufficient incentive to take measures to reduce the specific CO_2 emissions from heavy-duty vehicles, ***it is important that*** the premium ***always exceeds*** the average marginal costs of the technologies needed to meet the targets. The ***amounts from the excess emissions*** premium should be considered as revenue for the general budget of the Union. ***Those amounts should be used to support, in close collaboration with social partners and competent authorities, the just transition of the automotive sector towards zero-emission mobility as well as innovative solutions that incentivise the rapid deployment of zero- and low-emission heavy-duty vehicles***. The methodology for collecting the premiums should be determined by means of an implementing act, taking into account the methodology adopted pursuant to Regulation (EC) No 443/2009 ([1a]) ***of the European Parliament and of the Council***.

([1a]) ***Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO_2 emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1)***.

Amendment 29

Proposal for a regulation

Recital 30

Text proposed by the Commission	*Amendment*
(30) A robust compliance mechanism is necessary in order to ensure that the targets under this Regulation are met. The obligations placed on manufacturers to deliver accurate data pursuant to Regulation (EU) No ***…/2018 [Monitoring & Reporting HDV]*** and the administrative fines that may be imposed in the case of non-compliance with that obligation, contributes to ensuring the robustness of the data used for target compliance purposes under this Regulation.	(30) A robust compliance mechanism is necessary in order to ensure that the targets under this Regulation are met. The obligations placed on manufacturers to deliver accurate data pursuant to Regulation (EU) No ***2018/956*** and the administrative fines that may be imposed in the case of non-compliance with that obligation, contributes to ensuring the robustness of the data used for target compliance purposes under this Regulation. ***It is in the interest of consumers and the general public to know which manufacturers are and which are not complying with the new emission standards.***

Wednesday 14 November 2018

Amendment 30

Proposal for a regulation

Recital 31

Text proposed by the Commission	*Amendment*
(31) It is essential for achieving the CO_2 reductions pursuant to this Regulation that the CO_2 emissions of heavy-duty vehicles in use are in conformity with the values determined pursuant to Regulation (EC) No 595/2009 and its implementing measures. It should therefore be possible for the Commission to take into account, in the calculation of the average specific emissions of a manufacturer, any systematic non-conformity found by type approval authorities with regard to the CO_2 emissions of heavy-duty vehicles in use.	(31) It is essential for achieving the CO_2 reductions pursuant to this Regulation that the CO_2 emissions of heavy-duty vehicles in use ***and on road*** are in conformity with the values determined pursuant to Regulation (EC) No 595/2009 and its implementing measures. It should therefore be possible for the Commission to take into account, in the calculation of the average specific emissions of a manufacturer, any systematic non-conformity found by type approval authorities with regard to the CO_2 emissions of heavy-duty vehicles in use ***and on the road. Third party independent testing of vehicles in use and on the road should also be introduced***.

Amendment 31

Proposal for a regulation

Recital 33

Text proposed by the Commission	*Amendment*
(33) The effectiveness of the targets set out in this Regulation in reducing CO_2 emissions is strongly dependent on the representativeness of the methodology used for determining the CO_2 emissions. In line with the Opinion of the Scientific Advice Mechanism (SAM) ([27]) as regards light duty vehicles, it is appropriate also in the case of heavy-duty vehicles to put in place a mechanism to assess the real-world representativeness of the CO_2 emissions and energy consumption values determined pursuant to Regulation (EU) 2017/2400. The Commission should have the powers to ensure the public availability of such data and, where necessary, develop the procedures needed for identifying and collecting the data required for such assessments.	(33) The effectiveness of the targets set out in this Regulation in reducing CO_2 emissions is strongly dependent on the representativeness of the methodology used for determining the CO_2 emissions. In line with the Opinion of the Scientific Advice Mechanism (SAM) ([27]) as regards light duty vehicles, it is appropriate also in the case of heavy-duty vehicles to put in place a mechanism to assess the real-world representativeness of the CO_2 emissions and energy consumption values determined pursuant to Regulation (EU) 2017/2400. The Commission should have the powers to ensure the public availability of such data and, where necessary, develop the procedures needed for identifying and collecting the data required for such assessments. ***Where a significant gap is identified between real-world emissions values and those determined pursuant to Regulation (EU) 2017/2400, the Commission should have the power to adapt accordingly the average specific CO_2 emissions of a manufacturer and, where appropriate, the 2019 reference CO_2 emissions used for the purpose of compliance with this Regulation.***

([27]) High Level Group of Scientific Advisors, Scientific Opinion 1/2016 'Closing the gap between light-duty vehicle real-world CO2 emissions and laboratory testing'

([27]) High Level Group of Scientific Advisors, Scientific Opinion 1/2016 'Closing the gap between light-duty vehicle real-world CO2 emissions and laboratory testing'

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Amendment 32

Proposal for a regulation

Recital 34 a (new)

Text proposed by the Commission	*Amendment*
	(34a) In its 2022 report, the Commission should also evaluate the possibility of developing a methodology for the assessment of the full life-cycle CO_2 emissions of heavy-duty vehicles. On the basis of that evaluation, the Commission should propose, if appropriate, to establish reporting obligations on manufacturers and specify the necessary rules and procedures for that reporting.

Amendment 33

Proposal for a regulation

Recital 36

Text proposed by the Commission	*Amendment*
(36) ***The*** implementing powers ***relating to Articles 8(3), 9(3), 11(3) and 12(2),*** should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([28]).	(36) ***In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of determining the means for collecting excess emission premiums, adopting detailed rules on the procedures for reporting deviations found in the CO2 emissions of heavy-duty vehicles that are in service, publishing data, adopting detailed rules on the procedures for reporting data from fuel consumption meters as well as establishing a methodology for defining one or more representative vehicles of a vehicle sub-group. Those*** implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 ([28]) of the European Parliament and of the Council .
([28]) 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 (OJ L 55, 28.2.2011, p. 13).	([28]) 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 (OJ L 55, 28.2.2011, p. 13).

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Amendment 34

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) In order to amend ***or*** supplement non-essential elements of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be delegated to the Commission in respect of adjusting the reference CO_2 emissions ***pursuant to Article 12(2)*** and in respect of amending Annexes I and II as regards certain technical parameters, including the weightings of the mission profiles, the payloads, and the annual mileages as well as the payload adjustment factors. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement ***of 13 April 2016*** on Better Law-Making ([29]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council ***should*** receive all documents at the same time as Member States' experts, and their experts ***should*** systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

([29]) OJ L 123, 12.5.2016, p. 1.

Amendment

(37) In order to amend ***and*** supplement non-essential elements of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be delegated to the Commission in respect of ***specifying the technical criteria for defining the vocational purpose of a vehicle and for the definition of urban buses, establishing detailed rules and conditions which allow connected manufacturers to form a pool, establishing an annual testing scheme for a representative sample of components, units and systems,*** adjusting the reference CO_2 emissions***, introducing an on-road in-service conformity test*** and in respect of amending Annexes I and II as regards certain technical parameters, including the weightings of the mission profiles, the payloads, and the annual mileages as well as the payload adjustment factors. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([29]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

([29]) OJ L 123, 12.5.2016, p. 1.

Amendment 35

Proposal for a regulation

Article 1 — paragraph 1 — introductory part

Text proposed by the Commission

In order to contribute to fulfilling the Union's target of reducing its greenhouse gas emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of Regulation (EU) ***No*** 2018/***…[Effort Sharing Regulation]***, and to achieving the objectives of the Paris Agreement and to ensure the proper functioning of the internal market, this Regulation sets CO_2 emission performance ***standards*** for new heavy-duty vehicles whereby the specific CO_2 emissions of the Union's fleet of new heavy-duty vehicles shall be reduced compared to the reference CO_2 emissions as follows:

Amendment

In order to contribute to fulfilling the Union's target of reducing its greenhouse gas emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of Regulation (EU) ***2018/842***, and to achieving the objectives of the Paris Agreement and to ensure the proper functioning of the internal market, this Regulation sets CO_2 emission performance ***requirements*** for new heavy-duty vehicles whereby the specific CO_2 emissions of the Union's fleet of new heavy-duty vehicles shall be reduced compared to the reference CO_2 emissions as follows:

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Amendment 36

Proposal for a regulation

Article 1 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) From 1 January 2025 to 31 December 2029 by ***15 %***;	(a) From 1 January 2025 to 31 December 2029 by ***20 %***;

Amendment 37

Proposal for a regulation

Article 1 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) From 1 January 2030 onwards by at least ***30 %*** subject to the review pursuant to Article 13.	(b) From 1 January 2030 onwards by at least ***35 %*** subject to the review pursuant to Article 13.

Amendment 38

Proposal for a regulation

Article 1 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	In order to ensure the smooth transition towards zero-emission mobility, and to provide incentives for the development and deployment of the Union market and infrastructure for zero- and low-emission heavy duty vehicles, this Regulation sets a benchmark for the share of zero- and low-emission heavy-duty vehicles in all manufacturers' fleet for 2025 and 2030, pursuant to Article 5.
	Specific CO_2 emissions shall be adjusted based on the performance against the benchmark, in accordance with point 4 of Annex I.

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Amendment 40

Proposal for a regulation

Article 2 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission	*Amendment*
This Regulation shall apply to new vehicles of the categories N2 and N3 that meet the following characteristics:	This Regulation shall apply ***as a first step*** to new vehicles of the categories N2 and N3 that meet the following characteristics:

Amendment 41

Proposal for a regulation

Article 2 — paragraph 1 — subparagraph 2

Text proposed by the Commission	*Amendment*
It shall also apply, for the purposes of Article 5 and point ***2.3*** of Annex I***, to vehicles of the categories M2 and M3, and*** to vehicles of the category N that do not fall within the scope of Regulation (EU) No 510/2011 and do not meet the characteristics set out in points (a) to (d).	It shall also apply, for the purposes of ***Article 1(2a),*** Article 5 and point 4 of Annex I, to vehicles of the category N that do not fall within the scope of Regulation (EU) No 510/2011 ([1a]) ***of the European Parliament and of the Council*** and do not meet the characteristics set out in points (a) to (d). ***Furthermore, it shall apply, for the purpose of Article 1(2b) to vehicles of categories M2 and M3 that meet the technical criteria referred to in paragraph 2a of this Article.***

([1a]) ***Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO_2 emissions from light-duty vehicles (OJ L 145, 31.5.2011, p. 1).***

Amendment 42

Proposal for a regulation

Article 2 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Commission shall adopt, no later than 1 July 2019, delegated acts in accordance with Article 15 in order to supplement this Regulation by specifying the technical criteria for the definition of the vocational purpose of a vehicle and for the definition of urban buses covered by the Regulation.

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Amendment 43

Proposal for a regulation

Article 3 — paragraph 1 — point h

Text proposed by the Commission	*Amendment*
(h) 'vocational vehicle' means a heavy- duty vehicle not intended for the delivery of goods and for which the CO_2 emissions and fuel consumption have been determined, in accordance with Regulation (EC) No 595/2009 and its implementing measures, only for other mission profiles than those defined in point 2.1 of Annex I to this Regulation;	(h) 'vocational vehicle' means a heavy- duty vehicle not intended for the delivery of goods***, whose vocational purpose has been defined based on the technical criteria specified in accordance with Article 2(2a),*** and for which the CO_2 emissions and fuel consumption have been determined, in accordance with Regulation (EC) No 595/2009 and its implementing measures, only for other mission profiles than those defined in point 2.1 of Annex I to this Regulation;

Amendment 44

Proposal for a regulation

Article 3 — paragraph 1 — point k

Text proposed by the Commission	*Amendment*
(k) 'low-emission heavy-duty vehicle' means a heavy-duty vehicle, which is not a zero emission heavy-duty vehicle, with specific CO_2 emissions ***of less than 350 g CO_2/km*** as determined pursuant to point 2.1 of Annex I;	(k) 'low-emission heavy-duty vehicle' means a heavy-duty vehicle, which is not a zero emission heavy-duty vehicle, with specific CO_2 emissions, as determined pursuant to point 2.1 of Annex I, ***below 50 % of the reference CO_2 emissions for each sub-group as determined pursuant to point 3 of Annex I;***

Amendment 46

Proposal for a regulation

Article 4 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) the zero- and low-emission factor determined in accordance with Article 5.	***deleted***

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Amendment 47

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 1

Text proposed by the Commission	*Amendment*
Starting from 2020 and for each subsequent calendar year, the Commission shall, by means of implementing acts referred to in Article 10(1), determine for each manufacturer the zero- and low-emission ***factor referred to in Article 4(b) for the preceding calendar year.***	***Starting from 1 January 2025, the specific share of*** zero- and low-emission ***heavy-duty vehicles in the manufacturer's fleet in a calendar year shall be benchmarked against the following values:***
	As of 2025: at least 5 %;
	As of 2030: 20 %, subject to the review pursuant to Article 13.

Amendment 48

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 2

Text proposed by the Commission	*Amendment*
The zero- and low-emission factor shall take into account the number and the CO_2 emissions of zero- and low-emission heavy-duty vehicles in the manufacturer's fleet in a calendar year, including zero- emission vehicles of the categories referred to in the second sub-paragraph of Article 2(1), as well as zero- and low-emission vocational vehicles.	***deleted***

Amendment 49

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 3

Text proposed by the Commission	*Amendment*
The zero- and low-emission factor shall be calculated in accordance with point 2.3 of Annex I.	***deleted***

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Amendment 50

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
For the purpose of paragraph 1***, the zero- and low-emission heavy-duty vehicles shall be counted as follows:***	For the purpose of ***meeting the targets referred to*** in paragraph 1, ***this Regulation shall also apply to vehicles of category N that do not fall within the scope of Regulation (EU) No 510/2011 and do not meet the characteristics set out in points (a) to (d) of Article 2(1) of this Regulation.***
(a) a zero-emission heavy-duty vehicle shall be counted as 2 vehicles;	
(b) a low-emission heavy-duty vehicle shall be counted as up to 2 vehicles according to a function of its specific CO_2 emissions and the threshold emission level of 350 g CO_2/km.	

Amendment 51

Proposal for a regulation

Article 5 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The zero- and low-emission factor shall reduce the average specific emissions of a manufacturer by a maximum of 3 %. The contribution of zero-emission heavy-duty vehicles of the categories referred to in the second sub-paragraph of Article 2(1) to that factor shall reduce the average specific emissions of a manufacturer by a maximum of 1,5 %.	***deleted***

Amendment 52

Proposal for a regulation

Article 7 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The CO_2 reduction trajectory referred to in paragraph 1***(a)*** shall be set for each manufacturer in accordance with point 5.1 of Annex I, based on a linear trajectory between the reference CO_2 emissions referred to in the second sub-paragraph of Article ***1*** and the 2025 target specified in point (a) of that Article, and between the 2025 target and the 2030 target specified in point (b) of that Article.	2. The CO_2 reduction trajectory referred to in ***point (a) of*** paragraph 1 shall be set for each manufacturer in accordance with point 5.1 of Annex I, based on a linear trajectory between the reference CO_2 emissions referred to in the second sub-paragraph of Article ***1(1)*** and the 2025 target specified in point (a)of that Article, and between the 2025 target and the 2030 target specified in point (b) of that Article.

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Amendment 53

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission	*Amendment*
	Article 7 a
	Pooling
	1. Connected manufacturers may form a pool for the purposes of meeting their obligations under Article 5.
	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 15 to supplement this Regulation in order to establish detailed rules and conditions which allow connected manufacturers to form a pool on an open, transparent and non-discriminatory basis.

Amendments 74 and 75

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Where a manufacturer is found to have excess emissions pursuant to paragraph 2 in a given calendar year from 2025 onwards, the Commission shall impose an excess emission premium calculated in accordance with the following formula:	1. Where a manufacturer is found to have excess emissions pursuant to paragraph 2 in a given calendar year from 2025 onwards, the Commission shall impose ***on the manufacturer or the pool manager, as the case may be,*** an excess emission premium calculated in accordance with the following formula:
	From the period 2025 to 2029,
(Excess emission premium) = (Excess emissions x ***6 800*** €/gCO2/tkm)	(Excess emission premium) = (Excess emissions x ***5 000*** €/gCO2/tkm)
	From 2030 onwards,
	(Excess emission premium) = (Excess emissions x 6 800 €/gCO2/tkm)
	The Commission shall ensure that the level of the excess emission premium always exceeds the average marginal costs of the technologies needed to meet the targets referred to in Article 1(1).

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Amendment 55

Proposal for a regulation

Article 8 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The amounts of the excess emissions premium shall be considered as revenue for the general budget of the Union.	4. The amounts of the excess emissions premium shall be considered as revenue for the general budget of the Union. ***Those amounts shall be used to complement Union or national measures which, in close cooperation with the social partners and competent authorities, promote the development of skills or the reallocation of workers in the automotive sector in all affected Member States, in particular in the regions and the communities most affected by the transition, in order to contribute to a just transition towards zero- and low-emission mobility.***

Amendment 56

Proposal for a regulation

Article 9 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission shall take those deviations into account for the purpose of calculating the average specific emissions of a manufacturer.	2. The Commission shall take those deviations into account for the purpose of calculating the average specific emissions of a manufacturer***, and adapting, where appropriate, the 2019 reference CO_2 emissions calculated in accordance with Point 3 of Annex I.***

Amendment 57

Proposal for a regulation

Article 9 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. To ensure the accuracy of the data reported by manufacturers pursuant to Regulation (EU) 2018/956 and of Regulation (EU) 2017/2400, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 to supplement this Regulation in order to establish, as from 2019, an annual testing scheme, for a representative sample from each manufacturer of the components, separate technical units and systems specified in Article 12(1) of Regulation (EU) 2017/2400 of the vehicles falling within the scope of this Regulation. The results of those tests shall be compared with the data inserted by the manufacturers pursuant to Regulation (EU) 2017/2400 and, when systematic irregularities are found, their average specific emissions calculated in accordance with point 2.7 of Annex I and, where appropriate, the 2019 reference CO_2 emissions calculated in accordance with Point 3 of Annex I, shall be adjusted.

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Amendment 58

Proposal for a regulation

Article 10 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) from 2020, ***the*** zero- and low-emission ***factor***, referred to in Article 5;	(b) from 2020, ***for each manufacturer its specific share of*** zero- and low-emission ***heavy-duty vehicles in the preceding calendar year***, referred to in Article ***5(1);***

Amendment 59

Proposal for a regulation

Article 11

Text proposed by the Commission	*Amendment*
Article 11	Article 11
Real-world CO_2 emissions and energy consumption	Real-world CO_2 emissions and energy consumption
1. The Commission shall monitor and assess the real-world representativeness of the CO_2 emissions and fuel consumption values determined in accordance with Regulation (EU) 2017/2400. ***It shall ensure that the public is informed of how that representativeness evolves over time.***	1. The Commission shall monitor and assess the real-world representativeness of the CO_2 emissions and fuel consumption values determined in accordance with Regulation (EU) 2017/2400.
2. For that purpose, the Commission shall ensure the availability, from manufacturers or national authorities, as the case may be, of robust ***non-personal*** data on real-world CO_2 emissions and energy consumption of heavy-duty vehicles.	2. For that purpose, the Commission shall ensure the availability***, including to third parties for the purpose of independent testing***, from manufacturers or national authorities, as the case may be, of robust data on real-world CO_2 emissions and energy consumption of heavy-duty vehicles***, based on data from standardised fuel consumption meters.***

Wednesday 14 November 2018

Text proposed by the Commission	*Amendment*
	2 a. The Commission shall adopt, no later than 31 December 2019, delegated acts in accordance with Article 15 in order to supplement this Regulation by introducing an on-road in-service conformity test which ensures that on-road CO_2 emissions and fuel consumption of heavy-duty vehicles do not exceed the monitoring data reported pursuant to Regulation (EU) 2017/2400 and to Regulation (EU) 2018/956 by more than 10 %. The Commission shall take any deviation exceeding that threshold into account for the purpose of calculating the average specific CO_2 emissions of a manufacturer, and adapting, where appropriate, the 2019 reference CO_2 emissions.
	2b. The Commission shall ensure that the public is informed of how the real world representativeness referred to in paragraph 1 evolves over time.
3. The Commission ***may*** adopt, by means of implementing acts, ***the measures*** referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).	3. The Commission ***shall*** adopt, by means of implementing acts, ***detailed rules on the procedures for reporting data from fuel consumption meters*** referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

Amendment 60

Proposal for a regulation

Article 12 — paragraph 1

Text proposed by the Commission	*Amendment*
1. In order to ensure that the technical parameters used for the calculation of the average specific emissions of a manufacturer pursuant to Article 4 and the calculation of the specific emission targets pursuant to Article 6 take into account technical progress and the evolution of freight transport logistics, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 to amend the following provisions set out in Annexes I and II.	1. In order to ensure that the technical parameters used for the calculation of the average specific emissions of a manufacturer pursuant to Article 4 and the calculation of the specific emission targets pursuant to Article 6 take into account technical progress and the evolution of freight transport logistics, the Commission shall ***continuously and in a timely manner update the VECTO simulation tool and*** be empowered to adopt delegated acts in accordance with Article 15 to amend the following provisions set out in Annexes I and II.

Wednesday 14 November 2018

Amendment 61

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission	*Amendment*
By 31 December 2022, the Commission shall submit a report to the European Parliament and the Council on the effectiveness of this Regulation, the CO_2 reduction target to be ***determined*** for 2030 pursuant to Article 1 and the setting of CO_2 reduction targets to other types of heavy-duty vehicles including trailers. That report shall also include an assessment of the effectiveness of the modalities addressing, in particular, zero- and low-emission vehicles, notably buses taking into account the targets set out in Directive 2009/33/EC ([30]), ***and*** the CO_2 credit system and the appropriateness of prolonging the application of those modalities in 2030 and beyond ***and,*** where appropriate, ***be*** accompanied by a proposal for amending this Regulation.	By 31 December 2022, the Commission shall submit a report to the European Parliament and the Council on the effectiveness of this Regulation, the CO_2 reduction target to be ***adjusted, if necessary,*** for 2030 pursuant to Article 1, ***the benchmark for the share of zero- and low-emission vehicles to be adjusted, if necessary, for 2030 pursuant to Article 5,*** and the setting of CO_2 reduction targets to other types of heavy-duty vehicles including trailers ***and vocational vehicles such as refuse collection vehicles***. That report shall also include an assessment of the effectiveness of the modalities addressing, in particular, ***the deployment of*** zero- and low-emission vehicles, notably buses taking into account the targets set out in Directive 2009/33/EC ([30]), the CO_2 credit system and the appropriateness of prolonging the application of those modalities in 2030 and beyond, ***the roll-out of the necessary recharging and refuelling infrastructure, the possibility of introducing engine CO_2 standards in particular for vocational vehicles, the different vehicle combinations beyond standard dimensions applicable to national transport, such as Modular Concepts, the real-world representativeness of the CO_2 emissions and fuel consumption values determined in accordance with Regulation (EU) 2017/2400 as well as an assessment of the update of the VECTO simulation tool. The report shall be,*** where appropriate, accompanied by a proposal for amending this Regulation.
([30]) Clean Vehicle Directive 2009/33/EC as amended by Directive …/…/EU	([30]) Clean Vehicle Directive 2009/33/EC as amended by Directive …/…/EU

Amendment 76

Proposal for a regulation

Article 13 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	A specific methodology shall be developed by the Commission at the latest by 31 December 2020, to include for CNG and LNG applications the effect of use of advanced and renewable gaseous transport fuels — compliant with the sustainable criteria defined under the RED II — to the computation of the average fleet emissions. The methodology shall be accompanied, where appropriate, by a proposal for amending this Regulation.

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Amendment 73

Proposal for a regulation

Article 13 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	The Commission shall further evaluate the possibility of developing a methodology for the assessment of the full life-cycle CO_2 emissions of all heavy-duty vehicles placed on the Union market. On the basis of that evaluation, the Commission shall, if appropriate, submit a legislative proposal to the European Parliament and the Council in order to establish lifecycle emissions reporting obligations for manufacturers and to specify the necessary rules and procedures for that reporting.

Amendment 62

Proposal for a regulation

Article 14 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall be assisted by the ***xxx*** Committee established by Regulation (EU) ***No …/2018 [Governance]***. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the ***Climate Change*** Committee established by ***Article 26 of*** Regulation (EU) ***No 525/2013*** ([1a]) ***of the European Parliament and of the Council***. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

([1a]) ***Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).***

Amendment 63

Proposal for a regulation

Article 15 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to Articles 10 (2) and 12(1) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to Articles ***2 (2a), 7a, 9(3a),*** 10(2)***, 11(2a)*** and 12(1) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

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Amendment 64

Proposal for a regulation

Article 15 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The delegation of power referred to in Articles 10(2) and 12(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.	3. The delegation of power referred to in Articles ***2(2a), 7a, 9 (3a),*** 10(2)***, 11(2a)*** and 12(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

Amendment 65

Proposal for a regulation

Article 15 — paragraph 6

Text proposed by the Commission	*Amendment*
6. A delegated act adopted pursuant to Articles 10(2) and 12 (1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended to two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles ***2(2a), 7a, 9 (3a),*** 10(2)***, 11(2a)*** and 12(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended to two months at the initiative of the European Parliament or of the Council.

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Amendment 66

Proposal for a regulation

Article 16 — paragraph 1

Regulation (EC) No 595/2009

Article 5 — paragraph 4 — point l

Text proposed by the Commission	*Amendment*
'(l) a procedure to verify, on the basis of appropriate and representative samples, whether vehicles that have been registered and entered into service are in conformity with the CO_2 emissions and fuel consumption values determined pursuant to this Regulation and its implementing measures;'	'(l) a procedure to verify, on the basis of appropriate and representative samples, whether vehicles that have been registered and entered into service are in conformity with the CO_2 emissions and fuel consumption values determined pursuant to this Regulation and its implementing measures; ***that procedure shall also be carried out by accredited and independent third parties in accordance with Article 13(10) of Regulation (EU) 2018/858*** [1a] ***of the European Parliament and of the Council.'***

[1a] ***Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1)***

Amendment 77

Proposal for a regulation

Article 16 a (new)

Text proposed by the Commission	*Amendment*
	Article 16a
	Amendment to Council Directive 96/53/EC
	In Annex I to Directive 96/53/EC [1a] ***the following points are inserted after point 2.2.4.2:***
	'2.2.5 The maximum authorised weight of the alternatively-fuelled vehicle combinations as defined in point (b) of Article 5(2) of Regulation (EU) …/2018 [Proposal for a regulation COM(2018)0284] is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne.

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Text proposed by the Commission	*Amendment*
	2.2.6 The maximum authorised weight of zero-emission vehicle combinations is increased by the additional weight required for the zero-emission technologies which shall depend on the zero-emission range of the vehicle, with a maximum of 2 tonnes. The Commission shall at the latest by 1 July 2019 adopt a formula to calculate the weight required.'

([1a]) ***Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).***

Amendment 67

Proposal for a regulation

Annex I — point 2 — point 2.3

Text proposed by the Commission	*Amendment*
2.3. Calculation of the zero- and low-emission factor as referred to in Article 5 ***For each manufacturer and calendar year, the zero- and low-emission factor (ZLEV) referred to in Article 5 shall be calculated as follows:*** ***ZLEV = V / (Vconv + Vzlev) with a minimum of 0,97*** ***Where:*** ***V is the number of new heavy-duty vehicles of the manufacturer excluding all vocational vehicles in accordance with Article 4(a).*** ***Vconv is the number of new heavy-duty vehicles of the manufacturer excluding all vocational vehicles in accordance with Article 4(a) and excluding zero- and low-emission heavy-duty vehicles;*** ***Vzlev is the sum of Vin and Vout,*** ***Where,*** ***null*** ***withbeing the sum over all new zero- and low-emission heavy-duty vehicles with the characteristics set out in Article 2 (1)(a) to (d);*** ***null*** ***$CO2_v$ is the specific CO_2 emissions in g/km of a zero- and low-emission heavy-duty vehicle v determined in accordance with point 2.1.*** ***Vout is the total number of zero-emission heavy-duty vehicles of the categories referred to in in the second sub-paragraph of Article 2(1), multiplied by 2 , and with a maximum of 1,5 % of Vconv.***	***deleted***

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Amendment 68

Proposal for a regulation

Annex I — point 2 — point 2.7 — formula

Text proposed by the Commission	*Amendment*
$CO2 = \boldsymbol{ZLEV} \times \Sigma_{sg}\ share_{,sg} \times MPW_{sg} \times avgCO2_{sg}$	$CO2 = \Sigma_{sg}\ share_{,sg} \times MPW_{sg} \times avgCO2_{sg}$
Where,	Where,
Σ_{sg} is the sum over all sub-groups	Σ_{sg} is the sum over all sub-groups
ZLEV is as determined in point 2.3	
$share_{,sg}$ is as determined in point 2.4	$share_{,sg}$ is as determined in point 2.4
MPW_{sg} is as determined in point 2.6	MPW_{sg} is as determined in point 2.6
$avgCO2_{sg}$ is as determined in point 2.2	$avgCO2_{sg}$ is as determined in point 2.2

Amendment 69

Proposal for a regulation

Annex I — point 4 — paragraph 1 — formula — line 1

Text proposed by the Commission	*Amendment*
$T = \Sigma_{sg}\ share_{sg} \times MPW_{sg} \times (1 — rf) \times rCO2_{sg}$	$T = \boldsymbol{ZLEV_benchmark_factor} * \Sigma_{sg}\ share_{sg} \times MPW_{sg} \times (1 — rf) \times rCO2_{sg}$

Amendment 70

Proposal for a regulation

Annex I — point 4 — paragraph 1 — formula — line 4

Text proposed by the Commission	*Amendment*
rf is the CO_2 reduction target (in %) as specified in ***Article 1(a) and (b)*** for the specific calendar year;	rf is the CO_2 reduction target (in %) as specified in ***points (a) and (b) of the first subparagraph of Article 1*** for the specific calendar year;

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Amendment 71

Proposal for a regulation

Annex I — point 4 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	For the period 2025 to 2029, ZLEV_benchmark_factor is (1+y-x), unless this sum is larger than 1,03 or lower than 0,97 in which case the ZLEV_benchmark_ factor shall be set at 1,03 or 0,97 as the case may be.
	Where,
	x is 5 %;
	y is the share of zero- and low-emission vehicles in the manufacturer's fleet of newly registered heavy duty vehicles calculated as the sum of the total number of zero-emission vehicles of the category N that do not fall within the scope of Regulation (EU) No 510/2011 and do not meet the characteristics set out in points (a) to (d) of Article 2(1) and of the total number of zero- and low-emission vehicles that meet the characteristics set out in points (a) to (d) of Article 2 (1), where each of them is counted as ZLEV_specific in accordance with the formula below, divided by the total number of vehicles registered in the relevant calendar year;
	ZLEV_specific = 1- ($CO2_v$/(0,5*$rCO2_{sg}$), where:
	$CO2_v$ is the specific CO_2 emissions in g/km of a zero- and low-emission heavy-duty vehicle v determined in accordance with point 2.1;
	$rCO2_{sg}$ is as determined in Section 3.

Amendment 72

Proposal for a regulation

Annex I — point 4 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	For 2030, ZLEV_benchmark_factor is (1+y-x), unless this sum is larger than 1,05, in which case ZLEV_benchmark_factor shall be set to 1,05;

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Text proposed by the Commission	*Amendment*
	if this sum is between 1,0 and 0,98, ZLEV_benchmark_factor shall be set to 1,0;
	if this sum is lower than 0,95, ZLEV_benchmark_ factor shall be set at 0,95.
	Where,
	x is 20 %, subject to review pursuant to Article 13;
	y is the share of zero- and low-emission vehicles in the manufacturer's fleet of newly registered heavy duty vehicles calculated as the sum of the total number of zero-emission vehicles of the category N that do not fall within the scope of Regulation (EU) No 510/2011 and do not meet the characteristics set out in points (a) to (d) of Article 2(1) and of the total number of zero- and low-emission vehicles that meet the characteristics set out in points (a) to (d) of Article 2 (1), where each of them is counted as ZLEV_specific in accordance with the formula below, divided by the total number of vehicles registered in the relevant calendar year
	ZLEV_specific = 1- ($CO2_v$/(0,5*$rCO2_{sg}$), where:
	$CO2_v$ is the specific CO_2 emissions in g/km of a zero- and low-emission heavy-duty vehicle v determined in accordance with point 2.1;
	$rCO2_{sg}$ is as determined in Section 3.

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P8_TA(2018)0462

Rail passengers' rights and obligations ***I

European Parliament legislative resolution of 15 November 2018 on the proposal for a regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) (COM(2017)0548 — C8-0324/2017 — 2017/0237(COD))

(Ordinary legislative procedure — recast)

(2020/C 363/36)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0548),

— having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal (C8-0324/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 18 January 2018 ([1]),

— after consulting the Committee of the Regions,

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ([2]),

— having regard to the letter of 24 July 2017 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 104(3) of its Rules of Procedure,

— having regard to Rules 104 and 59 of its Rules of Procedure,

— having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0340/2018),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal, and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to Council, the Commission and the national parliaments.

([1]) OJ C 197, 8.6.2018, p. 66.
([2]) OJ C 77, 28.3.2002, p. 1.

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P8_TC1-COD(2017)0237

Position of the European Parliament adopted at first reading on 15 November 2018 with a view to the adoption of Regulation (EU) …/… of the European Parliament and of the Council on rail passengers' rights and obligations (recast)

(Text with EEA relevance)

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 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) A number of amendments are to be made to Regulation (EC) No 1371/2007 of the European Parliament and of the Council ([2]) ***in order to provide improved protection for passengers and encourage increased rail travel, with due regard to Articles 11, 12 and 14 of the Treaty on the Functioning of the European Union in particular. In view of these amendments and*** in the interests of clarity, ~~that~~ Regulation ***(EC) No 1371/2007*** should ***therefore*** be recast. **[Am. 1]**

(2) In the framework of the common transport policy, it is important to safeguard users' rights for rail passengers and to improve the quality and effectiveness of rail passenger services in order to help increase the share of rail transport in relation to other modes of transport.

(3) Despite considerable progress made in protecting consumers in the Union, further improvements ***are still to be made*** in protecting the rights of rail passengers ~~are still to be made~~ ***and in ensuring they are compensated for delays, cancellations and any material damage.*** **[Am. 2]**

(4) Since the rail passenger is the weaker party to the transport contract, passengers' rights in this respect should be safeguarded.

(5) Granting the same rights to rail passengers taking international and domestic journeys should raise the level of ~~consumer protection~~ ***passenger rights*** in the Union, ~~ensure a level playing field for railway undertakings and guarantee a uniform level of rights for~~***in particular as regards their access to information and compensation in case of delay or cancellation.*** Passengers ***should receive as precise information as possible on their rights***. **[Am. 3]**

(5a) This Regulation should not adversely affect the ability of the Member States or competent authorities to establish social tariffs for services regulated under a public service obligation, and for commercial services. **[Am. 4]**

([1]) OJ C 197, 8.6.2018, p. 66.

([2]) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

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(6) Urban~~, suburban and regional~~ rail passenger services are different in character from long-distance services. Member States should therefore be allowed to exempt urban~~, suburban and regional~~ rail passenger services ~~which are not cross-border services within the Union~~ from certain provisions on passengers' rights. **[Am. 136]**

(7) It is an aim of this Regulation to improve rail passenger services within the Union. Therefore, Member States should be able to grant exemptions for services in regions where a significant part of the service is operated outside the Union, provided that an adequate level of passenger rights is ensured on the part of such services provided on those Member States' territory, in accordance with their national law.

~~(8) However, the exemptions should not apply to the provisions of this Regulation that facilitate the use of rail services by persons with disabilities or persons with reduced mobility. Furthermore, exemptions should not apply to the rights of those wishing to purchase tickets for travel by rail to do so without undue difficulty, to the provisions on railway undertakings' liability in respect of passengers and their luggage, to the requirement that railway undertakings be adequately insured, and to the requirement that they take adequate measures to ensure passengers' personal security in railway stations and on trains and to manage risk.~~ **[Am. 6]**

(9) Users' rights to rail services include the receipt of information regarding ~~the service~~ ***those services and related matters*** both before and during the journey. ~~Whenever possible,~~ Railway undertakings and ticket vendors should provide this information ~~in advance and~~ as soon as possible***, in advance, or at least at the start of the journey***. That information should be provided in accessible formats for persons with disabilities or persons with reduced mobility ***and should be publicly available. Railway undertakings should provide this information to ticket vendors and other railway undertakings selling their services.*** **[Am. 7]**

(9a) Access to all real-time operational data and tariffs on non-discriminatory and viable terms makes rail travel more accessible to new customers and provides them with a wider range of journey possibilities and tariffs to choose from. Railway undertakings should provide ticket vendors with their operational and tariff data in order to facilitate rail travel. Efforts should be made to allow passengers to book through-tickets and optimal single rail journeys. **[Am. 8]**

(9b) Intensive multimodal passenger transport will help to achieve climate goals. Railway undertakings should also therefore advertise combinations with other modes of transport so that rail users are aware of them before making their travel reservations. **[Am. 9]**

(9c) Well-developed multimodal passenger transport systems will help to achieve climate goals. Railway undertakings should therefore also advertise combinations with other modes of transport so that rail users are aware of them before making their travel reservations. **[Am. 10]**

(10) More detailed requirements regarding the provision of travel information are set out in the technical specifications for interoperability (TSIs) referred to in Commission Regulation (EU) No 454/2011 ([1]).

(11) Strengthening of the rights of rail passengers should build on the existing international law contained in Appendix A — Uniform rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV) to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as modified by the Protocol for the modification of the Convention concerning International Carriage by Rail of 3 June 1999 (1999 Protocol). However, it is desirable to extend the scope of this Regulation and protect not only international passengers but domestic passengers too. On 23 February 2013, the Union acceded to the COTIF.

([1]) Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11).

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(12) In the context of the sale of tickets for the transport of passengers, Member States should take all necessary measures to prohibit discrimination on the basis of nationality or residence, regardless whether the passenger concerned is present, permanently or on a temporary basis, in another Member State. Those measures should cover all covert forms of discrimination which, by the application of other criteria, such as residence, physical or digital location, may have the same effect. In light of the development of online platforms selling passenger transport tickets, Member States should pay special attention to ensuring that no discrimination occurs during the process of accessing online interfaces or purchasing tickets. However, transport schemes involving social tariffs should not be ~~automatically~~precluded, provided that they are ~~proportionate and~~independent of the nationality of the persons concerned. **[Am. 11]**

(13) The increasing popularity of cycling across the Union has implications for overall mobility and tourism. An increase in the use of both railways and cycling in the modal split reduces the environmental impact of transport. Therefore, railway undertakings should facilitate the combination of cycling and train journeys as much as possible, in particular ~~by allowing~~***they should provide sufficient bicycle stands for*** the carriage of ***assembled*** bicycles ***in areas intended for that purpose on board all types of passenger trains, including high speed, long distance, cross-border and local services. Passengers should be informed of the space available for bicycles. These requirements should apply to all railway undertakings from … [two years after the date of entry into force of this Regulation].*** **[Am. 12]**

(14) Railway undertakings should facilitate the transfer of rail passengers from one operator to another by the provision of through-tickets~~, whenever possible~~. **[Am. 13]**

(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility, whether caused by disability, age or any other factor, have the same right as all other citizens to free movement and to non-discrimination. Inter alia, special attention should be given to the provision of information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used~~, as appropriate. Persons with disabilities and persons with reduced mobility should be enabled to buy tickets on board a train without extra charges.~~ ***which are*** appropriate ***and comprehensible to those passengers.*** Staff should be adequately trained to respond to the needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided***, free of charge,*** with assistance ~~at stations and on~~ ***to*** board ~~at all times when trains operate and not only at certain times of the day~~ ***and disembark***. **[Am. 14]**

(15a) If no accessible ticket vending facilities are available at the station, persons with disabilities and persons with reduced mobility should be able to purchase tickets on board the train. **[Am. 15]**

(16) Railway undertakings and station managers should take into account the needs of persons with disabilities and persons with reduced mobility, through compliance with ~~the TSI for persons with reduced mobility~~***Commission Regulation (EU) No 1300/2014 (TSI)*** ([1]) ***and Directive XXX when complementing TSI***. In addition, in accordance with Union public procurement rules, in particular Directive 2014/24/EU of the European Parliament and of the Council ([2]), all buildings and rolling stock should be made accessible through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work. **[Am. 16]**

([1]) ***Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).***

([2]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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(17) It is desirable that this Regulation create a system of compensation for passengers in the case of delay which is linked to the liability of the railway undertaking, on the same basis as the international system provided by the COTIF and in particular CIV Uniform Rules thereto relating to passengers' rights. ***Purchased tickets should be fully refundable.*** In the event of a delay of a passenger service, railway undertakings should provide passengers with compensation based on a percentage ***up to 100 %*** of the ticket price. **[Am. 17]**

(18) Railway undertakings should be obliged to be insured, or to make equivalent arrangements, for their liability to rail passengers in the event of accident. Where Member States set a maximum amount for compensatory damages in the event of death or personal injury to passengers, that amount should be at least equivalent to the amount set out in the CIV Uniform Rules. ***Member States should have the possibility to increase the amount for compensatory damages in the event of death or personal injury to passengers at any time.*** **[Am. 18]**

(19) Strengthened rights of compensation and assistance in the event of delay, missed connection or cancellation of a service should lead to greater incentives for the rail passenger market, to the benefit of passengers.

(20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of ***appropriate information for*** persons with disabilities and persons with reduced mobility should ***in particular*** be taken into account in such an event. **[Am. 19]**

(20a) The interpretation of journey or combined journey should include all situations with realistic or applicable minimum connection times when originally booked, taking into account any relevant factors such as the size and location of the respective stations and platforms concerned. **[Am. 137]**

~~(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service. Any such event should have the character of an exceptional natural catastrophe, as distinct from normal seasonal weather conditions, such as autumnal storms or regularly occurring urban flooding caused by tides or snowmelt. Railway undertakings should prove that they could neither foresee nor prevent the delay even if all reasonable measures had been taken.~~ **[Am. 20]**

(22) In cooperation with infrastructure managers and railway undertakings, station managers should prepare ***and make publicly available*** contingency plans to minimise the impact of major disruptions by providing stranded passengers with adequate information and care. **[Am. 21]**

(23) This Regulation should not restrict the rights of railway undertakings***, ticket vendors, railway station or infrastructure managers*** to seek compensation***, where applicable,*** from any person, including third parties, ~~in accordance with applicable national law~~***for meeting their obligations to passengers under this Regulation***. **[Am. 22]**

(24) Where a Member State grants railway undertakings an exemption from the provisions of this Regulation, it should encourage railway undertakings, in consultation with organisations representing passengers, to put in place arrangements for compensation and assistance in the event of major disruption to a rail passenger service.

(25) It is also desirable to relieve accident victims and their dependants of short-term financial concerns in the period immediately after an accident.

(26) It is in the interests of rail passengers that adequate measures be taken, in agreement with public authorities, to ensure their personal security at stations as well as on board trains.

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(27) Rail passengers should be able to submit a complaint to any railway undertaking***, ticket vendor, railway station or infrastructure manager*** involved regarding the rights and obligations conferred by this Regulation, and be entitled to receive a response within a reasonable period of time. **[Am. 23]**

(28) Railway undertakings and station managers should define, make publicly available, manage and monitor service quality standards for rail passenger services ***including those for persons with disabilities and persons with reduced mobility***. **[Am. 24]**

(29) To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures ***and to provide the option for passengers of binding alternative dispute resolution in accordance with Directive 2013/11/EU of the European Parliament and of the Council*** ([1]). Passengers should be able to complain to those bodies about alleged infringements of the Regulation***, and to use online dispute resolution established under Regulation (EU) No 524/2013 of the European Parliament and of the Council*** ([2]) ***where agreed. It should also be provided that complaints may be made by organisations representing groups of passengers***. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other ***and this Regulation should continue to be listed in the Annex to the Regulation (EU) 2017/2394 of the European Parliament and of the Council*** ([3]). ***Each year national enforcement bodies should publish reports with statistics on their websites detailing the number and type of complaints that they have received, and detailing the outcome of their enforcement actions. In addition, those reports should be made available on the website of the European Union Agency for Railways***. **[Am. 25]**

(30) Processing of personal data should be carried out in accordance with Union law on the protection of personal data, in particular with Regulation (EU) 2016/679 of the European Parliament and of the Council ([4]).

(31) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties, which might include the payment of compensation to the person in question, should be effective, proportionate and dissuasive ***and should include, but not be limited to, a minimum fine or a percentage of the relevant undertaking's or organisation's annual turnover, whichever is the higher***. **[Am. 26]**

(32) Since the objectives of this Regulation, namely the development of the Union's railways and the introduction of passenger rights, cannot be sufficiently achieved by the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

([1]) ***Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).***

([2]) ***Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).***

([3]) ***Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).***

([4]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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(33) In order to ensure a high level of passenger protection, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated on the Commission to amend the Annexes I, II, and III in respect of the CIV Uniform Rules, the minimum information to be provided by railway undertakings and ticket vendors, on minimum service quality standards, and to adjust, in the light of inflation, the financial amounts referred to in the Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([1]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(33a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt a standardized Union complaint form that passengers may use to apply for compensation in accordance with this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([2])**. [Am. 27]**

(34) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, a high level of consumer protection, and the right to an effective remedy and to a fair trial. The Member States' courts must apply this Regulation in a manner consistent with these rights and principles,

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter ***and objectives*** **[Am. 28]**

This Regulation establishes rules applicable to rail transport ***to provide for effective protection of passengers and encourage rail travel*** as regards the following: **[Am. 29]**

(a) non-discrimination between passengers with regard to transport ***and ticketing*** conditions; **[Am. 30]**

(b) the liability of railway undertakings and their insurance obligations for passengers and their luggage;

(c) passengers' rights in the event of an accident arising from the use of railway services and resulting in death, personal injury or loss of, or damage to, their luggage;

(d) passengers' rights ***and compensation*** in the event of ***disruption, such as*** cancellation or delay; **[Am. 31]**

(e) minimum***, accurate and timely*** information to be provided ***in accessible format*** to passengers***, including the conclusion of transport contracts and the issuing of tickets***; **[Am. 32]**

([1]) OJ L 123, 12.5.2016, p. 1.

([2]) ***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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***

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(f) non-discrimination against, and mandatory assistance ***by trained staff*** for, persons with disabilities and persons with reduced mobility; **[Am. 33]**

(g) the definition and monitoring of service quality standards and the management of risks to the personal security of passengers;

(h) ~~the~~***proper procedures for filing and*** handling of complaints; **[Am. 34]**

(i) general rules on enforcement.

Article 2

Scope

1. This Regulation shall apply to domestic and international rail journeys and services throughout the Union provided by one or more railway undertakings licensed in accordance with Directive 2012/34/EU of the European Parliament and of the Council ([1]).

2. Subject to paragraph 4, Member States may exempt the following services from the application of this Regulation:

(a) urban~~, suburban and regional~~ rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union; **[Am. 138]**

(b) international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union~~, provided that passengers' rights are adequately ensured under relevant national law on the territory of the Member State granting the exemption~~**;** **[Am. 36]**

(ba) domestic rail passenger services where such exemption was granted by Member States under Regulation (EC) No 1371/2007 for a maximum of 12 months after … [date of entry into force of this Regulation]. **[Am. 37]**

3. Member States shall inform the Commission of exemptions granted pursuant to points (a), ~~and~~ (b) ***and (ba)*** ~~of paragraph 2, and on the adequacy of their national law on their territory for the purposes of point (b)~~ of paragraph 2. **[Am. 38]**

4. Articles 5, ~~10,~~**6,** 11 ~~and 25~~***12, 17*** and Chapter V shall apply to all rail passenger services referred to in paragraph 1, including services exempted in accordance with ~~points (a) and (b)~~***point (a)*** of paragraph 2. **[Am. 39]**

4a. This Regulation shall not apply to services which are operated strictly for their historical interest. **[Am. 40]**

Article 3

Definitions

For the purposes of this Regulation the following definitions apply:

(1) 'railway undertaking' means a railway undertaking as defined in Article 3(1) of Directive 2012/34/EU;

(1a) 'carrier' means the contractual railway undertaking with whom the passenger has concluded the transport contract or a series of successive railway undertakings which are liable on the basis of this contract; **[Am. 41]**

([1]) Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

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(1b) 'substitute carrier' means a railway undertaking, which has not concluded a transport contract with the passenger, but to which the railway undertaking party to the contract has entrusted, in whole or in part, the performance of the transport by rail; **[Am. 42]**

(2) 'infrastructure manager' means an infrastructure manager as defined in Article 3 of Directive 2012/34/EU;

(3) 'station manager' means an organisational entity in a Member State, which has been made responsible for the management of a railway station and which may be the infrastructure manager;

(4) 'tour operator' means an organiser ~~or retailer~~, other than a railway undertaking, within the meaning of Article 3, ~~points (8) and (9)~~***point (8)*** of Directive (EU) 2015/2302 of the European Parliament and of the Council ([1]); **[Am. 43]**

(5) 'ticket vendor' means any retailer of rail transport services concluding transport contracts and selling tickets***, separate tickets or through-tickets*** on behalf of ***one or more*** ~~a~~ railway ~~undertaking~~***undertakings*** or for its own account; **[Am. 44]**

(5a) 'distributor' means a retailer of rail transport services selling tickets on behalf of a railway undertaking, and which does not have any obligation under the contract concluded between the passenger and the railway undertaking; **[Am. 45]**

(6) 'transport contract' means a contract of carriage for reward or free of charge between a railway undertaking ~~or a ticket vendor~~ and the passenger for the provision of one or more transport services; **[Am. 46]**

(6a) 'ticket' means a valid evidence that entitles the passenger to rail transport, regardless of its form, paper, e-Ticket, Smartcard, travel card; **[Am. 47]**

(6b) 'combined journey' means a ticket or tickets representing more than one transport contract for successive railway services operated by one or more railway undertakings; **[Am. 48]**

(7) 'reservation' means an authorisation, on paper or in electronic form, giving entitlement to transportation subject to previously confirmed personalised transport arrangements;

(8) 'through-ticket' means a ticket or ***separate*** tickets representing a single ***or several*** transport ~~contract~~ ***contracts*** for successive railway services operated by one or more railway undertakings***, purchased from the same ticket vendor, tour operator or railway undertaking for an end-to-end journey***; **[Am. 49]**

(9) 'service' means a passenger rail transport service that operates between rail stations or stops according to a timetable;

(10) 'journey' means the carriage of a passenger between a station of departure and a station of arrival ~~under a single transport contract~~; **[Am. 50]**

(11) 'domestic rail passenger service' means a rail passenger service which does not cross a border of a Member State;

(12) 'international rail passenger service' means international rail passenger service as defined in Article 3(5) of Directive 2012/34/EU;

([1]) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

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(13) 'delay' means the time difference between the time the passenger was scheduled to arrive in accordance with the published timetable and the time of his or her actual or expected arrival at the final station of destination;

(13a) 'arrival' means the moment when, at the destination platform, the doors of the train are open and disembarkation is allowed; **[Am. 51]**

(14) 'travel pass' or 'season ticket' means a ticket for an unlimited number of journeys which provides the authorised holder with rail travel on a particular route or network during a specified period;

(15) 'missed connection' means a situation where***, whether under a single transport contract or not,*** a passenger misses one or more services in the course of a journey ***or combined journey*** as a result of the delay or cancellation of one or more previous services; **[Am. 139]**

(16) 'person with disabilities' and 'person with reduced mobility' means any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced ~~due to age~~; **[Am. 53]**

(17) 'General Conditions of Carriage' means the conditions of the railway undertaking in the form of general conditions or tariffs legally in force in each Member State and which have become, by the conclusion of the contract of carriage, an integral part of it;

(18) 'vehicle' means a motor vehicle or a trailer carried on the occasion of the carriage of passengers;

(19) 'CIV Uniform Rules' means the Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV), as set out in Appendix A to the Convention concerning International Carriage by Rail (COTIF).

Chapter II

Transport contract, information and tickets

Article 4

Transport contract

Subject to the provisions of this Chapter, the conclusion and performance of a transport contract and the provision of information and tickets shall be governed by the provisions of Title II and Title III of Annex I.

Article 5

Non-discriminatory conditions of transport contract

Without prejudice to social tariffs, railway undertakings***, tour operators*** or ticket vendors shall offer ***transport*** contract ***and ticketing*** conditions and tariffs to the general public ***and shall sell tickets, through-tickets and accept reservations from passengers in line with Article 10 of this Regulation,*** without direct or indirect discrimination on the basis of the final ~~customer's~~ ***passenger's*** nationality or residence, or the place of establishment of the railway undertaking***, tour operators*** or ticket vendor within the Union ***or the means through which passengers bought the ticket***. **[Am. 55]**

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Article 6

Bicycles

Passengers shall be entitled to take bicycles on board the train, ~~where appropriate for a reasonable fee. They shall keep their bicycles under supervision during the journey and ensure that no inconvenience or damage is caused to other passengers, mobility equipment, luggage or rail operations.~~***including on high-speed, long distance, cross-border and local services. All new or refurbished passenger trains shall at the latest by … [two years after the date of entry into force of this Regulation] include a well indicated designated space for*** the carriage of ***assembled*** bicycles ~~may be refused or restricted for safety or operational reasons, provided that~~***with a minimum of eight spaces.*** Railway undertakings, ticket vendors, tour operators and, where appropriate, station managers ***shall*** inform passengers ***at the latest when purchasing the ticket*** of the conditions for ~~such a refusal or restriction~~***bicycle carriage on all services*** in accordance with Regulation (EU) No 454/2011. **[Am. 56]**

Article 7

Exclusion of waiver and stipulation of limits

1. Obligations towards passengers pursuant to this Regulation may not be limited or waived, notably by a derogation or restrictive clause in the transport contract. ***Any contractual conditions which purport directly or indirectly to waive, derogate from or restrict the rights resulting from this Regulation shall not be binding on the passenger***. **[Am. 57]**

2. Railway undertakings***, tour operators or ticket vendors*** may offer contract conditions more favourable for the passenger than the conditions laid down in this Regulation. **[Am. 58]**

Article 8

Obligation to provide information concerning discontinuation of services

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, ***and without delay,*** including in accessible formats for persons with disabilities in accordance with accessibility requirements laid down in Directive XXX ([1]), ***and in Regulation (EU) No 1300/2014***, and ***in good time*** before their implementation, ***proposals*** to discontinue ***or substantially reduce*** services either permanently or temporarily, ***and shall ensure that those proposals are subject to meaningful and proper consultation with stakeholders before any implementation takes place.*** **[Am. 59]**

Article 9

Travel information

1. Railway undertakings***, tour operators*** and ticket vendors offering transport contracts on ***their own*** behalf ***or on behalf*** of one or more railway undertakings shall provide the passenger, upon request, with at least the information set out in Annex II, Part I in relation to the journeys for which transport ***contracts are*** offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information ~~where available~~. ***In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.*** **[Am. 60]**

([1]) Directive XXX on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (European Accessibility Act) (OJ L X, X.X.XXXX, p. X).

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2. Railway undertakings, ~~and, where possible,~~***and where applicable,*** ticket vendors shall provide the passenger during the journey, including at connecting stations, with at least the information set out in Annex II, Part II. ***In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.*** **[Am. 61]**

3. The information referred to in paragraphs 1 and 2 shall be provided ~~in the most appropriate format including by using~~***by railway undertakings, tour operators and ticket vendors to passengers using easily accessible, commonly used and, concerning paragraph 2, in real-time,*** up-to-date communication technologies***, and in writing, where possible, in order to provide passengers with all the information required by Annex II to this Regulation.*** Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in Directive XXX ~~and~~, Regulation (EU) No 454/2011 ***and Regulation (EU) No 1300/2014. The availability of formats accessible to persons with reduced mobility shall be clearly advertised.*** **[Am. 62]**

4. ***Railway undertakings,*** station managers and infrastructure managers shall make real-time data relating to trains, including those operated by other railway undertakings ***publicly*** available ~~to railway undertakings and ticket vendors, in a non-discriminatory manner~~***in real-time so as to eliminate any discrimination between passengers.*** **[Am. 63]**

4a. Railway undertakings in cooperation with station managers and infrastructure managers shall indicate in timetables information about accessible train connections and stations. **[Am. 64]**

Article 10

Availability of tickets, through-tickets and reservations

1. Railway undertakings and ticket vendors shall offer tickets and~~, where available,~~ through-tickets and reservations~~. They shall make all possible efforts to offer through-tickets,~~ including for journeys across borders ~~and~~ ***or involving night trains and journeys*** with more than one railway undertaking. **[Am. 65]**

2. Without prejudice to paragraphs 3 and 4, railway undertakings and ticket vendors shall distribute tickets to passengers via at least one of the following points of sale:

(a) ticket offices or ticketing machines;

(b) telephone, the internet or any other widely available information technology;

(c) on board trains.

~~Member States~~***Competent authorities referred to in Regulation (EC) No 1370/2007 of the European Parliament and of the Council*** ***([1])*** may require railway undertakings to provide tickets for services provided under public service contracts through more than one point of sale. **[Am. 66]**

3. Railway undertakings shall offer the possibility to obtain tickets for the respective service on board the train, unless this is limited or denied on ***well justifiable*** grounds relating to security or antifraud policy or compulsory train reservation or reasonable commercial grounds***, including limitation on space or seat availability.*** **[Am. 67]**

([1]) Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/69 and (EEC) No 1107/70 (OJ L 315, 3.12.2007, p. 1).

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4. Where there is no ticket office or ticketing machine in the station of departure, passengers shall be informed at the station:

(a) of the possibility of purchasing tickets via telephone or the internet or on board the train, and of the procedure for such purchase;

(b) of the nearest railway station or place at which ticket offices and/or ticketing machines are available.

5. Where there is no ticket office or accessible ticketing machine in the station of departure, ~~persons with disabilities and persons with reduced mobility~~***or any other means of purchasing tickets in advance, passengers*** shall be permitted to buy tickets on board the train at no extra cost. **[Am. 68]**

6. Where a passenger receives separate tickets for a single journey ***or combined journey*** comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey ***or combined journey*** from the departure to the final destination~~, unless the passenger is explicitly informed otherwise in writing. Such information shall in particular state that when the passenger misses a connection, he or she would not be entitled to assistance or compensation based on the total length of the journey. The burden of proof that the information was provided shall lie with the railway undertaking, its agent, tour operator or ticket vendor~~. **[Am. 140]**

Article 10a

Provision of travel information through application programming interfaces

1. Railway undertakings shall provide non-discriminatory access to all travel information, including real-time operational information on timetables and tariffs data, as referred to in Article 9, through application programming interfaces (APIs).

2. Railway undertakings shall provide tour operators, ticket vendors and other railway undertakings, selling their service, non-discriminatory access to reservation systems through APIs, so that they can conclude transport contracts and issue tickets, through-tickets and reservations, in such a way that they provide the most optimal and cost-effective journey, including cross-border.

3. Railway undertakings shall ensure that the technical specifications of the APIs are well-documented and openly accessible at no charge. The APIs shall make use of open standards, commonly used protocols and machine-readable formats to make them interoperable.

4. Railway undertakings shall ensure that, except for emergency situations, any change to the technical specification of their APIs is made available to tour operators and ticket vendors in advance as soon as possible and no less than three months before a change is implemented. Emergency situations shall be documented and documentation shall be made available to the competent authorities upon request.

5. Railway undertakings shall ensure that access to the APIs is provided in a non-discriminatory way, at the same level of availability and performance, including support, access to all documentation, standards, protocols and formats. Tour operators and ticket vendors shall not be disadvantaged as compared to the railway undertakings themselves.

6. APIs shall be established in accordance with Commission Delegated Regulation (EU) 2017/1926 ([1]). **[Am. 70]**

([1]) ***Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1).***

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CHAPTER III

LIABILITY OF RAILWAY UNDERTAKINGS FOR PASSENGERS AND THEIR LUGGAGE

Article 11

Liability for passengers and luggage

Subject to the provisions of this Chapter, and without prejudice to applicable national law granting passengers further compensation for damages, the liability of railway undertakings in respect of passengers and their luggage shall be governed by Chapters I, III and IV of Title IV, Title VI and Title VII of Annex I.

Article 12

Insurance and coverage of liability in the event of passenger death or personal injury

A railway undertaking shall be adequately insured, in accordance with Article 22 of Directive 2012/34/EU and on the basis of an assessment of its risks, or make equivalent arrangements for cover of its liabilities under this Regulation.

Article 13

Advance payments

1. If a passenger is killed or injured, the railway undertaking as referred to in Article 26(5) of Annex I shall without delay, and in any event not later than fifteen days after the establishment of the identity of the natural person entitled to compensation, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the damage suffered.

2. Without prejudice to paragraph 1, an advance payment shall not be less than EUR 21 000 per passenger in the event of death.

3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of this Regulation but is not returnable, except in the cases where damage was caused by the negligence or fault of the passenger or where the person who received the advance payment was not the person entitled to compensation.

Article 14

Contestation of liability

Even if the railway undertaking contests its responsibility for physical injury to a passenger whom it conveys, it shall make every reasonable effort to assist a passenger claiming compensation for damage from third parties.

CHAPTER IV

DELAYS, MISSED CONNECTIONS AND CANCELLATIONS

Article 15

Liability for delays, missed connections and cancellations

Subject to the provisions of this Chapter, the liability of railway undertakings in respect of delays, missed connections and cancellations shall be governed by Chapter II of Title IV of Annex I.

Article 16

Reimbursement and re-routing

1. Where it is ~~reasonably~~ to be expected, either at departure or in the event of a missed connection in the course of a journey ~~with a through-ticket,~~ that arrival at the final destination under the transport contract will be subject to a delay of more than 60 minutes ***or cancelled***, the passenger shall immediately have the choice between one of the following: **[Am. 71]**

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(a) reimbursement of the full cost of the ticket, under the conditions by which it was paid, for the part or parts of his or her journey not made and for the part or parts already made if the journey is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return service to the first point of departure at the earliest opportunity. The payment of the reimbursement shall be made under the same conditions as the payment for compensation referred to in Article 17;

(b) continuation or re-routing, under comparable transport conditions ***and at no additional costs***, to the final destination at the earliest opportunity, ***including in the event of missed connection due to delay or cancellation of the passengers' earlier leg in the course of a journey. In such case, the passenger shall be allowed on the next service available to the final destination even if there is no specific reservation or the next train is operated by another railway undertaking***; **[Am. 72]**

(c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience ***but no later than one month after the re-establishment of service***. **[Am. 73]**

2. For the purposes of point (b) of paragraph 1, comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and alternative modes of ***land*** transport without generating additional costs to the passenger. Railway undertakings shall make reasonable efforts to avoid additional connections. The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available. **[Am. 74]**

3. Re-routing transport service providers shall ~~pay particular attention to providing~~***provide to*** persons with disabilities and persons with reduced mobility ~~with~~ a comparable level ***of assistance and*** of accessibility ~~to the~~***when offering an*** alternative service. ***This alternative service may be common to all passengers or it may, upon decision of the carrier, be an individual means of transport adapted to the specific needs of certain persons with disabilities or with reduced mobility.*** **[Am. 75]**

Article 17

Compensation of the ticket price

1. ~~Without losing~~***Whilst keeping*** the right of transport, a passenger may request compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and destination stated ~~in the transport contract~~***on the ticket or tickets representing a single or several transport contracts*** for which the cost ~~of the ticket~~ has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

(a) ~~25 %~~***50 %*** of the ticket price for a delay of 60 to 90 minutes;

(b) ~~50 %~~***75 %*** of the ticket price for a delay of ***91 minutes to*** 120 minutes ~~or more~~;

(ba) 100 % of the ticket price for a delay of 121 minutes or more. **[Am. 76]**

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass, ***reduction card*** or season ticket, they may request adequate compensation in accordance with the ***arrangements set out in points (a), (b) and (ba) of paragraph 1.*** ~~railway undertaking's compensation arrangements. These arrangements shall state the criteria for determining delay and for the calculation of the compensation. Where delays of less than 60 minutes occur repeatedly during the period of validity of the travel pass or season ticket, the delays shall be counted cumulatively and passengers shall be compensated in accordance with the railway undertaking's compensation arrangements.~~ **[Am. 77]**

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3. Compensation for ***cancellation or*** delay shall be calculated in relation to the full price which the passenger actually paid for the ***cancelled or*** delayed service. Where the transport contract is for a return journey, compensation for ***cancellation or*** delay on either the outward or the return leg shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a ***cancelled or*** delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price. **[Am. 78]**

4. The calculation of the period of delay shall not take into account any delay that the railway undertaking can demonstrate as having occurred outside the territories of the Union.

5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. The compensation may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger.

6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed ***EUR 5*** per ticket. **[Am. 79]**

7. Passengers shall not have any right to compensation if ~~he is~~***they are*** informed of a delay before ~~he buys~~***buying*** a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes. **[Am. 80]**

~~8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service and could not have been foreseen or prevented even if all reasonable measures had been taken.~~ **[Am. 81]**

Article 18

Assistance

1. In the case of a delay in arrival or departure, passengers shall be kept informed of the situation and of the estimated departure time and estimated arrival time, by the railway undertaking, ticket vendors or by the station manager***, in accordance with Article 9***, as soon as such information is available. **[Am. 83]**

2. In the case of any delay as referred to in paragraph 1 of more than 60 minutes, passengers shall also be offered free of charge:

(a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station, or can reasonably be supplied taking into account criteria such as the distance from the supplier, the time required for delivery and the cost;

(b) hotel or other accommodation, and transport between the railway station and place of accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible***, the access requirements of persons with disabilities and persons with reduced mobility and the needs of certified service animals being taken into account***; **[Am. 84]**

(c) if the train is blocked on the track, transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible.

3. If the railway service cannot be continued anymore, railway undertakings shall organise as soon as possible alternative transport services for passengers.

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4. ***With regard to the affected passengers,*** railway undertakings shall ***offer to*** ~~, at the request of the passenger,~~ certify ***on their tickets*** or by any other means that the rail service has suffered a delay, led to a missed connection or that it has been cancelled, as the case might be. ***This certification shall apply in connection with the provisions laid down in Article 17, subject to the proof by the passenger holding a travel pass or season ticket that he or she was travelling on the affected service.*** **[Am. 85]**

5. In applying paragraphs 1, 2, 3 and 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities, ~~and~~ persons with reduced mobility, ~~and~~ any accompanying persons ***and certified service animals.*** **[Am. 86]**

6. In addition to the obligations on railway undertakings pursuant to Article 13a(3) of Directive 2012/34/EU~~, the station manager of a railway station handling at least 10 000 passengers per day on average over a year shall ensure that the operations of the station, the railway undertakings and the infrastructure manager are coordinated through a proper contingency plan in order to prepare for the possibility of major disruption and long delays leading to a considerable number of passengers being stranded in the station. The plan shall ensure that stranded passengers are provided with adequate assistance and information, including in accessible formats in accordance with the accessibility requirements laid down in Directive XXX. Upon request, the station manager shall make the plan, and any amendments to it, available to the national enforcement body or to any other body designated by a Member State. Station managers of railway stations handling fewer than 10 000 passengers per day on average over a year shall make all reasonable efforts to coordinate station users and to assist and inform stranded passengers in such situations~~***, Member States, railway undertakings, station managers and infrastructure managers shall cooperate to ensure that contingency plans referred to in Article 13a(3) of Directive 2012/34/EU include requirements for the accessibility of alert and information systems.*** **[Am. 87]**

~~Article 19~~

~~Right of redress~~

~~Where a railway undertaking pays compensation or meets its other obligations in accordance with this Regulation, no provision of this Regulation or national law may be interpreted as restricting its right to seek compensation for costs from any person, including third parties, in accordance with the law applicable. In particular, this Regulation shall in no way restrict the railway undertaking's right to seek reimbursement from a third party, with whom it has a contract and which contributed to the event which triggered compensation or other obligations. No provision of this Regulation may be interpreted as restricting the right of a third party, other than a passenger, with whom a railway undertaking has a contract, to seek reimbursement or compensation from the railway undertaking in accordance with applicable relevant laws.~~ **[Am. 88]**

CHAPTER V

PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY

Article 20

Right to transport

1. Railway undertakings and station managers shall, with the active involvement of representative organisations of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by ~~an assistance dog~~ ***a certified service animal or an accompanying person free of charge if independent mobility is not possible,*** in accordance with any relevant national rules, ***and shall ensure that rail transport for persons with disabilities and persons with reduced mobility is immediate wherever possible.*** **[Am. 89]**

2. Reservations and tickets shall be offered to persons with disabilities and persons with reduced mobility at no additional cost. A railway undertaking, ticket vendor or tour operator may not refuse to accept a reservation from, or issue a ticket to, a person with disabilities or a person with reduced mobility, or require that such person be accompanied by another person, unless this is strictly necessary in order to comply with the access rules referred to in paragraph 1.

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Article 20a

Railway undertakings and station managers shall, when complying with the TSI for persons with reduced mobility, also ensure that the station, platforms, rolling stock and other facilities are accessible to persons with disabilities and persons with reduced mobility. **[Am. 90]**

Article 21

Information to persons with disabilities and persons with reduced mobility

1. Upon request, a station manager, a railway undertaking, a ticket vendor or a tour operator shall provide persons with disabilities and persons with reduced mobility with information, including in accessible formats in accordance with the accessibility requirements laid down in Regulation (EU) No 454/2011 and Directive XXX ***and Regulation (EU) No 1300/2014***, on the accessibility of the station and associated facilities, rail services and on the access conditions of rolling stock in accordance with the access rules referred to in Article 20(1) and shall inform persons with disabilities and persons with reduced mobility about facilities on board. **[Am. 91]**

2. When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator ~~shall make reasonable efforts to~~ ***shall*** propose an alternative transport option to the person in question taking into account his or her accessibility needs. **[Am. 92]**

Article 22

Assistance at railway stations

1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket, without prejudice to the access rules referred to in Article 20(1). ***The booking of assistance shall always be done without extra cost, irrespective of the communication channel being used.*** **[Am. 93]**

2. In the absence of ***accompanying staff on board a train or*** staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons or persons with reduced mobility to have access to travel by rail ***in conformity with the accessibility requirements of Directive XXX [European Accessibility Act] and Regulation (EU) No 454/2011.*** **[Am. 94]**

3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information, including in accessible formats in accordance with the accessibility requirements laid down in Directive XXX, ***and in Regulation (EU) No 1300/2014*** is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities ***and*** persons with reduced mobility. **[Am. 95]**

~~4. Assistance shall be available in stations during all times when rail services operate.~~ **[Am. 96]**

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Article 23

Assistance on board

1. Without prejudice to the access rules as referred to in Article 20(1), railway undertakings shall provide persons with disabilities and persons with reduced mobility assistance free of charge on board a train and during boarding and disembarking from a train.

2. In the absence of accompanying staff on board a train, railway undertakings shall ~~make reasonable efforts to~~ ***nevertheless*** enable persons with disabilities or persons with reduced mobility to have access to travel by rail. **[Am. 97]**

3. ~~For the purposes of this Article, assistance on board shall consist of all reasonable efforts to offer assistance to~~ A person with disabilities or a person with reduced mobility ***must be offered assistance*** in order to allow that person to have access to the same services in the train as other passengers, should the extent of the person's disability or reduced mobility not allow him or her to have access to those services independently and in safety. **[Am. 98]**

~~4. Assistance shall be available on board trains during all times when rail services operate.~~ **[Am. 99]**

Article 24

Conditions under which assistance is provided

Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance ***free of charge*** to persons with disabilities and persons with reduced mobility in line with Articles 20 and 21 in accordance with the following points: **[Am. 100]**

(a) assistance ***in stations*** shall be provided ***during times rail services operate*** on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need for such assistance ~~at least 48 hours~~ ***at least 12 hours*** before the assistance is needed. ***In stations where daily traffic exceeds 10 000 passengers per day, no pre-notification is needed, however, the person in need of assistance shall be at the respective station at least 30 minutes before the departure of the train. In stations where daily traffic is between 2 000 and 10 000 passengers per day, the notification shall be reduced to maximum three hours.*** Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided. Such notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey; **[Am. 101]**

(b) railway undertakings, station managers, ticket vendors and tour operators shall take all measures necessary for the reception of notifications;

(c) if no notification is made in accordance with point (a), the railway undertaking and the station manager shall make all reasonable efforts to provide assistance in such a way that the person with disabilities or person with reduced mobility may travel;

(d) without prejudice to the powers of other entities regarding areas located outside the railway station premises, the station manager or any other authorised person shall designate points, within and outside the railway station, at which persons with disabilities and persons with reduced mobility can make known their arrival at the railway station and, if need be, request assistance;

(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents ~~him or herself~~ ***themselves*** at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in. ~~If no time is stipulated by which the person with disabilities or person with reduced mobility is required to present him or herself, the person shall present him or herself at the designated point at least 30 minutes before the published departure time or the time at which all passengers are asked to check in.~~ **[Am. 102]**

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Article 25

Compensation in respect of mobility equipment, other specific equipment or assistive devices

1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and ~~assistant dogs~~***certified service animals*** used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage ***as soon as possible***. **[Am. 103]**

2. The compensation referred to in paragraph 1 shall be ***paid in a timely manner and shall be*** equal to the ***full*** cost of replacement ~~or~~ ***based on the actual value,*** or ***on the full costs of*** repair of the ***wheelchair,*** equipment or devices lost or damaged***, or the loss or injury of the certified service animal. The compensation shall also cover the costs of temporary replacement in case of repair, where such costs are borne by the passenger.*** **[Am. 104]**

3. Where necessary, railway undertakings and station managers shall make every reasonable effort rapidly to provide temporary replacements for specific equipment or assistive devices, which shall, where possible, have technical and functional features equivalent to those lost or damaged. The person with disabilities or reduced mobility shall be permitted to keep the temporary replacement equipment or device until the compensation referred to in paragraphs 1 and 2 has been paid.

Article 26

Staff training

Railway undertakings and station managers shall:

(a) ensure that all ~~personnel~~***staff***, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, ***receive disability-related training in order to*** know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments; **[Am. 105]**

(b) provide training to raise awareness of the needs of persons with disabilities among all personnel working at the station who deal directly with the travelling public;

(c) ensure that, upon recruitment, all new ~~employees~~ ***staff who will deal directly with the travelling public*** receive ***an introduction to disability-related issues for passengers and the railway undertaking, and that employees who provide direct assistance to passengers with reduced mobility receive*** disability-related training and ~~that personnel~~ attend regular refresher training courses; **[Am. 106]**

(d) ~~accept upon request~~***may accept*** the participation, in the training, of employees with disabilities, ***and consider the participation of*** passengers with disabilities and with reduced mobility, ***and/or organisations representing them***. **[Am. 107]**

CHAPTER VI

SECURITY, COMPLAINTS AND QUALITY OF SERVICE

Article 27

Personal security of passengers

In agreement with public authorities, railway undertakings, infrastructure managers and station managers shall take adequate measures in their respective fields of responsibility and adapt them to the level of security defined by the public authorities to ensure passengers' personal security in railway stations and on trains and to manage risks. They shall cooperate and exchange information on best practices concerning the prevention of acts, which are likely to deteriorate the level of security.

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Article 28

Complaints

1. All railway undertakings, ticket vendors, station managers ~~and infrastructure managers of stations handling more than 10 000 passengers per day on average over a year shall each~~ ***shall*** set up a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers. ***Passengers should be able to file complaints in the official language(s) of the Member State in which the respective railway undertaking, ticket vendor and station manager are established and in any event in English.*** **[Am. 108]**

2. Passengers may submit a complaint to any railway undertaking, ticket vendor, ~~railway station or infrastructure manager~~***or station manager*** involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger ~~by what date~~***that the passenger will get a reply*** within a period of less than three months from the date of receipt of the complaint ~~a reply can be expected. Railway undertakings, ticket vendors, station managers and infrastructure managers shall keep the incident data necessary to assess the complaint for two years and make them available to national enforcement bodies upon request~~. **[Am. 109]**

3. Details of the complaint handling procedure shall be ***easily available to passengers and*** accessible to persons with disabilities and persons with reduced mobility. ***This information shall be available upon request in the official language (s) of the Member State in which the railway undertaking is established.*** **[Am. 110]**

4. The railway undertaking shall publish in the annual report referred to in Article 29 the number and categories of received complaints, processed complaints, response time and possible improvement actions undertaken.

4a. The Commission shall adopt implementing acts setting out a standardised Union complaint form for passengers to use in order to apply for compensation in accordance with this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37a(2). **[Am. 111]**

Article 29

Service quality standards

1. Railway undertakings and station managers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

2. Railway undertakings and station managers shall monitor their own performance as reflected in the service quality standards. Railway undertakings shall each year publish a report on their service quality performance together with their annual report. Railway undertakings shall publish the reports on service quality performance on their website. In addition, these reports shall be made available on the website of the European Union Agency for Railways.

2a. Railway undertakings and station managers actively cooperate with organisations representing persons with disabilities to improve the quality of accessibility of transport services. **[Am. 112]**

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CHAPTER VII

INFORMATION AND ENFORCEMENT

Article 30

Information to passengers about their rights

1. When selling tickets for journeys by rail, railway undertakings, station managers, ticket vendors and tour operators shall inform passengers of their rights and obligations under this Regulation. In order to comply with this information requirement, they may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to them. In addition, they shall provide ~~a notice on the ticket~~***information***, in either paper or electronic format or by any other means, including in accessible formats for persons with disabilities and persons with reduced mobility in accordance with the requirements laid down in ~~Directive XXX. That notice shall specify~~***Regulation (EU) No 1300/2014 that specifies*** where such information can be obtained in the event of cancellation, missed connection or long delay. **[Am. 113]**

2. Railway undertakings and station managers shall inform passengers in an appropriate manner, including in accessible formats in accordance with the accessibility requirements laid down in ~~Directive XXX~~***Regulation (EU) No 1300/2014***, at the station ~~and~~, on the train ***and on their website***, of their rights and obligations under this Regulation, and of the contact details of the body or bodies designated by Member States pursuant to Article 31. **[Am. 114]**

Article 31

Designation of national enforcement bodies

Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation. Each body shall take the measures necessary to ensure that the rights of passengers are respected.

Each body shall be independent in its organisation, funding decisions, legal structure and decision-making of any infrastructure manager, charging body, allocation body or railway undertaking.

Member States shall inform the Commission of the body or bodies designated in accordance with this Article and of its or their respective responsibilities ***and shall publish them in a suitable place on their website***. **[Am. 115]**

Article 32

Enforcement tasks

1. The national enforcement bodies shall closely monitor compliance with this Regulation and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers and infrastructure managers shall provide the bodies with relevant documents and information at their request ***without delay and in any event within one month***. In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. ~~They may also decide on~~***Member States shall ensure that national*** enforcement ~~actions based on~~ ***and complaint handling bodies shall be given sufficient powers and resources for the adequate and effective enforcement of*** individual complaints ~~transmitted by such a body~~ ***from passengers under this Regulation***. **[Am. 116]**

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2. The national enforcement bodies shall ***each year*** publish ***reports with*** statistics on their ~~activity~~ ***websites detailing the number and type of complaints that they have received, detailing the outcome of their enforcement actions***, including ~~on~~ ***the*** sanctions ***that they have*** applied.~~, every year, at the latest at the end~~ ***This shall be done for each year by no later than the first day*** of April of the ~~following calendar~~ ***succeeding*** year. ***In addition, these reports shall be made available on the website of the European Union Agency for Railways.*** **[Am. 117]**

3. Railway undertakings shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.

3a. The national enforcement bodies, in collaboration with representative organisations of persons with disabilities and persons with reduced mobility, shall conduct regular audits of the assistance services provided in accordance with this Regulation and publish the results in accessible and commonly used formats. **[Am. 118]**

Article 33

Complaint-handling by national enforcement bodies

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU, after having complained unsuccessfully to the railway undertaking, ~~ticket vendor,~~ station or infrastructure manager pursuant to Article 28, the passenger may complain to an enforcement body. Enforcement bodies shall inform complainants about their right to complain to alternative dispute resolution bodies to seek individual redress. ***Member States shall ensure that enforcement or complaint-handling bodies are recognised for the purposes of alternative redress schemes pursuant to Directive 2013/11/EU, and that where passengers seek alternative redress, the railway undertaking, ticket vendor, station or infrastructure manager concerned is required to participate and the outcome shall be binding on, and effectively enforceable against, them.*** **[Am. 119]**

2. Any passenger may complain to the national enforcement body, or any other body designated by a Member State for that purpose, about an alleged infringement of this Regulation. ***Complaints may also be made by organisations representing groups of passengers***. **[Am. 120]**

3. The body shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months. For complex cases, the body may, at its discretion, extend this period to six months. In such a case, it shall inform the passenger ***or organisation representing passengers*** of the reasons for the extension and of the expected time needed to conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail ***and the use of online dispute resolution in accordance with Regulation (EU) No 524/2013 may be made available with the agreement of all parties involved***. **[Am. 121]**

The complaint-handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility.

4. Passenger complaints about an incident involving a railway undertaking shall be handled by the national enforcement body of the Member State that granted that undertaking's licence.

5. Where a complaint relates to alleged violations by station or infrastructure managers, the national enforcement body shall be that of the Member State on whose territory the incident occurred.

6. In the framework of cooperation pursuant to Article 34 national enforcement bodies may derogate from paragraphs 4 or 5 where for justified reasons, in particular language or residence, this is in the passenger's interest.

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Article 33a

Independent conciliation bodies

The Member States shall install well-equipped independent conciliation bodies that will be easily accessible and affordable for passengers in case of conflicts with railway undertakings and ticket vendors on the enforcement of their rights. **[Am. 122]**

Article 34

Exchange of information and cross-border cooperation between national enforcement bodies

1. Where different bodies are designated under Articles 31 and 33, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the complaint-handling body designated under Article 33 can collect the information necessary to examine individual complaints.

2. National enforcement bodies shall exchange information on their work and decision-making principles and practice for the purpose of coordination. The Commission shall support them in this task.

3. The national enforcement bodies shall follow the procedure set out in Annex IV.

CHAPTER VIII

FINAL PROVISIONS

Article 35

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive***, and shall include, but not be limited to, a minimum fine or a percentage of the relevant undertaking or organisation's annual turnover, whichever is the higher***. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them. **[Am. 123]**

2. In the framework of cooperation referred to in Article 34 the national enforcement body which is competent for the purposes of Article 33(4) or (5) shall, upon request of the national enforcement body handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose sanctions.

Article 36

Delegation of powers

The Commission is empowered to adopt delegated acts in accordance with Article 37 in order to:

(i) adjust the financial amounts referred to in Article 13 in light of inflation;

(ii) amend Annexes I, II and III in order to take account of amendments to the CIV Uniform Rules and technological developments in this area.

Thursday 15 November 2018

Article 37

Exercise of the delegation

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

2. The power to adopt delegated acts referred to in Article 36 shall be conferred on the Commission for a period of five years from … [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 36 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following its publication in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

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

6. A delegated act adopted pursuant to Article 36 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 37a

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. **[Am. 124]**

Article 38

Report

The Commission shall report to the European Parliament and the Council on the implementation and the results of this Regulation by … [five years after the adoption of this Regulation].

The report shall be based on information to be provided pursuant to this Regulation. The report shall be accompanied where necessary by appropriate proposals.

Article 39

Repeal

Regulation (EC) No 1371/2007 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

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Article 40

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 and directly applicable in all Member States.

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

Thursday 15 November 2018

ANNEXES

ANNEX I

Extract from Uniform Rules concerning the contract for international carriage of passengers and luggage by rail (CIV)

Appendix A

to the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980, as modified by the Protocol for the modification of the Convention Concerning International Carriage by Rail of 3 June 1999

TITLE II

CONCLUSION AND PERFORMANCE OF THE CONTRACT OF CARRIAGE

Article 6

Contract of carriage

1. By the contract of carriage the carrier shall undertake to carry the passenger as well as, where appropriate, luggage and vehicles to the place of destination and to deliver the luggage and vehicles at the place of destination.

2. The contract of carriage must be confirmed by one or more tickets issued to the passenger. However, subject to Article 9 the absence, irregularity or loss of the ticket shall not affect the existence or validity of the contract which shall remain subject to these Uniform Rules.

3. The ticket shall be prima facie evidence of the conclusion and the contents of the contract of carriage.

Article 7

Ticket

1. The General Conditions of Carriage shall determine the form and content of tickets as well as the language and characters in which they are to be printed and made out.

2. The following, at least, must be entered on the ticket:

(a) the carrier or carriers;

(b) a statement that the carriage is subject, notwithstanding any clause to the contrary, to these Uniform Rules; this may be indicated by the acronym CIV;

(c) any other statement necessary to prove the conclusion and contents of the contract of carriage and enabling the passenger to assert the rights resulting from this contract.

3. The passenger must ensure, on receipt of the ticket, that it has been made out in accordance with his instructions.

4. The ticket shall be transferable if it has not been made out in the passenger's name and if the journey has not begun.

5. The ticket may be established in the form of electronic data registration, which can be transformed into legible written symbols. The procedure used for the registration and treatment of data must be equivalent from the functional point of view, particularly so far as concerns the evidential value of the ticket represented by those data.

Article 8

Payment and refund of the carriage charge

1. Subject to a contrary agreement between the passenger and the carrier, the carriage charge shall be payable in advance.

2. The General Conditions of Carriage shall determine under what conditions a refund of the carriage charge shall be made.

Article 9

Right to be carried. Exclusion from carriage

1. The passenger must, from the start of his journey, be in possession of a valid ticket and produce it on the inspection of tickets. The General Conditions of Carriage may provide:

(a) that a passenger who does not produce a valid ticket must pay, in addition to the carriage charge, a surcharge;

(b) that a passenger who refuses to pay the carriage charge or the surcharge upon demand may be required to discontinue his journey;

(c) if and under what conditions a refund of the surcharge shall be made.

2. The General Conditions of Carriage may provide that passengers who:

(a) present a danger for safety and the good functioning of the operations or for the safety of other passengers,

(b) inconvenience other passengers in an intolerable manner,

shall be excluded from carriage or may be required to discontinue their journey and that such persons shall not be entitled to a refund of their carriage charge or of any charge for the carriage of registered luggage they may have paid.

Article 10

Completion of administrative formalities

The passenger must comply with the formalities required by customs or other administrative authorities.

Article 11

Cancellation and late running of trains. Missed connections

The carrier must, where necessary, certify on the ticket that the train has been cancelled or the connection missed.

TITLE III

CARRIAGE OF HAND LUGGAGE, ANIMALS, REGISTERED LUGGAGE AND VEHICLES

Chapter I

Common provisions

Article 12

Acceptable articles and animals

1. The passenger may take with him articles which can be handled easily (hand luggage) and also live animals in accordance with the General Conditions of Carriage. Moreover, the passenger may take with him cumbersome articles in accordance with the special provisions, contained in the General Conditions of Carriage. Articles and animals likely to annoy or inconvenience passengers or cause damage shall not be allowed as hand luggage.

2. The passenger may consign articles and animals as registered luggage in accordance with the General Conditions of Carriage.

3. The carrier may allow the carriage of vehicles on the occasion of the carriage of passengers in accordance with special provisions, contained in the General Conditions of Carriage.

4. The carriage of dangerous goods as hand luggage, registered luggage as well as in or on vehicles which, in accordance with this Title are carried by rail, must comply with the Regulation concerning the Carriage of Dangerous Goods by Rail (RID).

Article 13

Examination

1. When there is good reason to suspect a failure to observe the conditions of carriage, the carrier shall have the right to examine whether the articles (hand luggage, registered luggage, vehicles including their loading) and animals carried comply with the conditions of carriage, unless the laws and prescriptions of the State in which the examination would take place prohibit such examination. The passenger must be invited to attend the examination. If he does not appear or cannot be reached, the carrier must require the presence of two independent witnesses.

2. If it is established that the conditions of carriage have not been respected, the carrier can require the passenger to pay the costs arising from the examination.

Article 14

Completion of administrative formalities

The passenger must comply with the formalities required by customs or other administrative authorities when, on being carried, he has articles (hand luggage, registered luggage, vehicles including their loading) or animals carried. He shall be present at the inspection of these articles save where otherwise provided by the laws and prescriptions of each State.

Chapter II

Hand luggage and animals

Article 15

Supervision

It shall be the passenger's responsibility to supervise the hand luggage and animals that he takes with him.

Chapter III

Registered luggage

Article 16

Consignment of registered luggage

1. The contractual obligations relating to the forwarding of registered luggage must be established by a luggage registration voucher issued to the passenger.

2. Subject to Article 22 the absence, irregularity or loss of the luggage registration voucher shall not affect the existence or the validity of the agreements concerning the forwarding of the registered luggage, which shall remain subject to these Uniform Rules.

3. The luggage registration voucher shall be prima facie evidence of the registration of the luggage and the conditions of its carriage.

4. Subject to evidence to the contrary, it shall be presumed that when the carrier took over the registered luggage it was apparently in a good condition, and that the number and the mass of the items of luggage corresponded to the entries on the luggage registration voucher.

Article 17

Luggage registration voucher

1. The General Conditions of Carriage shall determine the form and content of the luggage registration voucher as well as the language and characters in which it is to be printed and made out. Article 7(5) shall apply mutatis mutandis.

2. The following, at least, must be entered on the luggage registration voucher:

(a) the carrier or carriers;

(b) a statement that the carriage is subject, notwithstanding any clause to the contrary, to these Uniform Rules; this may be indicated by the acronym CIV;

(c) any other statement necessary to prove the contractual obligations relating to the forwarding of the registered luggage and enabling the passenger to assert the rights resulting from the contract of carriage.

3. The passenger must ensure, on receipt of the luggage registration voucher, that it has been made out in accordance with his instructions.

Article 18

Registration and carriage

1. Save where the General Conditions of Carriage otherwise provide, luggage shall be registered only on production of a ticket valid at least as far as the destination of the luggage. In other respects the registration of luggage shall be carried out in accordance with the prescriptions in force at the place of consignment.

2. When the General Conditions of Carriage provide that luggage may be accepted for carriage without production of a ticket, the provisions of these Uniform Rules determining the rights and obligations of the passenger in respect of his registered luggage shall apply mutatis mutandis to the consignor of registered luggage.

3. The carrier can forward the registered luggage by another train or by another mode of transport and by a different route from that taken by the passenger.

Article 19

Payment of charges for the carriage of registered luggage

Subject to a contrary agreement between the passenger and the carrier, the charge for the carriage of registered luggage shall be payable on registration.

Article 20

Marking of registered luggage

The passenger must indicate on each item of registered luggage in a clearly visible place, in a sufficiently durable and legible manner:

(a) his name and address;

(b) the place of destination.

Article 21

Right to dispose of registered luggage

1. If circumstances permit and if customs requirements or the requirements of other administrative authorities are not thereby contravened, the passenger can request luggage to be handed back at the place of consignment on surrender of the luggage registration voucher and, if the General Conditions of Carriage so require, on production of the ticket.

2. The General Conditions of Carriage may contain other provisions concerning the right to dispose of registered luggage, in particular modifications of the place of destination and the possible financial consequences to be borne by the passenger.

Article 22

Delivery

1. Registered luggage shall be delivered on surrender of the luggage registration voucher and, where appropriate, on payment of the amounts chargeable against the consignment.

The carrier shall be entitled, but not obliged, to examine whether the holder of the voucher is entitled to take delivery.

2. It shall be equivalent to delivery to the holder of the luggage registration voucher if, in accordance with the prescriptions in force at the place of destination:

(a) the luggage has been handed over to the customs or octroi authorities at their premises or warehouses, when these are not subject to the carrier's supervision;

(b) live animals have been handed over to third parties.

3. The holder of the luggage registration voucher may require delivery of the luggage at the place of destination as soon as the agreed time and, where appropriate, the time necessary for the operations carried out by customs or other administrative authorities, has elapsed.

4. Failing surrender of the luggage registration voucher, the carrier shall only be obliged to deliver the luggage to the person proving his right thereto; if the proof offered appears insufficient, the carrier may require security to be given.

5. Luggage shall be delivered at the place of destination for which it has been registered.

6. The holder of a luggage registration voucher whose luggage has not been delivered may require the day and time to be endorsed on the voucher when he requested delivery in accordance with paragraph 3.

7. The person entitled may refuse to accept the luggage if the carrier does not comply with his request to carry out an examination of the registered luggage in order to establish alleged damage.

8. In all other respects delivery of luggage shall be carried out in accordance with the prescriptions in force at the place of destination.

Chapter IV

Vehicles

Article 23

Conditions of carriage

The special provisions governing the carriage of vehicles, contained in the General Conditions of Carriage, shall specify in particular the conditions governing acceptance for carriage, registration, loading and carriage, unloading and delivery as well as the obligations of the passenger.

Article 24

Carriage voucher

1. The contractual obligations relating to the carriage of vehicles must be established by a carriage voucher issued to the passenger. The carriage voucher may be integrated into the passenger's ticket.

2. The special provisions governing the carriage of vehicles, contained in the General Conditions of Carriage, shall determine the form and content of the carriage voucher as well as the language and the characters in which it is to be printed and made out. Article 7(5) shall apply mutatis mutandis.

3. The following, at least, must be entered on the carriage voucher:

(a) the carrier or carriers;

(b) a statement that the carriage is subject, notwithstanding any clause to the contrary, to these Uniform Rules; this may be indicated by the acronym CIV;

(c) any other statement necessary to prove the contractual obligations relating to the carriage of vehicles and enabling the passenger to assert the rights resulting from the contract of carriage.

4. The passenger must ensure, on receipt of the carriage voucher, that it has been made out in accordance with his instructions.

Article 25

Applicable law

Subject to the provisions of this Chapter, the provisions of Chapter III relating to the carriage of luggage shall apply to vehicles.

TITLE IV

LIABILITY OF THE CARRIER

Chapter I

Liability in case of death of, or personal injury to, passengers

Article 26

Basis of liability

1. The carrier shall be liable for the loss or damage resulting from the death of, personal injuries to, or any other physical or mental harm to, a passenger, caused by an accident arising out of the operation of the railway and happening while the passenger is in, entering or alighting from railway vehicles whatever the railway infrastructure used.

2. The carrier shall be relieved of this liability:

(a) if the accident has been caused by circumstances not connected with the operation of the railway and which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent;

(b) to the extent that the accident is due to the fault of the passenger;

(c) if the accident is due to the behaviour of a third party which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent; another undertaking using the same railway infrastructure shall not be considered as a third party; the right of recourse shall not be affected.

3. If the accident is due to the behaviour of a third party and if, in spite of that, the carrier is not entirely relieved of his liability in accordance with paragraph 2, letter c), he shall be liable in full up to the limits laid down in these Uniform Rules but without prejudice to any right of recourse which the carrier may have against the third party.

4. These Uniform Rules shall not affect any liability which may be incurred by the carrier in cases not provided for in paragraph 1.

5. If carriage governed by a single contract of carriage is performed by successive carriers, the carrier bound pursuant to the contract of carriage to provide the service of carriage in the course of which the accident happened shall be liable in case of death of, and personal injuries to, passengers. When this service has not been provided by the carrier, but by a substitute carrier, the two carriers shall be jointly and severally liable in accordance with these Uniform Rules.

Article 27

Damages in case of death

1. In case of death of the passenger the damages shall comprise:

(a) any necessary costs following the death, in particular those of transport of the body and the funeral expenses;

(b) if death does not occur at once, the damages provided for in Article 28.

2. If, through the death of the passenger, persons whom he had, or would have had, a legal duty to maintain are deprived of their support, such persons shall also be compensated for that loss. Rights of action for damages of persons whom the passenger was maintaining without being legally bound to do so, shall be governed by national law.

Article 28

Damages in case of personal injury

In case of personal injury or any other physical or mental harm to the passenger the damages shall comprise:

(a) any necessary costs, in particular those of treatment and of transport;

(b) compensation for financial loss, due to total or partial incapacity to work, or to increased needs.

Article 29

Compensation for other bodily harm

National law shall determine whether and to what extent the carrier must pay damages for bodily harm other than that for which there is provision in Articles 27 and 28.

Article 30

Form and amount of damages in case of death and personal injury

1. The damages under Article 27(2) and Article 28(b) must be awarded in the form of a lump sum. However, if national law permits payment of an annuity, the damages shall be awarded in that form if so requested by the injured passenger or by the persons entitled referred to in Article 27(2).

2. The amount of damages to be awarded pursuant to paragraph 1 shall be determined in accordance with national law. However, for the purposes of these Uniform Rules, the upper limit per passenger shall be set at 175 000 units of account as a lump sum or as an annual annuity corresponding to that sum, where national law provides for an upper limit of less than that amount.

Article 31

Other modes of transport

1. Subject to paragraph 2, the provisions relating to the liability of the carrier in case of death of, or personal injury to, passengers shall not apply to loss or damage arising in the course of carriage which, in accordance with the contract of carriage, was not carriage by rail.

2. However, where railway vehicles are carried by ferry, the provisions relating to liability in case of death of, or personal injury to, passengers shall apply to loss or damage referred to in Article 26(1) and Article 33(1), caused by an accident arising out of the operation of the railway and happening while the passenger is in, entering or alighting from the said vehicles.

3. When, because of exceptional circumstances, the operation of the railway is temporarily suspended and the passengers are carried by another mode of transport, the carrier shall be liable pursuant to these Uniform Rules.

Chapter II

Liability in case of failure to keep to the timetable

Article 32

Liability in case of cancellation, late running of trains or missed connections

1. The carrier shall be liable to the passenger for loss or damage resulting from the fact that, by reason of cancellation, the late running of a train or a missed connection, his journey cannot be continued the same day, or that a continuation of the journey the same day could not reasonably be required because of given circumstances. The damages shall comprise the reasonable costs of accommodation as well as the reasonable costs occasioned by having to notify persons expecting the passenger.

2. The carrier shall be relieved of this liability, when the cancellation, late running or missed connection is attributable to one of the following causes:

(a) circumstances not connected with the operation of the railway which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent;

(b) fault on the part of the passenger; or

(c) the behaviour of a third party which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent; another undertaking using the same railway infrastructure shall not be considered as a third party; the right of recourse shall not be affected.

3. National law shall determine whether and to what extent the carrier must pay damages for harm other than that provided for in paragraph 1. This provision shall be without prejudice to Article 44.

Chapter III

Liability in respect of hand luggage, animals, registered luggage and vehicles

SECTION 1

Hand luggage and animals

Article 33

Liability

1. In case of death of, or personal injury to, passengers the carrier shall also be liable for the loss or damage resulting from the total or partial loss of, or damage to, articles which the passenger had on him or with him as hand luggage; this shall apply also to animals which the passenger had brought with him. Article 26 shall apply mutatis mutandis.

2. In other respects, the carrier shall not be liable for the total or partial loss of, or damage to, articles, hand luggage or animals the supervision of which is the responsibility of the passenger in accordance with Article 15, unless this loss or damage is caused by the fault of the carrier. The other Articles of Title IV, with exception of Article 51, and Title VI shall not apply in this case.

Article 34

Limit of damages in case of loss of or damage to articles

When the carrier is liable under Article 33(1), he must pay compensation up to a limit of 1 400 units of account per passenger.

Article 35

Exclusion of liability

The carrier shall not be liable to the passenger for loss or damage arising from the fact that the passenger does not conform to the formalities required by customs or other administrative authorities.

SECTION 2

Registered luggage

Article 36

Basis of liability

1. The carrier shall be liable for loss or damage resulting from the total or partial loss of, or damage to, registered luggage between the time of taking over by the carrier and the time of delivery as well as from delay in delivery.

2. The carrier shall be relieved of this liability to the extent that the loss, damage or delay in delivery was caused by a fault of the passenger, by an order given by the passenger other than as a result of the fault of the carrier, by an inherent defect in the registered luggage or by circumstances which the carrier could not avoid and the consequences of which he was unable to prevent.

3. The carrier shall be relieved of this liability to the extent that the loss or damage arises from the special risks inherent in one or more of the following circumstances:

(a) the absence or inadequacy of packing;

(b) the special nature of the luggage;

(c) the consignment as luggage of articles not acceptable for carriage.

Article 37

Burden of proof

1. The burden of proving that the loss, damage or delay in delivery was due to one of the causes specified in Article 36 (2) shall lie on the carrier.

2. When the carrier establishes that, having regard to the circumstances of a particular case, the loss or damage could have arisen from one or more of the special risks referred to in Article 36(3), it shall be presumed that it did so arise. The person entitled shall, however, have the right to prove that the loss or damage was not attributable either wholly or in part to one of those risks.

Article 38

Successive carriers

If carriage governed by a single contract is performed by several successive carriers, each carrier, by the very act of taking over the luggage with the luggage registration voucher or the vehicle with the carriage voucher, shall become a party to the contract of carriage in respect of the forwarding of luggage or the carriage of vehicles, in accordance with the terms of the luggage registration voucher or of the carriage voucher and shall assume the obligations arising therefrom. In such a case each carrier shall be responsible for the carriage over the entire route up to delivery.

Article 39

Substitute carrier

1. Where the carrier has entrusted the performance of the carriage, in whole or in part, to a substitute carrier, whether or not in pursuance of a right under the contract of carriage to do so, the carrier shall nevertheless remain liable in respect of the entire carriage.

2. All the provisions of these Uniform Rules governing the liability of the carrier shall apply also to the liability of the substitute carrier for the carriage performed by him. Articles 48 and 52 shall apply if an action is brought against the servants or any other persons whose services the substitute carrier makes use of for the performance of the carriage.

3. Any special agreement under which the carrier assumes obligations not imposed by these Uniform Rules or waives rights conferred by these Uniform Rules shall be of no effect in respect of the substitute carrier who has not accepted it expressly and in writing. Whether or not the substitute carrier has accepted it, the carrier shall nevertheless remain bound by the obligations or waivers resulting from such special agreement.

4. Where and to the extent that both the carrier and the substitute carrier are liable, their liability shall be joint and several.

5. The aggregate amount of compensation payable by the carrier, the substitute carrier and their servants and other persons whose services they make use of for the performance of the carriage shall not exceed the limits provided for in these Uniform Rules.

6. This Article shall not prejudice rights of recourse which may exist between the carrier and the substitute carrier.

Article 40

Presumption of loss

1. The person entitled may, without being required to furnish further proof, consider an item of luggage as lost when it has not been delivered or placed at his disposal within 14 days after a request for delivery has been made in accordance with Article 22(3).

2. If an item of luggage deemed to have been lost is recovered within one year after the request for delivery, the carrier must notify the person entitled if his address is known or can be ascertained.

3. Within thirty days after receipt of a notification referred to in paragraph 2, the person entitled may require the item of luggage to be delivered to him. In that case he must pay the charges in respect of carriage of the item from the place of consignment to the place where delivery is effected and refund the compensation received less, where appropriate, any costs included therein. Nevertheless he shall retain his rights to claim compensation for delay in delivery provided for in Article 43.

4. If the item of luggage recovered has not been claimed within the period stated in paragraph 3 or if it is recovered more than one year after the request for delivery, the carrier shall dispose of it in accordance with the laws and prescriptions in force at the place where the item of luggage is situated.

Article 41

Compensation for loss

1. In case of total or partial loss of registered luggage, the carrier must pay, to the exclusion of all other damages:

(a) if the amount of the loss or damage suffered is proved, compensation equal to that amount but not exceeding 80 units of account per kilogram of gross mass short or 1 200 units of account per item of luggage;

(b) if the amount of the loss or damage suffered is not established, liquidated damages of 20 units of account per kilogram of gross mass short or 300 units of account per item of luggage.

The method of compensation, by kilogram missing or by item of luggage, shall be determined by the General Conditions of Carriage.

2. The carrier must in addition refund the charge for the carriage of luggage and the other sums paid in relation to the carriage of the lost item as well as the customs duties and excise duties already paid.

Article 42

Compensation for damage

1. In case of damage to registered luggage, the carrier must pay compensation equivalent to the loss in value of the luggage, to the exclusion of all other damages.

2. The compensation shall not exceed:

(a) if all the luggage has lost value through damage, the amount which would have been payable in case of total loss;

(b) if only part of the luggage has lost value through damage, the amount which would have been payable had that part been lost.

Article 43

Compensation for delay in delivery

1. In case of delay in delivery of registered luggage, the carrier must pay in respect of each whole period of 24 hours after delivery has been requested, but subject to a maximum of 14 days:

(a) if the person entitled proves that loss or damage has been suffered thereby, compensation equal to the amount of the loss or damage, up to a maximum of 0,80 units of account per kilogram of gross mass of the luggage or 14 units of account per item of luggage, delivered late;

(b) if the person entitled does not prove that loss or damage has been suffered thereby, liquidated damages of 0,14 units of account per kilogram of gross mass of the luggage or 2,80 units of account per item of luggage, delivered late.

The methods of compensation, by kilogram missing or by item of luggage, shall be determined by the General Conditions of Carriage.

2. In case of total loss of luggage, the compensation provided for in paragraph 1 shall not be payable in addition to that provided for in Article 41.

3. In case of partial loss of luggage, the compensation provided for in paragraph 1 shall be payable in respect of that part of the luggage which has not been lost.

4. In case of damage to luggage not resulting from delay in delivery the compensation provided for in paragraph 1 shall, where appropriate, be payable in addition to that provided for in Article 42.

5. In no case shall the total of compensation provided for in paragraph 1 together with that payable under Articles 41 and 42 exceed the compensation which would be payable in case of total loss of the luggage.

SECTION 3

Vehicles

Article 44

Compensation for delay

1. In case of delay in loading for a reason attributable to the carrier or delay in delivery of a vehicle, the carrier must, if the person entitled proves that loss or damage has been suffered thereby, pay compensation not exceeding the amount of the carriage charge.

2. If, in case of delay in loading for a reason attributable to the carrier, the person entitled elects not to proceed with the contract of carriage, the carriage charge shall be refunded to him. In addition the person entitled may, if he proves that loss or damage has been suffered as a result of the delay, claim compensation not exceeding the carriage charge.

Article 45

Compensation for loss

In case of total or partial loss of a vehicle the compensation payable to the person entitled for the loss or damage proved shall be calculated on the basis of the usual value of the vehicle. It shall not exceed 8 000 units of account. A loaded or unloaded trailer shall be considered as a separate vehicle.

Article 46

Liability in respect of other articles

1. In respect of articles left inside the vehicle or situated in boxes (e.g. luggage or ski boxes) fixed to the vehicle, the carrier shall be liable only for loss or damage caused by his fault. The total compensation payable shall not exceed 1 400 units of account.

2. So far as concerns articles stowed on the outside of the vehicle, including the boxes referred to in paragraph 1, the carrier shall be liable in respect of articles placed on the outside of the vehicle only if it is proved that the loss or damage results from an act or omission, which the carrier has committed either with intent to cause such a loss or damage or recklessly and with knowledge that such loss or damage would probably result.

Article 47

Applicable law

Subject to the provisions of this Section, the provisions of Section 2 relating to liability for luggage shall apply to vehicles.

Chapter IV

Common provisions

Article 48

Loss of right to invoke the limits of liability

The limits of liability provided for in these Uniform Rules as well as the provisions of national law, which limit the compensation to a fixed amount, shall not apply if it is proved that the loss or damage results from an act or omission, which the carrier has committed either with intent to cause such loss or damage, or recklessly and with knowledge that such loss or damage would probably result.

Article 49

Conversion and interest

1. Where the calculation of compensation requires the conversion of sums expressed in foreign currency, conversion shall be at the exchange rate applicable on the day and at the place of payment of the compensation.

2. The person entitled may claim interest on compensation, calculated at five per cent per annum, from the day of the claim provided for in Article 55 or, if no such claim has been made, from the day on which legal proceedings were instituted.

3. However, in the case of compensation payable pursuant to Articles 27 and 28, interest shall accrue only from the day on which the events relevant to the assessment of the amount of compensation occurred, if that day is later than that of the claim or the day when legal proceedings were instituted.

4. In the case of luggage, interest shall only be payable if the compensation exceeds 16 units of account per luggage registration voucher.

5. In the case of luggage, if the person entitled does not submit to the carrier, within a reasonable time allotted to him, the supporting documents required for the amount of the claim to be finally settled, no interest shall accrue between the expiry of the time allotted and the actual submission of such documents.

Article 50

Liability in case of nuclear incidents

The carrier shall be relieved of liability pursuant to these Uniform Rules for loss or damage caused by a nuclear incident when the operator of a nuclear installation or another person who is substituted for him is liable for the loss or damage pursuant to the laws and prescriptions of a State governing liability in the field of nuclear energy.

Article 51

Persons for whom the carrier is liable

The carrier shall be liable for his servants and other persons whose services he makes use of for the performance of the carriage, when these servants and other persons are acting within the scope of their functions. The managers of the railway infrastructure on which the carriage is performed shall be considered as persons whose services the carrier makes use of for the performance of the carriage.

Article 52

Other actions

1. In all cases where these Uniform Rules shall apply, any action in respect of liability, on whatever grounds, may be brought against the carrier only subject to the conditions and limitations laid down in these Uniform Rules.

2. The same shall apply to any action brought against the servants and other persons for whom the carrier is liable pursuant to Article 51.

TITLE V

LIABILITY OF THE PASSENGER

Article 53

Special principles of liability

The passenger shall be liable to the carrier for any loss or damage:

(a) resulting from failure to fulfil his obligations pursuant to

1. Articles 10, 14 and 20,

2. the special provisions for the carriage of vehicles, contained in the General Conditions of Carriage, or

3. the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), or

(b) caused by articles and animals that he brings with him, unless he proves that the loss or damage was caused by circumstances that he could not avoid and the consequences of which he was unable to prevent, despite the fact that he exercised the diligence required of a conscientious passenger. This provision shall not affect the liability of the carrier pursuant to Articles 26 and 33(1).

Thursday 15 November 2018

TITLE VI

ASSERTION OF RIGHTS

Article 54

Ascertainment of partial loss or damage

1. When partial loss of, or damage to, an article carried in the charge of the carrier (luggage, vehicles) is discovered or presumed by the carrier or alleged by the person entitled, the carrier must without delay, and if possible in the presence of the person entitled, draw up a report stating, according to the nature of the loss or damage, the condition of the article and, as far as possible, the extent of the loss or damage, its cause and the time of its occurrence.

2. A copy of the report must be supplied free of charge to the person entitled.

3. Should the person entitled not accept the findings in the report, he may request that the condition of the luggage or vehicle and the cause and amount of the loss or damage be ascertained by an expert appointed either by the parties to the contract of carriage or by a court or tribunal. The procedure to be followed shall be governed by the laws and prescriptions of the State in which such ascertainment takes place.

Article 55

Claims

1. Claims relating to the liability of the carrier in case of death of, or personal injury to, passengers must be addressed in writing to the carrier against whom an action may be brought. In the case of a carriage governed by a single contract and performed by successive carriers the claims may also be addressed to the first or the last carrier as well as to the carrier having his principal place of business or the branch or agency which concluded the contract of carriage in the State where the passenger is domiciled or habitually resident.

2. Other claims relating to the contract of carriage must be addressed in writing to the carrier specified in Article 56(2) and (3).

3. Documents which the person entitled thinks fit to submit with the claim shall be produced either in the original or as copies, where appropriate, the copies duly certified if the carrier so requires. On settlement of the claim, the carrier may require the surrender of the ticket, the luggage registration voucher and the carriage voucher.

Article 56

Carriers against whom an action may be brought

1. An action based on the liability of the carrier in case of death of, or personal injury to, passengers may only be brought against the carrier who is liable pursuant to Article 26(5).

2. Subject to paragraph 4 other actions brought by passengers based on the contract of carriage may be brought only against the first carrier, the last carrier or the carrier having performed the part of carriage on which the event giving rise to the proceedings occurred.

3. When, in the case of carriage performed by successive carriers, the carrier who must deliver the luggage or the vehicle is entered with his consent on the luggage registration voucher or the carriage voucher, an action may be brought against him in accordance with paragraph 2 even if he has not received the luggage or the vehicle.

4. An action for the recovery of a sum paid pursuant to the contract of carriage may be brought against the carrier who has collected that sum or against the carrier on whose behalf it was collected.

5. An action may be brought against a carrier other than those specified in paragraphs 2 and 4 when instituted by way of counter-claim or by way of exception in proceedings relating to a principal claim based on the same contract of carriage.

6. To the extent that these Uniform Rules apply to the substitute carrier, an action may also be brought against him.

7. If the plaintiff has a choice between several carriers, his right to choose shall be extinguished as soon as he brings an action against one of them; this shall also apply if the plaintiff has a choice between one or more carriers and a substitute carrier.

Article 58

Extinction of right of action in case of death or personal injury

1. Any right of action by the person entitled based on the liability of the carrier in case of death of, or personal injury to, passengers shall be extinguished if notice of the accident to the passenger is not given by the person entitled, within 12 months of his becoming aware of the loss or damage, to one of the carriers to whom a claim may be addressed in accordance with Article 55(1). Where the person entitled gives oral notice of the accident to the carrier, the carrier shall furnish him with an acknowledgement of such oral notice.

2. Nevertheless, the right of action shall not be extinguished if:

(a) within the period provided for in paragraph 1 the person entitled has addressed a claim to one of the carriers designated in Article 55(1);

(b) within the period provided for in paragraph 1 the carrier who is liable has learned of the accident to the passenger in some other way;

(c) notice of the accident has not been given, or has been given late, as a result of circumstances not attributable to the person entitled;

(d) the person entitled proves that the accident was caused by fault on the part of the carrier.

Article 59

Extinction of right of action arising from carriage of luggage

1. Acceptance of the luggage by the person entitled shall extinguish all rights of action against the carrier arising from the contract of carriage in case of partial loss, damage or delay in delivery.

2. Nevertheless, the right of action shall not be extinguished:

(a) in case of partial loss or damage, if

1. the loss or damage was ascertained in accordance with Article 54 before the acceptance of the luggage by the person entitled,

2. the ascertainment which should have been carried out in accordance with Article 54 was omitted solely through the fault of the carrier;

(b) in case of loss or damage which is not apparent whose existence is ascertained after acceptance of the luggage by the person entitled, if he

1. asks for ascertainment in accordance with Article 54 immediately after discovery of the loss or damage and not later than three days after the acceptance of the luggage, and

2. in addition, proves that the loss or damage occurred between the time of taking over by the carrier and the time of delivery;

(c) in case of delay in delivery, if the person entitled has, within twenty-one days, asserted his rights against one of the carriers specified in Article 56(3);

(d) if the person entitled proves that the loss or damage was caused by fault on the part of the carrier.

Article 60

Limitation of actions

1. The period of limitation of actions for damages based on the liability of the carrier in case of death of, or personal injury to, passengers shall be:

(a) in the case of a passenger, three years from the day after the accident;

(b) in the case of other persons entitled, three years from the day after the death of the passenger, subject to a maximum of five years from the day after the accident.

2. The period of limitation for other actions arising from the contract of carriage shall be one year. Nevertheless, the period of limitation shall be two years in the case of an action for loss or damage resulting from an act or omission committed either with the intent to cause such loss or damage, or recklessly and with knowledge that such loss or damage would probably result.

3. The period of limitation provided for in paragraph 2 shall run for actions:

(a) for compensation for total loss, from the fourteenth day after the expiry of the period of time provided for in Article 22 (3);

(b) for compensation for partial loss, damage or delay in delivery, from the day when delivery took place;

(c) in all other cases involving the carriage of passengers, from the day of expiry of validity of the ticket.

The day indicated for the commencement of the period of limitation shall not be included in the period.

4. […]

5. […]

6. Otherwise, the suspension and interruption of periods of limitation shall be governed by national law.

TITLE VII

RELATIONS BETWEEN CARRIERS

Article 61

Apportionment of the carriage charge

1. Any carrier who has collected or ought to have collected a carriage charge must pay to the carriers concerned their respective shares of such a charge. The methods of payment shall be fixed by agreement between the carriers.

2. Article 6(3), Article 16(3) and Article 25 shall also apply to the relations between successive carriers.

Article 62

Right of recourse

1. A carrier who has paid compensation pursuant to these Uniform Rules shall have a right of recourse against the carriers who have taken part in the carriage in accordance with the following provisions:

(a) the carrier who has caused the loss or damage shall be solely liable for it;

(b) when the loss or damage has been caused by several carriers, each shall be liable for the loss or damage he has caused; if such distinction is impossible, the compensation shall be apportioned between them in accordance with letter c);

(c) if it cannot be proved which of the carriers has caused the loss or damage, the compensation shall be apportioned between all the carriers who have taken part in the carriage, except those who prove that the loss or damage was not caused by them; such apportionment shall be in proportion to their respective shares of the carriage charge.

2. In the case of insolvency of any one of these carriers, the unpaid share due from him shall be apportioned among all the other carriers who have taken part in the carriage, in proportion to their respective shares of the carriage charge.

Article 63

Procedure for recourse

1. The validity of the payment made by the carrier exercising a right of recourse pursuant to Article 62 may not be disputed by the carrier against whom the right to recourse is exercised, when compensation has been determined by a court or tribunal and when the latter carrier, duly served with notice of the proceedings, has been afforded an opportunity to intervene in the proceedings. The court or tribunal seized of the principal action shall determine what time shall be allowed for such notification of the proceedings and for intervention in the proceedings.

2. A carrier exercising his right of recourse must present his claim in one and the same proceedings against all the carriers with whom he has not reached a settlement, failing which he shall lose his right of recourse in the case of those against whom he has not taken proceedings.

3. The court or tribunal shall give its decision in one and the same judgment on all recourse claims brought before it.

4. The carrier wishing to enforce his right of recourse may bring his action in the courts or tribunals of the State on the territory of which one of the carriers participating in the carriage has his principal place of business, or the branch or agency which concluded the contract of carriage.

5. When the action must be brought against several carriers, the plaintiff carrier shall be entitled to choose the court or tribunal in which he will bring the proceedings from among those having competence pursuant to paragraph 4.

6. Recourse proceedings may not be joined with proceedings for compensation taken by the person entitled under the contract of carriage.

Article 64

Agreements concerning recourse

The carriers may conclude agreements which derogate from Articles 61 and 62.

Thursday 15 November 2018

ANNEX II

MINIMUM INFORMATION TO BE PROVIDED BY RAILWAY UNDERTAKINGS AND TICKET VENDORS

Part I: Pre-journey information

— General conditions applicable to the contract

— Time schedules and conditions for the fastest trip

— Time schedules and conditions for ***all available fares, including*** the lowest ~~fares~~***ones*** **[Am. 125]**

— Accessibility, access conditions and availability on board of facilities for persons with disabilities and persons with reduced mobility in accordance with the accessibility requirements laid down in Directive XXX

— Access ~~conditions~~ ***arrangements*** for bicycles **[Am. 126]**

— Availability of seats ***for all applicable fares*** in ~~smoking and in~~ non-smoking ***(and, where applicable, smoking)***, first and second class as well as couchettes and sleeping carriages **[Am. 127]**

— ~~Any activities likely to disrupt or delay services~~ ***Disruptions and delays (planned and in real time)*** **[Am. 128]**

— Availability of on-board services***, including Wi-Fi and toilets*** **[Am. 129]**

— Procedures for reclaiming lost luggage

— Procedures for the submission of complaints

Part II: Information during the journey

— On-board services***, including Wi-Fi*** **[Am. 130]**

— Next station

— ~~Delays~~ ***Disruptions and delays (planned and in real time)*** **[Am. 131]**

— Main connecting services

— Security and safety issues

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ANNEX III

MINIMUM SERVICE QUALITY STANDARDS

I. Requirements concerning railway undertakings

By 30 June of each year, railway undertakings shall publish on their website the service quality report corresponding to the previous business year and send it to the national enforcement body and to the European Union Agency for Railways for publication on its website. The undertaking shall publish on its website the report in its official national language(s) and, if possible, also in other Union languages, including a summary in English.

The service quality reports shall include information on at least the following:

1) Punctuality of services, and general principles of how railway undertakings cope with disruptions to services

(a) delays

(i) overall average delay of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);

(ii) percentage of services delayed at departure;

(iii) percentage of services delayed at arrival:

— percentage of delays of less than 60 minutes;

— percentage of delays of ~~60-119~~ ***91-120*** minutes; **[Am. 132]**

— percentage of delays of 120 minutes or more;

(b) cancellations of services

cancellation of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);

(c) application of the Regulation in relation to delays and cancellations of services:

(i) number of passengers to whom care and assistance were provided;

(ii) cost of this care and assistance provision;

(iii) number of passengers to whom compensation was granted;

(iv) cost of the compensation granted;

(2) Customer satisfaction survey

Minimum set of categories to be included:

(i) punctuality of trains;

(ii) information to passengers in the event of delay;

(iii) accuracy and availability of information on trains;

(iv) quality of maintenance/condition of trains;

(v) level of security on trains;

(vi) cleanliness of inside of the train;

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(vii) provision of useful information throughout the journey***, including in relation to Wi-Fi and other on-board services***; **[Am. 133]**

(viii) availability of good-quality toilets on every train;

(ix) cleanliness and maintenance of stations to a high standard;

(x) accessibility of trains and on-board facilities, including accessible toilets;

(xi) number of incidents and quality of assistance effectively provided to persons with disabilities and persons with reduced mobility on board in accordance with Article 24, irrespective of the prior notification of a request of assistance.

(3) Complaint handling

(i) number of complaints and outcome;

(ii) categories of complaints;

(iii) number of processed complaints;

(iv) average response time;

(v) possible improvements, actions undertaken.

(4) Assistance provided to persons with disabilities and persons with reduced mobility

number of cases of assistance per category of service (international, domestic long-distance, regional and urban/suburban).

(5) Disruptions

existence and short description of contingency plans, crisis management plans.

II. Requirements concerning station managers and infrastructure managers

The service quality reports shall include information on at least the following:

(1) Information and tickets

(i) procedure for handling information requests at the station;

(ii) procedure and means for providing information about train schedules, tariffs and platforms; quality of the information;

(iii) display of information on rights and obligations under the Regulation and on contact details of national enforcement bodies;

(iv) ticket-buying facilities;

(v) availability of staff at the station to provide information and sell tickets;

(vi) provision of information to persons with disabilities or reduced mobility;

(2) General principles to cope with service disruptions

(i) number of passengers to whom care and assistance were provided;

(ii) cost of this care and assistance provision;

(3) Description of measures in place to ensure cleanliness of station facilities (toilets, etc.)

(i) cleaning intervals;

(ii) availability of toilets;

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(4) Customer satisfaction survey

Minimum categories to be included:

(i) information for passengers in the event of delay;

(ii) accuracy, availability and accessibility of information on train times/platforms;

(iii) level of security in the station;

(iv) time taken to respond to information requests at stations;

(v) availability of good quality toilets in the station (including accessibility);

(vi) cleanliness and maintenance of stations;

(vii) accessibility of station and station facilities***, including step-free access, escalators, elevators and luggage ramps;*** **[Am. 134]**

(viii) number of incidents and quality of assistance provided to persons with disabilities and persons with reduced mobility at the station.

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ANNEX IV

COMPLAINT-HANDLING PROCEDURE FOR NATIONAL ENFORCEMENT BODIES

In complex cases such as cases involving multiple claims or a number of operators, cross-border travel or accidents on the territory of a Member State other than that which granted the undertaking's licence, in particular where it is unclear which national enforcement body is competent, or where it would facilitate or accelerate the resolution of the complaint, national enforcement bodies shall cooperate to identify a 'lead' body, which shall serve as single point of contact for passengers. All national enforcement bodies involved shall cooperate to facilitate the resolution of the complaint (including by sharing information, assisting with the translation of documents and providing information on the circumstances of incidents). Passengers shall be informed which body is acting as 'lead' body. ***In addition, in all cases, national enforcement bodies shall in any event ensure compliance with Regulation (EU) 2017/2394.*** **[Am. 135]**

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ANNEX V

CORRELATION TABLE

Regulation (EC) No 1371/2007	This Regulation
Article 1	Article 1
Article 1(a)	Article 1(a)
Article 1(b)	Article 1(b)
——	Article 1(c)
Article 1(c)	Article 1(d)
——	Article 1(e)
Article 1(d)	Article 1(f)
Article 1(e)	Article 1(g)
——	Article 1(h)
Article 1(f)	Article 1(i)
Article 2	Article 2
Article 2 (1)	Article 2 (1)
Article 2 (2)	——
Article 2 (3)	——
Article 2 (4)	——
Article 2 (5)	——
Article 2 (6)	——
Article 2 (7)	——
——	Article 2 (2)
——	Article 2 (3)
Article 3	Article 3
Article 3 (1)	Article 3 (1)
Article 3 (2), (3)	——
Article 3 (4)	Article 3 (2)
Article 3 (5)	Article 3 (3)
Article 3 (6)	Article 3 (4)
Article 3 (7)	Article 3 (5)
Article 3 (8)	Article 3 (6)
Article 3 (9)	Article 3 (7)
Article 3 (10)	Article 3 (8)
——	Article 3 (9)
——	Article 3 (10)

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Regulation (EC) No 1371/2007	This Regulation
Article 3 (11)	Article 3 (11)
——	Article 3 (12)
Article 3 (12)	Article 3 (13)
Article 3 (13)	Article 3 (14)
Article 3 (14)	——
Article 3 (15)	Article 3 (16)
Article 3 (16)	Article 3 (17)
Article 3 (17)	Article 3 (18)
——	Article 3 (19)
Article 4	Article 4
——	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7	Article 8
Article 8	Article 9
——	Article 9 (4)
Article 9	Article 10
Article 9 (3)	——
——	Article 10 (5), (6)
Article 10	——
Article 11	Article 11
Article 12	Article 12
Article 12 (2)	——
Article 13	Article 13
Article 14	Article 14
Article 15	Article 15
Article 16	Article 16
——	Article 16 (2), (3)
Article 17	Article 17
——	Article 17 (8)
Article 18	Article 18
——	Article 18 (6)
——	Article 19

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Regulation (EC) No 1371/2007	This Regulation
Article 19	Article 20
Article 20	Article 21
Article 21 (1)	——
Article 21 (2)	Article 22 (2) and Article 23 (2)
Article 22	Article 22
Article 22 (2)	——
——	Article 22 (4)
Article 23	Article 23
——	Article 23 (4)
Article 24	Article 24
Article 25	Article 25 (1), (2), (3)
——	Article 26
Article 26	Article 27
Article 27	Article 28
——	Article 28 (3)
Article 27 (3)	Article 28 (4)
Article 28	Article 29
Article 29	Article 30
Article 30	Article 31
——	Article 32, 33
Article 31	Article 34
——	Article 34 (1), (3)
Article 32	Article 35
Article 33	——
Article 34	Article 36
Article 35,	——
——	Article 37
Article 36	Article 38
——	Article 39
Article 37	Article 40
Annex I	Annex I
Annex II	Annex II

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Regulation (EC) No 1371/2007	This Regulation
Annex III	Annex III
——	Annexes IV to V

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P8_TA(2018)0463

Persistent organic pollutants ***I

Amendments adopted by the European Parliament on 15 November 2018 on the proposal for a regulation of the European Parliament and of the Council on persistent organic pollutants (recast) (COM(2018)0144 — C8-0124/2018 — 2018/0070(COD)) [1]

(Ordinary legislative procedure — recast)

(2020/C 363/37)

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) When implementing the provisions of the Convention at Union level, it is necessary to ensure coordination and coherence with the provisions of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, which was approved by the Union on 19 December 2002 [17] ***and*** of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal, which was approved by the Union on 1 February 1993 [18]. This coordination and coherence should also be maintained when participating in the implementation and further development of the Strategic Approach to International Chemicals Management (SAICM), adopted by the First International Conference on Chemicals Management in Dubai on 6 February 2006 within the United Nations framework.	(5) When implementing the provisions of the Convention at Union level, it is necessary to ensure coordination and coherence with the provisions of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, which was approved by the Union on 19 December 2002 [17]; of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal, which was approved by the Union on 1 February 1993 [18]***; of the Minamata Convention on Mercury, which was approved by the Union on 11 May 2017 [18a]***. This coordination and coherence should also be maintained when participating in the implementation and further development of the Strategic Approach to International Chemicals Management (SAICM), adopted by the First International Conference on Chemicals Management in Dubai on 6 February 2006 within the United Nations framework.
[17] OJ L 63, 6.3.2003, p. 29 . [18] OJ L 39, 16.2.1993, p. 3.	[17] OJ L 63, 6.3.2003, p. 29. [18] OJ L 39, 16.2.1993, p. 3. ***[18a] OJ L 142, 2.6.2017, p. 4.***

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0336/2018).

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Amendment 2

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, to lay down stricter rules concerning the management of such stockpiles compared to those laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned POPs should be managed as waste as soon as possible.	(10) Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, to lay down stricter rules concerning the management of such stockpiles compared to those laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned POPs should be managed as waste as soon as possible. ***If other substances are banned in the future, their stocks should also be destroyed without delay and no new stockpiles should be built up. In view of the particular problems of certain Member States, adequate financial and technical assistance should be provided through existing Union financial instruments.***

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(11) In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively . To this end, appropriate tools should be developed in the framework of the Convention.	(11) In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively ***as soon as possible***. To this end, appropriate tools should be developed in the framework of the Convention.

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Amendment 4

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ('the Agency'), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. The role of the Agency ***should include*** the preparation and examination of technical dossiers, including stakeholder consultations, and the drawing up of opinions that ***may*** be used by the Commission in considering whether to come forward with a proposal for listing a substance as a POP in the Convention or the Protocol. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.	(15) There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ('the Agency'), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. ***It is necessary that*** the role of the Agency ***cover*** the preparation and examination of technical dossiers, including stakeholder consultations, and the drawing up of opinions that ***are to*** be used by the Commission in considering whether to come forward with a proposal for listing a substance as a POP in the Convention or the Protocol. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.

Amendment 5

Proposal for a regulation

Recital 16

Text proposed by the Commission	*Amendment*
(16) The Convention provides that each Party is to draw up and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention. Member States should provide opportunities for public participation in drawing up, implementing and updating their implementation plans. Since the Union and the Member States share competence in that regard, implementation plans should be drawn up both at national and Union level. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be promoted.	(16) The Convention provides that each Party is to draw up and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention ***and transmit it to the Conference of the Parties as soon as possible, at the latest by … [two years after the date of entry into force of this Regulation]***. Member States should provide opportunities for public participation in drawing up, implementing and updating their implementation plans. Since the Union and the Member States share competence in that regard, implementation plans should be drawn up both at national and Union level. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be promoted.

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Amendment 6

Proposal for a regulation

Recital 17

Text proposed by the Commission	*Amendment*
(17) Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions.	(17) Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions***, namely without posing significant risks to the environment or human health and in the absence of any technically feasible alternatives***.

Amendment 7

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(18) In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted.	(18) In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted. ***Similarly, the Convention requires that each Party is to undertake to develop appropriate strategies to identify sites contaminated by POPs, and the Union's Seventh Environment Action Programme, up to 2020, commits the Union and its Member States to stepping up their efforts to remediate contaminated sites.***

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Amendment 8

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) Since public awareness of the hazards that persistent organic pollutants POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, and wide-scale information is needed to increase the level of caution and public understanding of the rationale for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate.	(19) Since public awareness of the hazards that POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, wide-scale information is needed to increase the level of caution and public understanding of the rationale for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances ***as regards their health and environmental effects,*** especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate. ***The Union should ensure access to information and public participation, implementing the UN/ECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), which was approved by the Union on 17 February 2005*** ***([1a])***

([1a]) OJ L 124, 17.5.2005, p. 1.

Amendment 9

Proposal for a regulation

Article 2 — paragraph 1 — point j

Text proposed by the Commission	*Amendment*
(j) 'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into ***one or more other substances*** and where the manufacture of the intermediate and its transformation into ***one or more*** other ***substances take*** place on the same site under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.	(j) 'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into ***another substance, hereinafter referred to as 'synthesis',*** and where the manufacture of the intermediate and its transformation into ***one or more*** other ***substances take*** place ***by way of a synthesis*** on the same site, ***including a site that is operated by one or more legal entities,*** under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.

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Amendment 10

Proposal for a regulation

Article 4 — paragraph 3 — subparagraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP;	(b) the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP***, that it is not expected that either humans or the environment will be exposed to any significant quantities of the substance during its production and use, as shown through assessment of that closed system in accordance with Regulation (EC) No 1272/2008 ([1a]) of the European Parliament and of the Council and that there are no technically feasible alternatives to the use of a substance listed in Part A of Annex I or in Part A of Annex II to this Regulation***;

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

Amendment 11

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 2

Text proposed by the Commission	*Amendment*
The holder shall manage the stockpile in a safe, efficient and environmentally sound manner.	The holder shall manage the stockpile in a safe, efficient and environmentally sound manner***, in accordance with the thresholds and requirements laid down in Directive 2012/18/EU of the European Parliament and of the Council ([1a]) and Directive 2010/75/EU of the European Parliament and of the Council ([1b]), where applicable***.

([1a]) ***Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).***

([1b]) ***Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).***

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Amendment 12

Proposal for a regulation

Article 5 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The information referred to in this Article shall be expressed using the codes laid down in Regulation (EC) No 2150/2002 of the European Parliament and of the Council ([1a]).

([1a]) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1).

Amendment 13

Proposal for a regulation

Article 6 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU of the European Parliament and of the Council ([30]).	3. Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, give priority consideration to alternative processes, techniques or practices ***([29a])*** that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU ([30]) of the European Parliament and of the Council.

([30]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

([29a]) Stockholm Convention on POPs (2008). Guidelines on Best Available Techniques and Provisional Guidance on Best Environmental Practices Relevant to Article 5 and Annex C of the Stockholm Convention on Persistent Organic Pollutants. Geneva, Secretariat of the Stockholm Convention on POPs. http://www.pops.int/Implementation/BATandBEP/BATBEP-GuidelinesArticle5/tabid/187/Default.aspx

([30]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

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Amendment 14

Proposal for a regulation

Article 7 — paragraph 6

Text proposed by the Commission	*Amendment*
6. The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt***, by means of*** implementing acts***, additional measures relating to the implementation of this Article. In particular, the Commission may specify*** the information to be submitted by Member States in accordance with paragraph 4***(b)(iii)***. ***Such measures*** shall be ***decided*** in accordance with the advisory procedure ***laid down*** in Article 20(2).	6. The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt implementing acts ***setting out the format of*** the information to be submitted by Member States in accordance with ***point (b)(iii) of*** paragraph 4. ***Those implementing acts*** shall be ***adopted*** in accordance with the advisory procedure ***referred to*** in Article 20(2).

Amendment 15

Proposal for a regulation

Article 8 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) upon request, provide technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol;	(c) upon request, provide ***robust*** technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol***, including on the prevention of the production and use of new POPs, and on the assessment of pesticides or industrial chemicals currently in use***;

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Amendment 16

Proposal for a regulation

Article 8 — paragraph 1 — point f

Text proposed by the Commission	*Amendment*
(f) compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3), Article 7(4)(b)(iii), Article 9(2), Article 13 (1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);	(f) compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3)***, Article 5***, Article 7(4)(b)(iii), Article 9(2), Article 13(1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);

Amendment 17

Proposal for a regulation

Article 8 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The Agency shall start providing the assistance and technical and scientific guidance referred to in point (a) of Article 8 (1) by … [one year after the date of the entry into force of this Regulation].

Amendment 18

Proposal for a regulation

Article 11 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Commission shall organise an exchange of information with the Member States regarding the measures taken at national level to identify and assess sites contaminated by POPs and to address the significant risks such contamination may pose to human health and the environment.

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Amendment 19

Proposal for a regulation

Article 11 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice to Directive 2003/4/EC ([32]) of the European Parliament and of the Council, information ***referred to in paragraphs 1 and 2*** shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law.	3. Without prejudice to Directive 2003/4/EC ([32]) of the European Parliament and of the Council, information ***on health and safety of humans and the environment*** shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange ***other*** information with a third country shall protect any confidential information in accordance with Union law.

([32]) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Amendment 20

Proposal for a regulation

Article 13 — paragraph 1 — subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	The Union shall ensure access to information and public participation throughout the monitoring of implementation.

Amendment 21

Proposal for a regulation

Article 13 — paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission may adopt implementing acts ***further specifying the minimum*** information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(***f***). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).	5. The Commission may adopt implementing acts ***setting out the format of the*** information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in ***point (f) of*** paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).

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Amendment 22

Proposal for a regulation

Article 18 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to in Articles 4 (3), 7(5) and 15 shall be conferred on the Commission for ***an indeterminate*** period of ***time from […]***.	2. The power to adopt delegated acts referred to in Articles 4 (3), 7(5) and 15 shall be conferred on the Commission for ***a period of five years from … [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 23

Proposal for a regulation

Article 20 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall be assisted ***by the Committee established by Article 133 of Regulation (EC) No 1907/2006 for all matters under this Regulation.***	1. The Commission shall be assisted by:
	(a) the Committee established by Article 133 of Regulation (EC) No 1907/2006 with regard to the implementation of the issues referred to in Article 13(5), except where it refers to implementing acts setting out the format of the information referred to in point (a) of Article 13(1) with regard to the application of Article 7, and point (b) of Article 13(1) where it refers to information received pursuant to Article 5(2) and point (b)(iii) of Article 7(4); and
	(b) the Committee established by Article 39 of Directive 2008/98/EC ([1a]) of the European Parliament and of the Council, with regard to the implementation of the issues referred to in Article 7(6) and Article 13(5) where it refers to implementing acts setting out the format of the information referred to in point (a) of Article 13(1) with regard to the application of Article 7, and point (b) of Article 13(1) where it refers to information received pursuant to Article 5(2) and point (b)(iii) of Article 7(4).

([1a]) ***Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).***

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Amendment 24

Proposal for a regulation

Annex I — part A — table — row 17

Text proposed by the Commission

Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1 and others	Without prejudice to Directive 96/59/EC, articles already in use at the time of the entry into force of this Regulation are allowed to be used.
			Member States shall identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm3, as soon as possible ***but*** no later than 31 December 2025.

Amendment

Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1 and others	Without prejudice to Directive 96/59/EC, articles already in use at the time of the entry into force of this Regulation are allowed to be used. Member States shall ***endeavour to*** identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm3, as soon as possible ***and*** no later than 31 December 2025.

Amendment 25

Proposal for a regulation

Annex I — part A — row 24 a (new)

Text proposed by the Commission

Amendment

Substance	***CAS No***	***EC No***	***Specific exemption on intermediate use or other specification***
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE)	***1163-19-5***	***214-604-9***	***1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles.***

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Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
			2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed:
			(a) in the production of an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, before 2 March 2027;.
			(b) in the production of spare parts for either of the following:
			(i) an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, produced before 2 March 2027 until the end of the service life of those aircraft;
			(ii) motor vehicles within the scope of Directive 2007/46/EC ([1a]) of the European Parliament and of the Council, produced before … [date of entry into force of this Regulation], either until 2036 or the end of the service life of those motor vehicles, whichever date comes earlier.
			3. The specific exemptions for spare parts for use in motor vehicles referred to in point (b)(ii) of paragraph 2 shall apply for the production and use of commercial decaBDE falling into one or more of the following categories:
			(i) powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;
			(ii) fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;

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Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
			(iii) pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);
			(iv) suspension and interior applications such as trim components, acoustic material and seat belts.
			(v) reinforced plastics (instrument panels and interior trim);
			(vi) under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));
			(vii) electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);
			(viii) fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.
			3. The manufacturing of decaBDE and its use in the production and placing on the market of the following articles shall be allowed:
			(a) articles placed on the market before … [date of entry into force of this Regulation];
			(b) aircraft produced in accordance with subparagraph 2(a);
			(c) spare parts of aircraft produced in accordance with point (b) of paragraph 2;

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Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
			(d) electrical and electronic equipment within the scope of Directive 2011/65/EU ([1b]) of the European Parliament and of the Council. *4. For the purposes of this entry, 'aircraft' means one of the following:* *(a) a civil aircraft produced in accordance with a type certificate issued under Regulation (EU) No 2018/1139 ([1c]) of the European Parliament and of the Council or with a design approval issued under the national regulations of a Contracting State to the International Civil Aviation Organisation (ICAO), or for which a certificate of airworthiness has been issued by an ICAO Contracting State under Annex 8 to the Convention on International Civil Aviation;* *(b) a military aircraft.* *([1a]) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).* *([1b]) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).* *([1c]) Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).*

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Amendment 26

Proposal for a regulation

Annex I — part A — row 24 b (new)

Text proposed by the Commission

Amendment

Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)	*85535-84-8*	*287-476-5*	*1. By way of derogation, the manufacturing, placing on the market and use of substances or preparations containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed.* *2. Use shall be allowed in respect of:* *(a) conveyor belts in the mining industry and dam sealants containing SCCPs already in use before or on 4 December 2015; and* *(b) articles containing SCCPs other than those referred to in point (a) already in use before or on 10 July 2012.* *3. The third and fourth subparagraphs of Article 4 (2) shall apply to the articles referred to in paragraph 2.*

Amendment 27

Proposal for a regulation

Annex I — part B

Text proposed by the Commission

Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
4	*4*	*4*	*4*
4			*4*

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Substance	*CAS No*	*EC No*	*Specific exemption on intermediate use or other specification*
5 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)	***5 85535-84-8***	***5 287-476-5***	***5 1. By way of derogation, the production, placing on the market and use of substances or mixtures containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed.*** ***2. Use shall be allowed in respect of:*** ***(a) conveyor belts in the mining industry and dam sealants containing SCCPs already in use before or on 4 December 2015; and*** ***(b) articles containing SCCPs other than those referred to in point (a) already in use before or on 10 July 2012.*** ***3. The third and fourth subparagraphs of Article 4(2) shall apply to the articles referred to in paragraph 2.***

Amendment

deleted

Amendment 28

Proposal for a regulation

Annex III

Text proposed by the Commission	*Amendment*
LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS	LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS
Substance (CAS No)	Substance (CAS No)
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)	Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)
Hexachlorobenzene (HCB) (CAS No: 118-74-1)	Hexachlorobenzene (HCB) (CAS No: 118-74-1)
Polychlorinated biphenyls (PCB)	Polychlorinated biphenyls (PCB)
Polycyclic aromatic hydrocarbons (PAHs) ([37])	Polycyclic aromatic hydrocarbons (PAHs) ([37])
Pentachlorobenzene (CAS No 608-93-5)	Pentachlorobenzene (CAS No 608-93-5)

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Text proposed by the Commission	*Amendment*
	Polychlorinated naphthalenes ([37a])
	Hexachlorobutadiene (CAS No 87-68-3)
([37]) For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b) fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene.	([37]) For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b) fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene. ([37a]) ***'Polychlorinated naphthalenes' means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.***

Amendment 37

Proposal for a regulation

Annex IV — rows 5 — 8

Text proposed by the Commission

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
Tetrabromodiphenyl ether $C_{12}H_6Br_4O$	40088-47-9 and others	254-787-2 and others	Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether ***and*** heptabromodiphenyl ether: ***1 000*** mg/kg
Pentabromodiphenyl ether $C_{12}H_5Br_5O$	32534-81-9 and others	251-084-2 and others	
Hexabromodiphenyl ether $C_{12}H_4Br_6O$	36483-60-0 and others 253-058-6 and others		
Heptabromodiphenyl ether $C_{12}H_3Br_7O$	68928-80-3 and others	273-031-2 and others	

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Amendment

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
Tetrabromodiphenyl ether $C_{12}H_6Br_4O$	40088-47-9 and others	254-787-2 and others	Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ***and decabromodiphenyl ether***: ***500*** mg/kg
Pentabromodiphenyl ether $C_{12}H_5Br_5O$	32534-81-9 and others	251-084-2 and others	
Hexabromodiphenyl ether $C_{12}H_4Br_6O$	36483-60-0 and others	253-058-6 and others	
Heptabromodiphenyl ether $C_{12}H_3Br_7O$	68928-80-3 and others	273-031-2 and others	
Decabromodiphenyl ether $C_{12}Br_{10}O$	***1163-19-5 and others***	***214-604-9 and others***	

Amendment 29

Proposal for a regulation

Annex IV — table 1 — column 'Concentration limit referred to in point (a) of Article 7(4)' — row 'Polychlorinated' — footnote 7

Text proposed by the Commission

[7]. The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

PCDD	***TEF***
PCDF	***TEF***
PCDD	***TEF***
2,3,7,8-TeCDD	***1***
1,2,3,7,8-PeCDD	***1***
1,2,3,4,7,8-HxCDD	***0,1***
1,2,3,6,7,8-HxCDD	***0,1***

1,2,3,7,8,9-HxCDD	***0,1***
1,2,3,4,6,7,8-HpCDD	***0,01***
OCDD	***0,0003***
2,3,7,8-TeCDF	***0,1***
1,2,3,7,8-PeCDF	***0,03***
2,3,4,7,8-PeCDF	***0,3***
1,2,3,4,7,8-HxCDF	***0,1***
1,2,3,6,7,8-HxCDF	***0,1***
1,2,3,7,8,9-HxCDF	***0,1***
2,3,4,6,7,8-HxCDF	***0,1***
1,2,3,4,6,7,8-HpCDF	***0,01***
1,2,3,4,7,8,9-HpCDF	***0,01***
OCDF	***0,0003***

Amendment

[7]. The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

PCDD	***TEF***
2,3,7,8-TeCDD	***1***
1,2,3,7,8-PeCDD	***1***
1,2,3,4,7,8-HxCDD	***0,1***
1,2,3,6,7,8-HxCDD	***0,1***
1,2,3,7,8,9-HxCDD	***0,1***
1,2,3,4,6,7,8-HpCDD	***0,01***
OCDD	***0,0003***

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PCDF	*TEF*
2,3,7,8-TeCDF	*0,1*
1,2,3,7,8-PeCDF	*0,03*
2,3,4,7,8-PeCDF	*0,3*
1,2,3,4,7,8-HxCDF	*0,1*
PCDD	*TEF*
1,2,3,6,7,8-HxCDF	*0,1*
1,2,3,7,8,9-HxCDF	*0,1*
2,3,4,6,7,8-HxCDF	*0,1*
1,2,3,4,6,7,8-HpCDF	*0,01*
1,2,3,4,7,8,9-HpCDF	*0,01*
OCDF	*0,0003*

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P8_TA(2018)0466

Application of the Euro 5 step to the type-approval of two- or three- wheel vehicles and quadricycles ***I

European Parliament legislative resolution of 29 November 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 168/2013 as regards the application of the Euro 5 step to the type-approval of two- or three- wheel vehicles and quadricycles (COM(2018)0137 — C8-0120/2018 — 2018/0065(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/38)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2018)0137),

— 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 (C8-0120/2018),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of the 11 July 2018 ([1]),

— having regard to the undertaking given by the Council representative by letter of 14 November 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Environment, Public health and food Safety (A8-0346/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2018)0065

Position of the European Parliament adopted at first reading on 29 November 2018 with a view to the adoption of Regulation (EU) 2019/… of the European Parliament and of the Council amending Regulation (EU) No 168/2013 as regards the application of the Euro 5 step to the type-approval of two- or three-wheel vehicles and quadricycles

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/129.)

([1]) OJ C 367, 10.10.2018, p. 32.

Thursday 29 November 2018

P8_TA(2018)0467

Trade in certain goods which could be used for capital punishment, torture or other cruel treatment or punishment ***I

European Parliament legislative resolution of 29 November 2018 on the proposal for a regulation of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification) (COM(2018)0316 — C8-0210/2018 — 2018/0160(COD))

(Ordinary legislative procedure — codification)

(2020/C 363/39)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0316),

— having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0210/2018),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ([1]),

— having regard to Rules 103 and 59 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A8-0387/2018),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance;

1. Adopts its position at first reading hereinafter set out;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2018)0160

Position of the European Parliament adopted at first reading on 29 November 2018 with a view to the adoption of Regulation (EU) 2019/… of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/125.)

([1]) OJ C 102, 4.4.1996, p. 2.

Thursday 29 November 2018

P8_TA(2018)0468

Asylum, Migration and Integration Fund: Re-commitment of remaining amounts ***I

Amendments adopted by the European Parliament on 29 November 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes (COM(2018)0719 — C8-0448/2018 — 2018/0371(COD)) [1]

(Ordinary legislative procedure: first reading)

(2020/C 363/40)

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to enable the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 provided for under Regulation (EU) No 516/2014 of the European Parliament and the Council [8] or the allocation of them to other actions under the national programmes in line with Union priorities and Member States' needs in ***the*** areas of migration and asylum.	(1) The purpose of this Regulation is to enable the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 provided for under Regulation (EU) No 516/2014 of the European Parliament and the Council [8] or the allocation of them to other actions under the national programmes in line with Union priorities and Member States' needs in ***specific*** areas of migration and asylum***. It is also to ensure that such re-commitment or allocation occurs in a transparent manner***.

[8] Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

[8] Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0370/2018).

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Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) Member States should have the possibility to use the above-mentioned amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. ***In addition***, it should be possible, duly justified in the revision of Member States' national programmes, to ***use this funding also to address other challenges*** in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation. Member States' needs in ***these*** areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission.	(4) Member States should have the possibility to use the above-mentioned amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. ***As a minimum, Member States should re-commit 20 % of those amounts to actions in national programmes, for relocation of applicants for international protection or relocation of beneficiaries of international protection, or for resettlement and other ad-hoc humanitarian admission. For the remainder of those amounts***, it should be possible, ***where*** duly justified in the revision of Member States' national programmes, to ***fund specific actions provided for in Chapters II and III*** in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation, ***notably in developing aspects of the Common European Asylum System, in particular family reunification or for supporting legal migration to the Member States and promoting the effective integration of third-country nationals.*** Member States' needs in ***those*** areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission. ***Member States should ensure that the allocation of funds takes place in full respect of the principles set out in the Financial Regulation, in particular efficiency and transparency.***

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) The target group eligible for relocation should be expanded to give more flexibility to Member States in carrying out relocations.	(5) The target group eligible for relocation ***as well as the countries from where relocation takes place*** should be expanded to give more flexibility to Member States in carrying out relocations. ***Priority should be given to the relocation of unaccompanied minors, other vulnerable applicants and family members of beneficiaries of international protection.***

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Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(7) Member States should also have sufficient time to use the amounts re-committed to the same action or transferred to other actions prior to the decommitment of these amounts. Therefore, when such re-commitments or transfers of amounts under the national programme are approved by the Commission, the amounts concerned should be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or the transfer concerned.	(7) Member States should also have sufficient time to use the amounts re-committed to the same action or transferred to other ***specific*** actions prior to the decommitment of these amounts. Therefore, when such re-commitments or transfers of amounts under the national programme are approved by the Commission, the amounts concerned should be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or the transfer concerned.

Amendment 5

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) The Commission should report annually to the European Parliament and to the Council as regards the application of resources for the transfer of applicants for international protection and of beneficiaries of international protection, in particular as regards transfers to other actions under the national programme and re-commitments.

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Amendment 6

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Without amendment of Regulation (EU) No 516/2014 before the end of 2018, the relevant funding will no longer be available for Member States' use under the national programmes supported by the Asylum, Migration and Integration Fund. Given the urgency of amending Regulation (EU) No 516/2014, it is appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

Amendment 7

Proposal for a regulation

Article 1 — paragraph 1 — point - 1 (new)

Regulation (EU) No 516/2014

Article 18 — title

Present text	*Amendment*
	(-1) The title is replaced by the following:
Resources for the transfer of beneficiaries of international protection	'Resources for the transfer of ***applicants for international protection or of*** beneficiaries of international protection';

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Amendment 8

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) No 516/2014

Article 18 — paragraph 1

Text proposed by the Commission	*Amendment*
(1) In paragraph 1, the words 'beneficiary of international protection' are replaced by the words 'applicant for international protection or beneficiary of international protection';	***deleted***

Amendment 9

Proposal for a regulation

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

Regulation (EU) No 516/2014

Article 18 — paragraph 1

Present text	*Amendment*
	(1a) Paragraph 1 is replaced by the following:
'1. With a view to implementing the principle of solidarity and fair sharing of responsibility and in the light of Union policy developments within the implementation period of the Fund, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 15(1), an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR ***6 000*** for each beneficiary of international protection transferred from another Member State.';	'1. With a view to implementing the principle of solidarity and fair sharing of responsibility and in the light of Union policy developments within the implementation period of the Fund, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 15(1), an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR ***10 000*** for each ***applicant for international protection and*** beneficiary of international protection transferred from another Member State.';

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Amendment 10

Proposal for a regulation

Article 1 — paragraph 1 — point 2

Regulation (EU) No 516/2014

Article 18 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other actions under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the revision of the national programme.	3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other ***specific*** actions ***provided for under Chapter II and Chapter III of this Regulation*** under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the revision of the national programme. ***The funding shall be allocated transparently and efficiently in line with the objectives of the national programme.*** ***In respect of amounts stemming from the provisional measures established by Decisions (EU) 2015/1523 and (EU) 2015/1601, at least 20 % of the amounts to be re-committed shall be re-committed to actions under the national programmes for relocation of applicants for international protection or relocation of beneficiaries of international protection, or for resettlement and other ad-hoc humanitarian admission.***

Amendment 11

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) No 516/2014

Article 18 — paragraph 3a

Text proposed by the Commission	*Amendment*
3a. For the purpose of Article 50(1) of Regulation (EU) No 514/2014, where amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601 are re-committed to the same action under the national programme or transferred to other actions under the national programme in accordance with paragraph 3, the amounts concerned shall be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or transfer in question.	3a. For the purpose of Article 50(1) of Regulation (EU) No 514/2014, where amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601 are re-committed to the same action under the national programme or transferred to other ***specific*** actions under the national programme in accordance with paragraph 3, the amounts concerned shall be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or transfer in question.

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Amendment 12

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) No 516/2014

Article 18 — paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3c. The Commission shall report annually to the European Parliament and to the Council on the application of this Article, in particular as regards the transfers of amounts to other actions under national programmes and re-commitments.

Amendment 13

Proposal for a regulation

Article 1 — paragraph 1 — point 4

Regulation (EU) No 516/2014

Article 18 — paragraph 4

Text proposed by the Commission	*Amendment*
(4) In paragraph 4, the words 'beneficiaries of international protection'' are replaced by the words 'applicants for international protection or beneficiaries of international protection'.	***deleted***

Thursday 29 November 2018

Amendment 14

Proposal for a regulation

Article 1 — paragraph 1 — point 4 a (new)

Regulation (EU) No 516/2014

Article 18 — paragraph 4

Present text	*Amendment*
	(4a) Paragraph 4 is replaced by the following:
4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States referred to in Article 80 TFEU, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to adjust the lump sum referred to in paragraph 1 of this Article, in particular taking into account the current rates of inflation, relevant developments in the field of transfer of beneficiaries of international protection from one Member State to another, as well as factors which can optimise the use of the financial incentive brought by the lump sums.	4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States referred to in Article 80 TFEU, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to adjust the lump sum referred to in paragraph 1 of this Article, in particular taking into account the current rates of inflation, relevant developments in the field of transfer of ***applicants for international protection and*** beneficiaries of international protection from one Member State to another ***and for resettlement and other ad-hoc humanitarian admission***, as well as factors which can optimise the use of the financial incentive brought by the lump sums.

Thursday 29 November 2018

P8_TA(2018)0469

Accession of Samoa to the EU-Pacific States Interim Partnership Agreement ***

European Parliament legislative resolution of 29 November 2018 on the draft Council decision on the accession of Samoa to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (12281/2018 — C8-0434/2018 — 2018/0291(NLE))

(Consent)

(2020/C 363/41)

The European Parliament,

— having regard to the draft Council decision (12281/2018),

— having regard to the request for consent submitted by the Council in accordance with Article 207 and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0434/2018),

— having regard to its resolution of 4 October 2016 on the future of ACP-EU relations beyond 2020 ([1]),

— having regard to its resolution of 19 January 2011 on the Interim Partnership Agreement between the Pacific States, on the one part, and the European Community, on the other part ([2]),

— having regard to the Partnership agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) ([3]),

— having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A8-0376/2018),

1. Gives its consent to Samoa's accession to 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 Samoa.

([1]) OJ C 215, 19.6.2018, p. 2.
([2]) OJ C 136 E, 11.5.2012, p. 19.
([3]) OJ L 317, 15.12.2000, p. 3.

Thursday 29 November 2018

P8_TA(2018)0470

Appointment of the Chair of the Supervisory Board of the European Central Bank

European Parliament decision of 29 November 2018 on the proposal for the appointment of the Chair of the Supervisory Board of the European Central Bank (N8-0120/2018 — C8-0466/2018 — 2018/0905(NLE))

(Approval)

(2020/C 363/42)

The European Parliament,

— having regard to the proposal of the European Central Bank of 7 November 2018 for the appointment of the Chair of the Supervisory Board of the European Central Bank (C8-0466/2018),

— having regard to Article 26(3) of Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ([1]),

— having regard to the Interinstitutional Agreement between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism ([2]),

— having regard to Rule 122a of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0380/2018),

A. whereas Article 26(3) of Council Regulation (EU) No 1024/2013 provides that the European Central Bank is to submit to Parliament its proposal for the appointment of the Chair of the Supervisory Board and that the Chair is to be chosen on the basis of an open selection procedure from among individuals of recognised standing and experience in banking and financial matters who are not members of the Governing Council;

B. whereas Article 26(2) of Council Regulation (EU) No 1024/2013 provides that the appointments for the Supervisory Board in accordance with that Regulation are to respect the principles of gender balance, experience and qualification;

C. whereas, in a letter dated 7 November 2018, the European Central Bank submitted to Parliament a proposal for the appointment of Andrea Enria as the Chair of the Supervisory Board;

D. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the proposed candidate, in particular in view of the requirements laid down in Article 26(2) and (3) of Council Regulation (EU) No 1024/2013; whereas in carrying out that evaluation, the committee received a curriculum vitae from the proposed candidate;

E. whereas the committee held a hearing with the proposed candidate on 20 November 2018, at which he made an opening statement and then responded to questions from the members of the committee;

1. Approves the European Central Bank's proposal for the appointment of Andrea Enria as the Chair of the Supervisory Board of the European Central Bank;

2. Instructs its President to forward this decision to the European Central Bank, the Council, and the governments of the Member States.

([1]) OJ L 287, 29.10.2013, p. 63.
([2]) OJ L 320, 30.11.2013, p. 1.

Thursday 29 November 2018

P8_TA(2018)0471

Mobilisation of the European Globalisation Adjustment Fund: application EGF/2018/003 EL/Attica publishing

European Parliament resolution of 29 November 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Greece — EGF/2018/003 EL/Attica publishing) (COM(2018)0667 — C8-0430/2018 — 2018/2240(BUD))

(2020/C 363/43)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0667 — C8-0430/2018),

— having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ([1]) (EGF Regulation),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([2]), and in particular Article 12 thereof,

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([3]) (IIA of 2 December 2013), and in particular point 13 thereof,

— having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the letter of the Committee on Regional Development,

— having regard to the report of the Committee on Budgets (A8-0377/2018),

A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis, and to assist their reintegration into the labour market;

B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible;

C. whereas Greece submitted application EGF/2018/003 EL/Attica publishing for a financial contribution from the EGF following 550 redundancies in the economic sector classified under the NACE Revision 2 Division 58 (Publishing activities) in the NUTS level 2 region of Attica (EL30) in Greece;

D. whereas the application is based on the intervention criteria of point (b) of Article 4(1) of the EGF Regulation, which requires at least 500 workers being made redundant over a reference period of nine months in enterprises operating in the same economic sector defined at NACE Revision 2 division level and located in one region or two contiguous regions, or in more than two contiguous regions defined at NUTS 2 level provided that there are more than 500 workers affected in two of the regions combined in a Member State;

([1]) OJ L 347, 20.12.2013, p. 855.
([2]) OJ L 347, 20.12.2013, p. 884.
([3]) OJ C 373, 20.12.2013, p. 1.

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1. Agrees with the Commission that the conditions set out in point (b) of Article 4(1) of the EGF Regulation are met and that Greece is entitled to a financial contribution of EUR 2 308 500 under that Regulation, which represents 60 % of the total cost of EUR 3 847 500;

2. Notes that the Greek authorities submitted the application on 22 May 2018, and that, following the provision of additional information by Greece, the Commission finalised its assessment on 4 October 2018 and notified it to Parliament on the same day respecting the deadline of 12 weeks;

3. Notes that Greece argues that the redundancies are linked to the global financial and economic crisis, more particularly its effects on the Greek economy including a decline in per capita real GDP, rising unemployment, decreasing salaries and reduced household income coupled with the rapid digital evolution which, together with cuts in the advertising expenditure made by important advertisers, is transforming the publishing sector; notes that the sector is facing a drop in both advertising and sales revenues;

4. Recalls that the redundancies that occurred in three enterprises operating in the Greek publishing sector are expected to have a significant adverse effect on the local economy, and that the impact of the layoffs is linked to the difficulties of redeployment due to the scarcity of jobs, a lack of vocational training courses which correspond to recognised needs in the labour market and to the high number of job seekers;

5. Emphasises with concern that the Attica region accounts for a large proportion of unemployment and long-term unemployment in Greece where unemployment still remains high;

6. Recalls that this is the second application from Greece for a financial contribution from the EGF in relation to redundancies in Attica's publishing activities sector, following application EGF/2014/018 in 2014 and a positive decision thereon ([1]);

7. Notes that the application relates to 550 workers made redundant, of whom a large number are women (41,82 %); further notes that 14,73 % of the redundant workers are over 55 years of age and 1,6 % are below 30 years of age; acknowledges, in view of that fact, the importance of active labour market measures co-funded by the EGF for improving the chances of reintegration in the labour market of these vulnerable groups;

8. Welcomes that the planned training offer reflects lessons learnt from the application EGF-2014-018 GR/Attica which has achieved good integration rates according to ongoing evaluation;

9. Notes that no measures are planned for young people not in employment, education or training (NEET) despite NEET rates remaining at high levels in Greece;

10. Underlines that financial allowances are conditional on the active participation of the targeted beneficiaries and can serve as a real incentive in the specific economic context of Greece;

11. Notes that financial allowances and incentives, i.e. hiring incentives, job-search and training allowances are close to the maximum of 35 % set out in the EGF Regulation;

12. Notes that Greece is planning five types of actions for the redundant workers covered by this application: (i) occupational guidance and job search assistance; (ii) training, retraining and vocational training in accordance with needs of the labour market; (iii) contribution to business start-up; (iv) job-search allowance and training allowance; (v) hiring incentives;

13. Acknowledges that the coordinated package of personalised services has been drawn up in consultation with representatives of the Journalists' Union of the Athens Daily Newspapers (ΕΣΗΕΑ), the Employees Union of Athens Daily Newspapers (ΕΠΗΕΑ) and the Ministry of Labour;

14. Stresses that the Greek authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments and that any double financing will be prevented;

([1]) Decision (EU) 2015/644 of the European Parliament and of the Council of 15 April 2015 on the mobilisation of the European Globalisation Adjustment Fund (application EGF/2014/018 GR/Attica broadcasting from Greece) (OJ L 106, 24.4.2015, p. 29).

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15. Recalls that, in line with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy;

16. Reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, or measures for restructuring companies or sectors and welcomes Greece's confirmation in this regard;

17. Calls on the Commission to urge national authorities to provide more details, in future proposals, on the sectors which have growth prospects and are therefore likely to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality of jobs and the reintegration rate achieved through the EGF;

18. Recalls its appeal to the Commission to ensure public access to all the documents related to EGF cases;

19. Approves the decision annexed to this resolution;

20. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;

21. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.

Thursday 29 November 2018

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund following an application from Greece — EGF/2018/003 EL/Attica publishing

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2019/275.)

Thursday 29 November 2018

P8_TA(2018)0472

Temporary reintroduction of border control at internal borders ***I

Amendments adopted by the European Parliament on 29 November 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (COM(2017)0571 — C8-0326/2017 — 2017/0245(COD)) [1]

(Ordinary legislative procedure: first reading)

(2020/C 363/44)

Amendment 1

Proposal for a regulation

Recital - 1 (new)

Text proposed by the Commission	*Amendment*
	(-1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the main achievements of the Union. The normal functioning and strengthening of such an area, which is based on trust and solidarity, should be a common objective of the Union and the Member States which have agreed to take part in it. At the same time, it is necessary to have a common response to situations seriously affecting the public policy or internal security of that area, or parts thereof, by allowing for the temporary reintroduction of border control at internal borders in exceptional circumstances and as a last resort, while strengthening cooperation between the Member States concerned.

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. ***The*** reintroduction of internal border control should be ***decided*** only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security.	(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. ***As the free movement of persons is affected by the temporary*** reintroduction of internal border control***, it*** should be ***reintroduced*** only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security. ***Any such measure should be withdrawn as soon as the underlying grounds for it cease to exist.***

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0356/2018).

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Amendment 3

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security.

Amendment 4

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal ***also*** police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) ([8]), which, subject to some conditions, can be used in ***the*** border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area ([9]) provides guidelines to the Member States to that end.	(2) The identified serious threats can be addressed by different measures depending on their nature and scale. ***While it remains clear that police powers are different in their nature and purpose from border control,*** the Member States have at their disposal ***those*** police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) ([8]) which, subject to some conditions, can be used in border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area ([9]) provides guidelines to the Member States to that end.

([8]) OJ L 77, 23.3.2016, p. 1.
([9]) C(2017)3349 final of 12.05.2017.

([8]) OJ L 77, 23.3.2016, p. 1.
([9]) C(2017)3349 final of 12.05.2017.

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Amendment 5

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) ***Before resorting to the reintroduction of border control at internal borders, Member States should give precedence to alternative measures. In particular, the Member State concerned should, where necessary and justified, consider using more effectively or intensifying police checks within its territory, including in border areas and main transport routes, on the basis of a risk assessment, while ensuring that those police checks do not have border control as an objective. Modern technologies are instrumental in addressing threats to public policy or internal security. Member States should assess whether the situation could be adequately addressed by way of increased cross-border cooperation, both from an operational point of view and from that of information exchange between police and intelligence services.***

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) However, experience has shown that certain serious threats to public policy or internal security***, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified*** the reintroduction of border ***controls, may persist well beyond the above periods***. It is therefore ***needed and justified*** to adjust the time limits applicable to the temporary reintroduction of border control ***to the current needs***, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. ***To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.***	(4) However, experience has shown that ***there is rarely a need to reintroduce border control at internal borders for periods of longer than two months. In exceptional circumstances only,*** certain serious threats to public policy or internal security ***might persist beyond the maximum periods of six months currently authorised for*** the reintroduction of border ***control at internal borders***. It is therefore ***necessary*** to adjust the time limits applicable to the temporary reintroduction of border control, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort.

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Amendment 7

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4 a) Any derogation from the fundamental principle of free movement of persons should be interpreted strictly and the concept of public policy presupposes the existence of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

Amendment 8

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended ***reintroduction*** of border control ***or prolongation thereof***. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort ***measure*** and explain how border control would help in addressing the identified threat. ***In case of internal border control going beyond six months,*** the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.	(5) In order to guarantee that these internal border controls ***are a measure of last resort and*** remain an exception, Member States should submit a risk assessment concerning the intended ***prolongation*** of border control ***beyond two months***. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a ***measure of*** last resort***, in particular by showing that any alternative measures have proven or are deemed insufficient,*** and explain how border control would help in addressing the identified threat. The risk assessment should also demonstrate retrospectively the efficiency ***and effectiveness*** of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements. ***The Member States should retain the possibility to classify, where necessary, all or parts of the information provided.***

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Amendment 9

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) Whenever the reintroduction of internal border control is proposed for specific planned events of an exceptional nature and duration, such as sporting activities, the duration of such control should be very precise, circumscribed and linked to the actual duration of the event.

Amendment 10

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Amendment*
(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency ***and*** Europol should be involved in that assessment.	(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency, Europol***, the European Asylum Support Office, the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice and the European Union Agency for Fundamental Rights*** should be involved in that assessment.

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Amendment 11

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(7) ***The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also*** the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies ***(European Border and Coast Guard Agency and Europol)*** and focus on the practical implementation of different aspects of cooperation between the Member States***, including the coordination, where appropriate, of different measures on both sides of the border***.	(7) The consultation procedure as provided for in Article 27 (5) of the Schengen Borders Code should be modified in order to reflect the role of the ***Union*** Agencies and focus on the practical implementation of different aspects of cooperation between the Member States.

Amendment 12

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond ***one year***. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***two years***.	(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond ***six months on an exceptional basis***. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***one year***.

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Amendment 13

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) The necessity and proportionality of reintroducing internal border control should be balanced against the threat to public policy or internal security triggering the need for such reintroduction, as should alternative measures which could be taken at national or Union level, or both, and the impact of such control on the free movement of persons within the area without internal border control.

Amendment 14

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.	***deleted***

Amendment 15

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***a year*** should be subject to a specific procedure.	(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***six months*** should be subject to a specific procedure ***requiring a Council recommendation***.

Thursday 29 November 2018

Amendment 16

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation ***and, where appropriate, on the cooperation with the neighbouring*** Member States.	(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation***. The European Parliament should immediately be informed about the proposed prolongation. The*** Member States ***affected should have the possibility to make observations to the Commission before it issues its opinion***.

Amendment 17

Proposal for a regulation

Recital 13

Text proposed by the Commission	*Amendment*
(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate ***determine*** the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of ***one year and hence be of the same nature as the one already provided for in Article 29***.	(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate ***lay down*** the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of ***six months. The Council recommendation should be immediately forwarded to the European Parliament***.

Thursday 29 November 2018

Amendment 18

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) Measures taken under the specific procedure where exceptional circumstances put the overall functioning of the area without internal border control at risk should not be prolonged by virtue of, or combined with, measures taken under another procedure for the reintroduction or prolongation of internal border control as provided for in Regulation (EU) 2016/399.

Amendment 19

Proposal for a regulation

Recital 13 b (new)

Text proposed by the Commission	*Amendment*
	(13b) Where it considers that a Member State has failed to fulfil its obligations under the Treaties, the Commission should, as the guardian of the Treaties that oversees the application of Union law, take appropriate measures in accordance with Article 258 of the Treaty on the Functioning of the European Union, including by bringing the matter before the Court of Justice of the European Union.

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Amendment 20

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) 2016/399

Article 25 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period ***of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months***. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.	1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period ***as a measure of last resort***. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment 21

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) 2016/399

Article 25 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Border control at internal borders shall only be reintroduced as a last resort, and in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered pursuant, respectively, to Article 27, 27a, 28 or 29.	***deleted***

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Amendments 22 and 52

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) 2016/399

Article 25 — paragraph 3

Text proposed by the Commission	*Amendment*
3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.	***deleted***

Amendment 23

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) 2016/399

Article 25 — paragraph 4

Text proposed by the Commission	*Amendment*
The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed one year.	***deleted***
In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.	
Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article.	

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Amendment 24

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 26

Present text	*Amendment*
	(1 a) Article 26 is replaced by the following:
Article 26	‘Article 26
Criteria for the temporary reintroduction of border control at internal borders	Criteria for the temporary reintroduction of border control at internal borders
Where a Member State decides, as a last resort, on the temporary reintroduction of border control ***at one*** or more of its internal borders or at parts thereof, or decides to prolong such reintroduction***, in accordance with Article 25 or Article 28 (1)***, it shall assess ***the extent to which such a measure is*** likely to ***adequately*** remedy the threat to public policy or internal security***, and shall assess*** the proportionality of the ***measure*** in relation to ***that*** threat***. In making such an assessment, the Member State shall,*** in particular***, take the following*** into account:	***Before*** a Member State decides, as a ***measure of*** last resort, on the temporary reintroduction of border control ***at one*** or more of its internal borders or at parts thereof, or decides to prolong such ***a temporary*** reintroduction, it shall assess:
	(a) whether the temporary reintroduction of border control at internal borders can be considered likely to ***sufficiently*** remedy the threat to public policy or internal security;
	(b) whether measures other than the temporary reintroduction of border control at internal borders, such as enhanced cross-border police cooperation or intensified police checks, are likely to sufficiently remedy the threat to public policy or internal security;
	(c) the proportionality of the ***temporary reintroduction of border control at internal borders*** in relation to ***the*** threat ***to public policy or internal security,*** in particular ***by taking*** into account:
(a) the likely impact of any threats to its public policy or internal security, including following terrorist incidents or threats and including those posed by organised crime;	***(i)*** the likely impact of any threats to its public policy or internal security, including following terrorist incidents or threats and including those posed by organised crime; ***and***
(b) the likely impact of ***such a measure on*** free movement of persons within the area without internal border control.	***(ii)*** the likely impact of the ***temporary reintroduction of border control at internal borders*** on the free movement of persons within the area without internal border control.

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Present text	*Amendment*
	Where a Member State assesses under point (a) of the first subparagraph that the temporary reintroduction of internal border control is not likely to sufficiently remedy the threat to public policy or internal security, it shall not reintroduce internal border control.
	Where a Member State assesses under point (b) of the first subparagraph that measures other than the temporary reintroduction of internal border control are likely to sufficiently remedy the threat to public policy or internal security, it shall not reintroduce or prolong internal border control and shall take those other measures.
	***Where a Member State assesses under point (c) of the first subparagraph that the proposed reintroduction of internal border control is not proportionate to the threat, it shall not reintroduce or prolong internal border control.'*;**

Amendment 25

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point -i (new)

Regulation (EU) 2016/399

Article 27 — title

Present text	*Amendment*
	(-i) the title is replaced by the following:
Procedure for the temporary reintroduction of border control at internal borders ***under Article 25***	'Procedure for the temporary reintroduction of border control at internal borders ***in the event of a foreseeable serious threat to public policy or internal security***';

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Amendment 26

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point -i a (new)

Regulation (EU) 2016/399

Article 27 — paragraph - 1 (new)

Text proposed by the Commission	*Amendment*
	(-ia) in Article 27, a following new paragraph is inserted before paragraph 1:
	'-1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may, as a measure of last resort and in accordance with the criteria laid down in Article 26, reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days or, if the serious threat persists beyond 30 days, for the foreseeable duration of the serious threat but, in any event, for no longer than two months.';

Amendment 27

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point -i b (new)

Regulation (EU) 2016/399

Article 27 — paragraph 1 — introductory part

Present text	*Amendment*
	(-ib) in paragraph 1, the introductory part is replaced by the following:
1. ***Where a Member State plans to reintroduce border control at internal borders under Article 25, it*** shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:	'1. ***For the purposes of paragraph - 1, the Member State concerned*** shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:';

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Amendments 28 and 57

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point i

Regulation (EU) 2016/399

Article 27 — paragraph 1 — point aa

Text proposed by the Commission	*Amendment*
(i) In paragraph 1, a new letter (aa) is added as follows:	***deleted***
'(aa) a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.	
The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.	
The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate.'	

Amendment 29

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 — paragraph 1 — point a b (new)

Text proposed by the Commission	*Amendment*
	(i a) In paragraph 1, the following point (ab) is inserted:
	'(ab) any measures other than the proposed reintroduction, taken or envisaged by the Member State, to address the threat to public policy or internal security as well as the evidence-based reason as to why alternative measures, such as enhanced cross-border police cooperation and police checks, were deemed insufficient;'

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Amendment 30

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point ii

Regulation (EU) 2016/399

Article 27 — paragraph 1 — point e

Text proposed by the Commission	*Amendment*
(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at internal borders ***concerned***.	(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at ***the relevant*** internal borders."

Amendment 31

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iii

Regulation (EU) 2016/399

Article 27 — paragraph 1 — last sentence

Text proposed by the Commission	*Amendment*
Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned prolongation of border control at internal borders as well as ***additional*** information needed to assess whether this is a last resort measure.	***If*** necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned ***reintroduction or*** prolongation of border control at internal borders as well as ***further*** information needed to assess whether this is a last resort measure.

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Amendment 32

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(iii a) the following paragraph 1a is inserted:
	'1a. If the serious threat to public policy or internal security in the Member State concerned persists beyond two months, that Member State may prolong border control at its internal borders, taking into account the criteria laid down in Article 26, on the same grounds as those referred to in paragraph - 1 of this Article and, taking into account any new elements, for a period which shall correspond to the foreseeable duration of the serious threat and shall not, in any event, exceed four months. The Member State concerned shall notify the other Member States and the Commission within the time period referred to in paragraph 1.'

Amendment 33

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	(iii b) the following paragraph 1b is inserted:
	'1b. For the purposes of paragraph 1a, in addition to the information provided under paragraph 1, the Member State concerned shall provide a risk assessment which shall:
	(i) assess how long the identified threat is expected to persist and which section of its internal borders is affected;

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Text proposed by the Commission	*Amendment*
	(ii) outline the alternative actions or measures previously introduced to address the identified threat;
	(iii) explain why the alternative actions or measures referred to in point (ii) did not sufficiently remedy the identified threat;
	(iv) demonstrate that the prolongation of border control is a last resort; and
	(v) explain how border control would better help address the identified threat.
	The risk assessment referred to in the first subparagraph shall also contain a detailed report of the cooperation which took place between the Member State concerned and the Member State or Member States directly affected by the reintroduction of border control, including those Member States with which the Member State concerned shares internal borders at which border control is performed.
	The Commission shall share the risk assessment with the Agency and Europol and may request, where appropriate, their views thereon.
	The Commission is empowered to adopt delegated acts in accordance with Article 37 supplementing this Regulation by adopting the methodology for the risk assessment.';

Amendment 34

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iii c (new)

Regulation (EU) 2016/399

Article 27 — paragraph 2

Present text	*Amendment*
	(iii c) paragraph 2 is replaced by the following:
2. The information referred to in ***paragraph*** 1 shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to ***that paragraph***.	2. The information referred to in ***paragraphs 1 and 1b*** shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to ***those paragraphs***.

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Amendment 35

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iii d (new)

Regulation (EU) 2016/399

Article 27 — paragraph 3

Present text	*Amendment*
	(iii d) paragraph 3 is replaced by the following:
3. Member States ***making*** a notification ***under paragraph 1*** may, where necessary and in accordance with national law, ***decide to classify*** parts of the information. Such classification shall not preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.	'3. Member States ***submitting*** a notification may ***classify***, where necessary and in accordance with national law, ***all or*** parts of the information ***referred to in paragraphs 1 and 1b***. Such classification ***shall not preclude access to information, through appropriate and secure police cooperation channels, by the other Member States affected by the temporary reintroduction of border control at internal borders and*** shall not preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.';

Amendment 36

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iv

Regulation (EU) 2016/399

Article 27 — paragraph 4 — subparagraph 1

Text proposed by the Commission	*Amendment*
Following notification by a Member State under ***paragraph 1*** and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72 TFEU, issue an opinion.	Following notification by a Member State under ***paragraphs 1 and 1a*** and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72 TFEU, issue an opinion.

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Amendment 37

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iv

Regulation (EU) 2016/399

Article 27 — paragraph 4 — subparagraph 2

Text proposed by the Commission	*Amendment*
Where the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders or where it considers that a consultation on some ***aspects*** of the notification would be appropriate, it shall issue an opinion to that effect.	Where***, based on the information contained in the notification or on any additional information it has received,*** the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders, or where it considers that a consultation on some ***aspect*** of the notification would be appropriate, it shall issue an opinion to that effect ***without delay***.

Amendment 38

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point iv

Regulation (EU) 2016/399

Article 27 — paragraph 4 — subparagraph 3

Text proposed by the Commission	*Amendment*
Where border control at internal borders has already been reintroduced for six months, the Commission shall issue an opinion.	***deleted***

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Amendment 39

Proposal for a regulation

Article 1 — paragraph 1 — point 2 — point v

Regulation (EU) 2016/399

Article 27 — paragraph 5

Text proposed by the Commission	*Amendment*
The information referred to in ***paragraph 1*** and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation ***led by the Commission. Where appropriate,*** the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the ***relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the*** mutual cooperation between the Member States ***shall be examined. The Member State planning to reintroduce or prolong*** border control ***at*** internal borders ***shall take the utmost account of the results of such consultation when carrying out*** border controls.	The information referred to in ***paragraphs 1 and 1b*** and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation. The consultation shall include:
	(i) joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures, and the ***Commission, which shall be held with a view to organising, where appropriate,*** mutual cooperation between the Member States ***and to examining the proportionality of the measures to the events giving rise to the reintroduction of*** border control***, including any possible alternative measures, and the threat to public policy or internal security;***
	(ii) where appropriate, unannounced on-site visits by the Commission to the relevant internal borders ***and, where appropriate, with the support of experts from Member States and from the Agency, Europol or any other relevant Union body, office or agency, to assess the effectiveness of*** border controls ***at those internal borders and the compliance with this Regulation; the reports of such unannounced on-site visits shall be transmitted to the European Parliament***.

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Amendment 40

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) 2016/399

Article 27a — title

Text proposed by the Commission	*Amendment*
Specific procedure where the serious threat to public policy or internal security exceeds ***one year***.	Specific procedure where the serious threat to public policy or internal security exceeds ***six months***.

Amendment 41

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) 2016/399

Article 27a — paragraph 1

Text proposed by the Commission	*Amendment*
1. In exceptional ***cases***, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article ***25(4) first sentence***, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.	1. In exceptional ***circumstances***, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article ***27(1a)***, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

Amendment 42

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) 2016/399

Article 27a — paragraph 2

Text proposed by the Commission	*Amendment*
2. At the latest ***six*** weeks before the expiry of the period referred to in Article ***25(4) first sentence***, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. ***The*** notification shall contain the information required ***in*** Article ***27(1)(a) to (e)***. Article ***27 paragraphs 2 and 3*** shall apply.	2. At the latest ***three*** weeks before the expiry of the period referred to in Article ***27(1a)***, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. ***This*** notification shall contain ***all*** the information required ***under*** Article ***27(1) and (1b)***. Article ***27 (2) and (3)*** shall apply.

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Amendment 43

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) 2016/399

Article 27a — paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission shall issue an opinion.	3. The Commission shall issue an opinion ***on whether the proposed prolongation fulfils the requirements set out in paragraphs 1 and 2 and on the necessity and the proportionality of the proposed prolongation. The Member States affected may make observations to the Commission before it issues that opinion.***

Amendment 44

Proposal for a regulation

Article 1 — paragraph 1 — point 3

Regulation (EU) 2016/399

Article 27a — paragraph 4

Text proposed by the Commission	*Amendment*
4. ***The Council, taking due account of*** the opinion of the Commission, ***may*** recommend that the Member State ***decide to*** further prolong border control at internal borders for a ***period of up to six months. That period may be prolonged, no more than three times, for a further*** period of up to six months. In its recommendation, the Council shall ***at least*** indicate the information referred to in Article 27(1) ***(a) to (e). Where appropriate,*** it shall ***determine*** the conditions for cooperation between the Member States concerned.	4. ***Once it has taken*** the opinion of the Commission ***into account, the Council may, as a last resort,*** recommend that the Member State ***concerned*** further prolong border control at ***its*** internal borders for a period of up to six months. In its recommendation, the Council shall indicate the information referred to in Article 27(1) ***and (1b) and*** it shall ***lay down*** the conditions for cooperation between the Member States concerned.

Amendments 45 and 66

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 28 — paragraph 4

Present text	*Amendment*
	(3a) in Article 28, paragraph 4 is replaced by the following:
4. ***Without prejudice to Article 25(4),*** the total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 of this Article and any prolongations under paragraph 3 of this Article, shall not exceed two months.	'4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 of this Article and any prolongations under paragraph 3 of this Article, shall not exceed two months.';

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Amendment 46

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 28a (new)

Text proposed by the Commission	*Amendment*
	(3b) a new Article 28a is inserted:
	'Article 28a
	Calculation of the period during which border control is reintroduced or prolonged due to a foreseen threat to public policy or internal security, where the serious threat to public policy or internal security exceeds six months and in cases requiring immediate action
	Any reintroduction or prolongation of border controls at internal borders made before … [the date of entry into force of this Regulation] shall be included in the calculation of the periods referred to in Articles 27, 27a and 28.';

Amendment 67

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 29 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(3c) in Article 29(1), the following subparagraph is added:
	'The criteria referred to in Article 30 shall be taken into account in each case where a decision on the temporary reintroduction or prolongation of border control at internal borders is considered pursuant to this Article.'

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Amendment 47

Proposal for a regulation

Article 1 — paragraph 1 — point 3 d (new)

Regulation (EU) 2016/399

Article 29 — paragraph 5

Present text	*Amendment*
	(3d) in Article 29, paragraph 5 is replaced by the following:
5. This Article shall be without prejudice to measures that may be adopted by the Member States in the event of a serious threat to public policy or internal security under Articles ***25, 27*** and 28.	'5. This Article shall be without prejudice to measures that may be adopted by the Member States in the event of a serious threat to public policy or internal security under Articles ***27, 27a*** and 28. ***However, the total period during which border control at internal borders is reintroduced or prolonged under this Article shall not be prolonged by virtue of, or combined with, measures taken under Article 27, 27a or 28.'.***

Amendment 69

Proposal for a regulation

Article 1 a (new)

Text proposed by the Commission	*Amendment*
	Article 1a
	This Regulation shall apply to notifications made by Member States pursuant to Article 27 of the Schengen Borders Code from … [the date of entry into force of this Regulation].
	Any period of ongoing notification for reintroduction or prolongation of border control at internal borders which will have passed before … [the entry into force of this Regulation] shall be taken into account in the calculation of the period referred to in Article 28(4).

Thursday 29 November 2018

P8_TA(2018)0473

Common rules for the operation of air services ***I

European Parliament legislative resolution of 29 November 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community (COM(2016)0818 — C8-0531/2016 — 2016/0411(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/45)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0818),

— having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0531/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 5 July 2017 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 23 October 2018 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 Transport and Tourism (A8-0150/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0411

Position of the European Parliament adopted at first reading on 29 November 2018 with a view to the adoption of Regulation (EU) 2019/… of the European Parliament and of the Council amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/2.)

([1]) OJ C 345, 13.10.2017, p. 126.

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